



TOWN COUNCIL
& PLANNING COMMISSION JOINT WORKSESSION
AGENDA

January 23, 2024
5:30 PM

The Franklin Center
50 Claiborne Avenue
Rocky Mount, Virginia

-
1. Roll Call
 2. Approval of Agenda
 3. Berkley Group Presentation-Zoning & Subdivision Ordinance Update
 - 3.1. Berkley Agenda & Meeting Materials
 4. Adjournment

Overview

The Town of Rocky Mount is updating, modernizing, and restructuring the Zoning and Subdivision Ordinances into one seamless regulatory document. The revised Zoning and Subdivision Ordinance will:

- Provide streamlined and user-friendly regulations;
- incorporate best planning practices and current state code requirements;
- address the goals and strategies identified in the Comprehensive Plan; and,
- consider citizen needs and issues identified through the public engagement process.

This process will be guided by Town staff, the Planning Commission, and the Town Council with opportunities for input from stakeholders and citizens.

Agenda

The January 23rd meeting will focus on reviewing the proposed article:

- **Article 8, Community Design Standards**

The following agenda is provided as an outline for discussion:

1. **Schedule & Progress to Date** – 5 minutes
2. **Requested Analysis** – 10 minutes
 - a. Article 7 update from worksession #3 (Nov. 21, 2023)
3. **Proposed Article Review** –
 - a. Article 8 – 60 minutes
 - b. Related definitions – 10 minutes
4. **Next Steps** – 5 minutes

Schedule & Progress to Date

Attachment A: Project Schedule

Progress to date includes:

- Staff Kickoff – Held on February 6, 2023. The Berkley Group conducted a kickoff meeting with Rocky Mount staff to review the scope of work and deliverable items. This meeting gave Berkley Group's team insight into current issues and areas of focus.
- Joint Town Council and Planning Commission Kickoff – Held on March 20, 2023. During this meeting Berkley Group gave a presentation and facilitated group discussion on the scope of work, schedule, ordinance purpose and content, and community engagement.
- Community Engagement – Public engagement offered opportunities to collect community feedback on priorities for the ordinance update. An online public survey was conducted from April 1-30; focus group interviews and a public workshop were held on April 12.

- Joint Town Council and Planning Commission Worksession – Held on May 18, 2023. During this meeting the Berkley Group gave a presentation and facilitated group discussion on the Public Engagement Summary, the Land Use Report, and the proposed structure of the Zoning & Subdivision Ordinance.
- Joint Town Council and Planning Commission Worksession – Held on July 24, 2023. During this meeting the Berkley Group gave a presentation and facilitated group discussion on Articles 1, 2, 3, and 9, and related definitions, of the draft ordinance.
- Joint Town Council and Planning Commission Worksession – Held on Sept. 18, 2023. During this meeting the Berkley Group gave a presentation and facilitated group discussion on Articles 4 and 5, and related definitions, of the draft ordinance.
- Joint Town Council and Planning Commission Worksession – Held on Nov. 21, 2023. During this meeting the Berkley Group gave a presentation and facilitated group discussion on Articles 6 and 7, and related definitions, of the draft ordinance.

Requested Analysis

Discussion: Berkley Group was asked to analyze whether the minimum 1,000-foot distance between adult uses and certain other uses, provided by the draft Article 7, Use Standards, Section 7-5-1 (D) could be extended to a longer distance.

Proposed Article Review

See Attachment B for the proposed Article 8 for review.

Attachment C includes Definitions from Article 8 for review.

Attachment D includes relevant educational guides.

Notes: *Editor's footnotes are provided to aid review. The footnotes explain inclusions, omissions, and modifications between the existing Ordinance and the proposed draft Ordinance.*

Items highlighted in yellow include dates and references to various articles, sections, graphics, etc. We will use these after all revisions are made to fill in correct dates and references.

Attachment B: Article 8 – Community Design Standards

Note: *See Attachment D, BG Guides, for additional information on landscaping and sign standards.*

This Article establishes standards to guide community growth and quality land development to protect and provide for the public health, safety, and general welfare of the Town; to complement the unique character of Rocky Mount; to preserve community assets; and help to implement the vision of the Comprehensive Plan. Changes to note are outlined below:

- Article 8 compiles and reorganizes content from both the existing Zoning Ordinance and Subdivision Ordinance.
- Lighting is a new Division to set standards for lighting throughout the Town.
- Tables and graphics have been added to improve understanding.

- Landscaping standards have been expanded and applied to more districts and uses, such as parking lots.
- Walls and Fences is a new Division to provide standards to avoid unsightly or unsafe conditions.
- Parking requirements have been updated, rearranged with new standards, and reduced where possible (as noted in footnotes).
- Shared parking, bicycle parking, shared off-street loading, off-street loading design standards, and required off-street loading spaces are new sections.
- Bicycle lanes or off-road multiuse trails are required in new subdivisions or planned development. Construction and design standards have not changed.
- A new Utilities Division consolidates provisions from the existing Zoning and Subdivision Ordinances.
- Sign standards have been reorganized and updated to bring the Town's sign regulations into compliance with the federal court case *Reed v Town of Gilbert*, tables are included to clarify regulations for all users, and to ease enforcement. Signage measurements have been simplified where possible and adjusted to reduce sign clutter.
- Open Space Division has been expanded to more districts with added details.

Attachment C: Definitions

Definitions are included for reference as they pertain to the Article being reviewed during this worksession. They will be placed in Article 11, Definitions, following review.

Changes to note are outlined below:

- Several new definitions have been added, such as architectural lighting, multiuse trail, shared use path, canopy, developer, easement, planting strip, cul-de-sac, and new signage definitions.
- Existing definitions have been reviewed and updated.
- Code of Virginia references have been updated.

Attachment D: BG Guides

- Berkley Group Guide to Landscaping Requirements
- Berkley Group Guide to Signs

Next Steps

The Berkley Group will review any recommendations and comments for incorporation and continue drafting ordinance articles. Topics to be discussed at the March 19, 2024 meeting include:

- Article 10, Subdivisions
- Related Definitions

ATTACHMENT A

Project Schedule

Phase	Task	Task Description	2023												2024											
			February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November		
A	A1	Project Management / Staff Input																								
	A2	Project Kickoff with Staff (Virtual)	V																							
	A3	Document Review / Diagnostic																								
	A4	Joint Public Officials Meeting (up to 2)		X		X																				
	A5	Public Outreach Survey (Online & Paper)																								
	A6	Stakeholder Listening Sessions (up to 4)			X																					
	A7	Public Workshop (up to 1)			X																					
B	B1	Joint Work Sessions (up to 6)					X		X		X		X		X		X									
	B2-12	Drafting																								
	B13	Changes Summary																								
	B14	Compiled Draft Ordinance Review																								
C	C1	Open House (Public Draft Review)																	X							
	C2	Pre-Adoption Work Session																		X						
	C3	Incorporate Final Revisions																								
	C4	Public Adoption																				X				
	C5	Post-Adoption Materials																								
X = Anticipated In-person Attendance; V = Virtual Attendance																										

X = Anticipated In-person Attendance; V = Virtual Attendance

ATTACHMENT B

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ARTICLE 8. – Community Design Standards.¹

Division 1. Purpose

- (A) Community Design Standards guide community growth and quality land development to protect and provide for the public health, safety, and general welfare of the Town; to complement the unique character of Rocky Mount; to preserve community assets; and help to implement the vision of the Comprehensive Plan and other adopted policy documents of the Town by accomplishing the following objectives:
- (1) Provide for the orderly extension of water and sewer, other utilities, streets, sidewalks and bikeways, stormwater facilities, and other public facility services in a safe, adequate, and efficient manner.
 - (2) Secure adequate and attractive provision of street lighting, landscaping and screening, parking and loading, signs, and walls and fences.
 - (3) Coordinate proposed public facilities and streets in new subdivisions with existing public services in a manner that minimizes adverse effects on adjacent or nearby neighborhoods.
 - (4) Reduce and prevent air, soil, noise, water pollution, and flooding, and to ensure appropriate development with regard to natural resources and features, and open space which will contribute to the beauty of the community and value of the land.
- (B) Community Design Standards apply to uses in more than one District.
- (C) The standards in this Article are in addition to regulations in [Article 7](#), Use Standards and other applicable regulations of the Code of Rocky Mount, Virginia.

Division 2. Lighting.²

Section 8-2-1. Purpose and Intent.

- (A) The purpose of this Division is to:
- (1) Permit the use of exterior lighting at the minimum level necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;
 - (2) Ensure exterior lighting does not adversely impact land uses on adjacent land by minimizing light trespass, obtrusive light, and glare;
 - (3) Curtail light pollution, reduce sky glow, and preserve the nighttime environment for astronomy, wildlife, and enjoyment of residents and visitors; and
 - (4) Ensure security for persons and property.

¹ Editor's Note: This Article is new and compiles and organizes information from the existing Ordinance into one Article and includes new standards.

² Editor's Note: New Division to address lighting throughout the Town.

Section 8-2-2. Applicability.

(A) **General.** Unless exempted by (B), below, the standards of this Division shall apply to:

- (1) The provisions of this division shall apply to all new development in the Town unless exempted in accordance with (B), below.
- (2) To the maximum extent practicable, redevelopment of an existing structure, building, parking lot, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50% of its existing state.

(B) **Exemptions.** The following are exempted from the exterior lighting standards of this Article:

- (1) Lighting for single- and two-unit residential development.
- (2) Lighting exempt under State or Federal law;
- (3) Lighting for public monuments and statuary;
- (4) Lighting that is required under the Uniform Statewide Building Code;
- (5) Construction lighting, provided the lighting is temporary and discontinued upon completion of the construction activity each day;
- (6) Emergency, or holiday decorative or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way;
- (7) Temporary lighting for circuses, fairs, carnivals, theatrical, and other performance areas, provided such lighting is turned off not more than 1 hour after the last performance/event of the day and discontinued upon completion of the final performance/event;
- (8) Security lighting, provided it is directed downward, does not glare onto adjacent property, and is controlled and activated by motion sensor devices for a duration of 15 minutes or less, unless it can be demonstrated otherwise that there is a need for constant security lighting;
- (9) Lighting for flags of the United States of America or the Commonwealth of Virginia, or any department, division, agency or instrumentality thereof, and other noncommercial flags expressing constitutionally protected speech;
- (10) Architectural lighting of 450 Lumens, 40 watts incandescent, or 4 watts light emitting diode (LED) , or less;
- (11) Field lighting for an outdoor athletic facility, provided such lighting is directed and falls within the primary playing area and is turned off at the end of the sports or other event;
- (12) FAA-mandated lighting associated with a utility tower or airport; and,
- (13) The replacement of a failed or damaged luminaire that is one of a matching group serving a common purpose installed prior to the adoption of this Division.

(C) **Conformance with all Applicable Codes.** All outdoor lighting shall be installed in accordance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

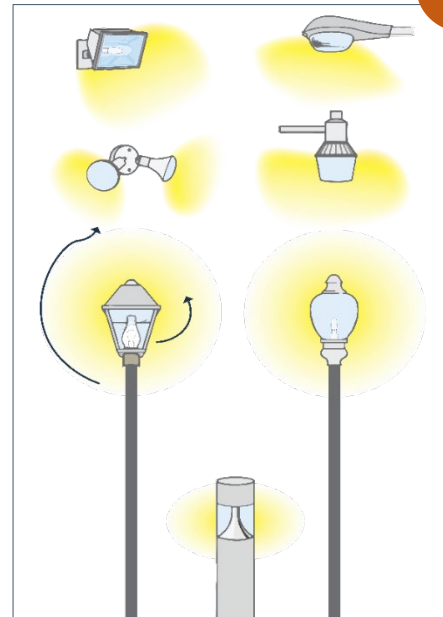
- (D) **Time of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Plan, Planned Development, Zoning Permit, Special Exception Permit, or Variance.
- (E) **Signs.** Lighting for signage shall be governed by the standards set forth in **Division 8, Signs**, of this Article.

Section 8-2-3. Standards.

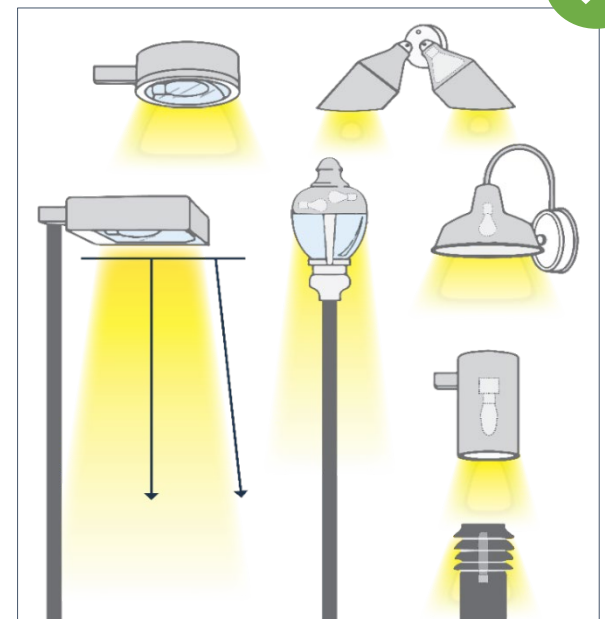
- (A) **Hours of Illumination.** Public/civic/recreational uses, commercial uses, and industrial uses (as identified in **Article 6**, Use Matrix) that are adjacent to existing residential development or residential zoning districts shall extinguish all exterior lighting, except lighting necessary for security or emergency purposes, within 1 hour after closing and shall not turn on such lights until within 1 hour of opening.
- (1) For the purposes of this subsection, lighting necessary for security or emergency purposes shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways and parking areas, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is encouraged for these purposes.
- (B) **Uniformity.** Outdoor luminaires shall be of uniform style for each project site and conform to the design of the project.
- (C) **Shielding.** Each outdoor luminaire subject to these outdoor lighting requirements shall be dark sky compliant with a full cutoff luminaire and aimed and controlled such that directed light is directed inward to the property and confined to the object intended to be illuminated. Directional control shields shall be used when necessary to limit stray light and prevent glare to adjacent properties and vehicular public rights-of-way. **See Figure 8 - 1.**
- (D) **Color Temperature.** All exterior lights shall be 3,000 Kelvin light color temperature or less.

Figure 8 – 1 Examples of Lighting

Un-shielded



Shielded/Full Cut-off



- (E) **Type.** Low-pressure sodium vapor (LPS), high-pressure sodium vapor (HPS), or light emitting diode (LED) lights shall be the preferred type of exterior site lighting.
- (F) **Maximum Illumination Levels.**
 - (1) The maximum permitted average maintained illumination measured vertically and horizontally shall not exceed:
 - (i) 2.0 footcandles in residential and RPUD districts; and
 - (ii) 5.0 footcandles in commercial and industrial districts.
 - (2) All lighting visible from outside, except for street lighting and pedestrian area lighting, must be designed and located so that the maximum illumination at any lot line abutting a residential district, dwelling, or any public right-of-way, does not exceed 0.5 footcandles.
- (G) **Canopy Lighting.** Light fixtures under any automobile service canopy or other structural canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare.
- (H) **Window and Decorative Lighting.**³
 - (1) Window and decorative lighting as defined in **Article 11**, Definitions, of this Ordinance:
 - (i) Shall not exceed the Kelvin light color temperature provided in (D), above.
 - (ii) Shall not flash, strobe, blink, or change color.
- (I) **Height.** Any pole-mounted exterior lighting shall not exceed a height of 30 feet in Industrial districts and 20 feet in all other districts.

Division 3. Landscaping and Screening.⁴

Section 8-3-1. Purpose and Intent.⁵

- (A) The purpose of this Division is to establish standards for landscape architecture, site design, site buffering, and landscape screening. With the intent of preserving and promoting the health, safety, and general welfare of the Town, this Division is intended to:
 - (1) Prevent the overcrowding of land;
 - (2) Limit the view and reduce the noise between incompatible abutting uses to ease the transition from one zone to another;
 - (3) Preserve and enhance the aesthetic character and visual harmony of the Town;
 - (4) Protect the quality of the Town 's natural rivers, streams, and wetlands;
 - (5) Enhance erosion control;

³ Editor's Note: Added per discussion with staff to address lit signage clutter.

⁴ Editor's Note: This Division includes content from the existing Zoning Ordinance, Article 6-4.

⁵ Editor's Note: Compiled from various sections of the existing Zoning Ordinance, including Articles 6 and 29.

- (6) Improve the relationship between adjacent properties through screening, buffering, and proper placement and design of landscaping and screening;
- (7) Promote economic development in the Town 's commercial districts and main thoroughfares, and;
- (8) Ensure the safety, security, and privacy of properties.

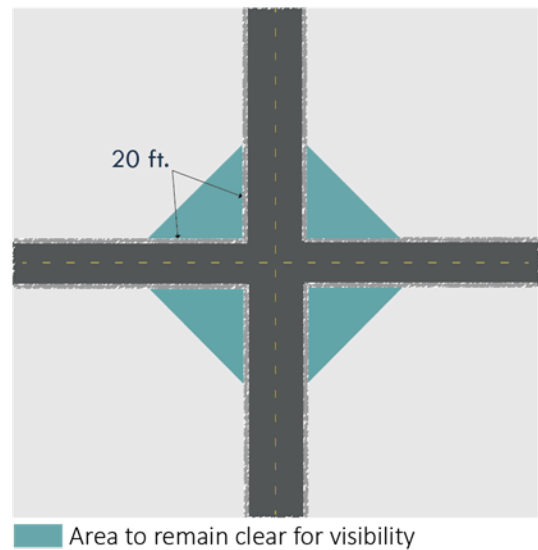
Section 8-3-2. Applicability.

- (A) **General.** The requirements of this Division shall apply to new construction, developments, or redevelopments in all zoning districts requiring an approved Site Plan, Special Exception Permit, or Zoning Permit specified by this Ordinance.
- (B) **Exemptions.** The following are exempted from the landscaping and screening standards of this Division, except Section 8-3-3 Visibility Clearance:
 - (1) Single- and two-unit development on individual lots (not part of a Major Subdivision or Residential Planned Unit Development).
- (C) **Timing of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Plan, Residential Planned Unit Development, Zoning Permit, Special Exception Permit, or Variance.

Section 8-3-3. Visibility Clearance.

- (A) For protection against traffic hazards, no planting, sign, structure, fence, or other obstruction to visibility greater than 3 feet in height shall be erected, placed, allowed to grow, or maintained within a visibility triangle on any corner lot.⁶
- (B) The apex of the triangle shall be at the intersection of the Department of Transportation, Town, or other designated right-of-way lines (extended in the case of rounded corners), the sides being 20 feet in length along the right-of-way lines, and the base of the triangle running through the lot. **See Figure 8 – 2.**

Figure 8 – 2 Visibility Clearance



Section 8-3-4. Landscape Plan Requirements.⁷

- (A) **Landscape Plan Required.** A Landscaping Plan shall be required for all new construction, developments, or redevelopments in all zoning districts requiring an approved Site Plan, Special Exception Permit, or Zoning Permit specified by the Ordinance.⁸ The Landscaping Plan shall:

⁶ Editor's Note: Visibility Clearance has been reorganized, with the addition of a graphic for understanding.

⁷ Editor's Note: The majority of this Section is new and expands upon existing Article 29-12.

⁸ Editor's Note: This requirement has been expanded; the existing Ordinance requires a landscape plan in the CBD only.

- (1) Be submitted with the required Site Plan.
 - (2) Be prepared and/or certified by a certified professional or firm qualified to create such a plan.
 - (3) Cover the entire project area included in the overall Site Plan or development plan for which approval is sought.
- (B) **Landscape Plan Contents.** The landscape plan shall include:
- (1) Location, species, size, height, and number of proposed plantings;
 - (2) Planting specifications or installation details with consideration of the appropriateness of plants and locations for the specific characteristics of the site and the purpose for installation;
 - (3) Information about the general location, composition, and extent of existing vegetation (plants, trees, shrubs, etc.) to be retained during construction, as well as protection measures to be implemented during construction;
 - (i) The information shall include the successional stage of the vegetation, a list of the primary tree species, a list of the prominent non-native invasive species, and a statement regarding the general age, health, and condition of the vegetation.
 - (4) Location, size, and other related design details for all hardscape improvements, ground-mounted signage, recreational improvements, and open space areas, fences, walls, barriers, and other related elements;
 - (5) Designation of required setbacks, yards, and screening areas;
 - (6) Location of other man-made site features, parking lots, overhead structures, and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements; and
 - (7) A preference to design and plant materials which are native and with reduced water needs.
- (C) The cost of required landscaping shall be determined by a bona fide estimate of cost prepared by a duly licensed landscape architect, engineer, or other licensed professional, and such estimate shall be provided at the expense of the developer.

Section 8-3-5. General Standards.

- (A) **Existing trees and vegetation.** Existing trees and vegetation shall be preserved to the greatest extent possible.
- (1) Existing, healthy trees and shrubs shall be credited toward any minimum landscaping required by this Division, provided they meet minimum size standards of (B), below, and are protected before and during construction and maintained thereafter in a healthy growing condition.
 - (2) Where existing vegetation is not adequate to achieve the required landscaping or screening, additional plants shall be installed as necessary to meet the objective, and in accordance with the standards of this Division.
- (B) **Tree and Plant Installation and Maintenance.**

- (1) Any required landscaping and screening shall be installed prior to the issuance of a Certificate of Occupancy.
 - (i) When the planting of required landscaping conflicts with the planting season, a Certificate of Occupancy may be issued subject to approval by the Administrator that a sufficient surety is in place.
 - (ii) The owner or developer shall provide a development agreement which sets a deadline by which the plantings will be installed to be approved by the Administrator.
- (2) The owner of the property upon which the required landscaping or buffering is installed shall be responsible for maintenance and replacement.
- (3) All plantings shall be maintained in perpetuity in such a way to ensure that the requirements of this Ordinance continue to be met.
 - (i) Any dead or dying plants shall be removed within 30 days of notification by the Administrator. If notified during winter, such plants may be replaced by the property owner during the next viable planting season.
- (4) Landscaping materials should generally be sustainable, biologically diverse, and tolerant of the urban environment with emphasis on trees and plants native to Virginia and the region.
- (5) Plants shall be nursery grown and materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, as published by the American Association of Nurserymen, as amended.
- (6) Landscaping should be on a scale commensurate with the dimensions of the property and buildings of the principal property as well as buildings on the adjacent parcels.
- (7) Plant materials shall be installed via dig, ball, burlap, and transplant. Bare-root planting is not permitted for any tree.

(C) Tree Measurement Standards.

- (1) Caliper measurements shall be taken 6 inches above grade for trees under 4 inches in diameter. Caliper measurements shall be taken 12 inches above grade for trees 4 inches in diameter and larger.
- (2) All required landscaping materials shall conform to the following minimum size or height standards provided in **Table 8 - 1**, Minimum Plant Measurements.

Table 8- 1 Minimum Plant Measurements

PLANT TYPE	MINIMUM AT PLANTING	MINIMUM AT MATURITY
Deciduous trees	2-inch caliper; no height minimum	50 feet in height
Evergreen trees	6 feet in height	
Ornamental and understory trees	4 feet in height	20 feet in height
Shrubs	18-inch spread or height	3 feet spread or height

Section 8-3-6. Transitional Buffers.⁹

- (A) **Intent.** Transitional buffers limit the view and reduce the noise between incompatible abutting uses to ease the transition from one district to another.
- (B) **Applicability.** The standards of this Section apply to:
- (1) A transitional buffer shall be provided, in accordance with this Section, when zoning districts of different intensities abut.
 - (2) All new development, except as provided in (C), below;
 - (3) Major Subdivisions; and
 - (4) A change of use of an existing structure is proposed that requires a Zoning Map Amendment (rezoning).
- (C) **Exceptions.** A transitional buffer is not required:
- (1) For any single- or two-unit dwelling not part of a larger development;
 - (2) Between uses, buildings, or lots developed under a common plan or operated under common management, except as required in Section 8-3-8 Frontage and Building Landscaping; or
 - (3) As exempt in Table 8 - 2, Transitional Buffer Standards.
- (D) **Buffering Alternative.**¹⁰ The applicant may propose, and the Administrator may approve, a buffering alternative where a building, structure, or planting has been specifically designed to minimize adverse effects through a combination of natural land characteristics, architectural and landscaping techniques, and the Administrator determines the building, structure, or planting is consistent with the buffering and screening purposes of this Section. See Table 8 - 4, *Buffering Alternatives*.
- (E) **Transitional Buffer Types Required.**¹¹ Table 8 - 2, Transitional Buffer Standards, identifies the type of transitional buffer, if any, required between a district of proposed development and abutting

⁹ Editor's Note: This Section is reorganized from the existing Ordinance Article 6-4. The use of "transitional yard" has been changed to "transitional buffer."

¹⁰ Editor's Note: Reworded and expanded from 30-1-25 a., and other places in the existing Zoning Ordinance.

¹¹ Editor's Note: New provisions.

districts. **Table 8 - 3**, Transitional Buffer Type Minimum Plantings, provides the minimum width and planting standards for each transitional buffer type.

- (1) “Abutting” includes land closer to the proposed use than the required buffer width, even if they are separated by a narrow strip of land with different zoning districts.
- (2) Transitional buffers for planned developments will be determined as part of the rezoning process.

(F) Location and Design.¹²

- (1) Transitional buffers must be located along the boundaries of the adjacent district, as provided below, except where driveways or other openings are permitted.
 - (i) This includes any lot lines abutting the adjacent districts, including those separated by any public road.
- (2) Transitional buffers may be located within the required minimum front, side, or rear setbacks.
- (3) Type A and B buffers may be dispersed along the setback instead of planted in straight rows, to create a natural setting. However, the purpose and intent of this Division shall be met.
- (4) Development within a transitional buffer is limited to the following:
 - (i) Fences and walls, including retaining walls, in accordance with Division 3 of this Article;
 - (ii) sidewalks, trails, and other pedestrian/bicycle paths that intersect the transitional buffer yard at or near a 90-degree angle;
 - (iii) areas of ingress and egress, fire hydrants, utilities, and other public infrastructure; and
 - (iv) flag poles and permitted signs.
 - (v) Development within a transitional buffer must not reduce required Parking Lot Landscaping.

(G) Specific Standards.

- (1) Screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.
- (2) Architectural screening (fences, manmade barriers, berms, etc.) may be supplemented with plantings and shall be at least six feet in height and shall be subject to the provisions of **Section 8-3-3**, Visibility Clearance.
- (3) Screening design and development shall meet the requirements shown in **Table 8 – 3** Transitional Buffer Type Minimum Plantings.
- (4) Vegetative material shall be maintained consistently to be alive and in good health.
- (5) Vegetation shall be planted according to **Table 8 – 1** Minimum Plant Measurements.

¹² Editor’s Note: New provisions.

(6) Vegetative material shall be maintained in good condition and allowed to grow at least six feet in height.

(H) **Transitional Buffer Standards.** A transitional buffer shall be required in any Zoning District when that district abuts or adjoins a Zoning District of lower intensity.

(1) The transitional buffer shall be measured from the District line to produce a transitional buffer type and minimum depth in accordance with **Table 8 – 2** Transitional Buffer Standards¹³ and **Table 8 – 3** Transitional Buffer Type Minimum Plantings.¹⁴

(2) The transitional buffer shall be provided on the higher intensity property.

Table 8- 2 Transitional Buffer Standards

District of Proposed Development	Abutting District				
	RA, R1	R2, RPUD	R3, RB	C1, C2, GB, CBD	M1, M2
RA, R1	n/a				
R2, RPUD	Type A	n/a			
R3, RB	Type B	Type A	n/a		
C1, C2, GB, CBD	Type C		Type B	n/a	
M1, M2	Type C				n/a
n/a = transitional buffer not required					

Table 8- 3 Transitional Buffer Type Minimum Plantings

Transitional Buffer Type	Minimum Transitional Buffer Width (in feet)	Number of Required Large Deciduous or Evergreen Trees ¹⁵ (per 100 linear feet) ¹	Number of Required Ornamental or Understory Trees (per 100 linear feet) ¹	Required Shrubs (per 100 linear feet) ¹
A	10	3	1	6
B	15	3	3	8
C	30	4	6	10
¹ Where fractional numbers result, the required number of plantings shall be rounded up to the nearest whole number.				

¹³ Editor's Note: Width of transitional buffers have been reduced to align with setback requirements and ensure optimum use of land.

¹⁴ Editor's Note: Minimum plantings have been specified to remove ambiguity and ease enforcement and understanding.

¹⁵ Editor's Note: Matches requirement for street trees.

Table 8- 4 Buffering Alternatives

Buffering Alternative	Minimum Height of Buffering Alternative (in feet)	Reduction ² in Minimum Transitional Buffer Width (in feet)	Reduction in Required Plantings
Solid wall/fence ¹	6	10	25%
Evergreen plantings in an unbroken strip (at maturity)	6 (planted) 50 (maturity)		50%
Berm ³	6, with a maximum slope of 2:1	No decrease	25%
¹ Walls and fences must comply with the standards in Division 4, Walls and Fences of this Article. ² The minimum width of a transitional buffer must not be reduced below 10 feet. ³ Required plantings shall be located on the berm.			

Section 8-3-7. Screening and Enclosures.

- (A) Except on lots where the principal use is a single- or two-unit dwelling or manufactured home, the following objects and areas shall be located to the side or rear of the principal structure, and shall be screened from public view at ground level, both on and off the premises, in accordance with this Section:
- (1) Large waste receptacles (dumpsters) and refuse and recycling collection points (including containers);
 - (2) Loading and service areas;
 - (3) Outdoor storage areas;
 - (4) Utility and mechanical equipment, such as, generators, HVAC units, utility meters, junction and accessory boxes, and transformers; and
 - (5) Stormwater management facilities;
 - (6) All other uses or elements where screening is required as identified in Article 7, Use Standards, of this Ordinance.
- (B) Screening/enclosures shall be comprised singularly, or of a combination of:
- (1) A solid masonry wall or opaque fence, in accordance with Division 4 of this Article.
 - (2) A double, unbroken row of evergreens that, at maturity, blocks visibility of the object being screened.
 - (3) A planted berm.
- (C) Access to all grease containers, recycling and trash containers, and other outside storage shall be through gates capable of closure when not in use. All gates shall be closed and secured when not in use.

Section 8-3-8. Frontage and Building Landscaping.¹⁶

- (A) **Intent.** Frontage and building landscaping contribute to an aesthetically appealing town.
- (B) **Applicability.** The standards of this Section apply to:
- (1) All new development, except as provided in (C), below;
 - (2) Major Subdivisions; and
 - (3) A change of use of an existing structure that requires a Zoning Map Amendment (rezoning).
- (C) **Exceptions.**
- (1) When the frontage is adjacent to a more intense zoning district the standards of **Section 8-3-6**, Transitional Buffers shall apply.
 - (2) For any single- or two-unit dwelling not part of a larger development.
- (D) **Frontage Landscaping Location and Design.**
- (1) **All Districts.**
 - (i) **Street Trees.**¹⁷ The developer shall provide street trees every 25 feet fronting public right-of-way beginning no further than 15 feet from the side property lines. These trees will be located outside of Town right-of-way and be maintained by the property owner.
 - (a) Street Trees shall be large deciduous or evergreen trees, or a mix of both.
 - (2) **Commercial Office Districts C1 and C2.**
 - (i) A perimeter Transitional Buffer Type A, as supplied in Table 8-3 Transitional Buffer Type Minimum Plantings, shall be provided adjoining the side and rear property lines.
 - (3) **Central Business District.**¹⁸ Buildings in a traditional commercial district are set back an equal distance from the street creating a contiguous wall. Where this pattern is lost, vegetation shall¹⁹ be used to restore the traditional building pattern.
 - (i) In areas where parking lots border the street edge, a vegetative border shall²⁰ be established to create a constant wall along the street.
- (E) **Building Landscaping Location and Design.**
- (1) **Commercial Office Districts C1 and C2.**
 - (i) A landscaped open space strip a minimum of 10 feet wide shall be provided adjacent to buildings.
 - (ii) The landscaped open space strip shall meet the requirements for Transitional Buffer Type A, in accordance with **Section 8-3-6 of this Division**, *except that* large deciduous and evergreen trees *shall not* be required.

¹⁶ Editor's Note: New Section to include frontage regulations from the existing Ordinance, Articles 27 and 28.

¹⁷ Editor's Note: Street tree spacing was reduced from 30 feet to 25 feet to match Table 8-3.

¹⁸ Editor's Note: (D) is from the existing Ordinance Article 29-15.

¹⁹ Editor's Note: Changed from "can" to "shall."

²⁰ Editor's Note: Changed from "should" to "shall."

- (iii) Up to one-half of the square footage of this open space may be transferred to the perimeter landscaped strip in order to provide increased screening or buffering for adjacent streets or properties.

(2) Central Business District.

- (i) Vegetation shall²¹ be established at edges of empty lots where alternative solutions are not proposed.
- (ii) Trees shall²² be sited appropriately in front of stores so that blockage of display windows, doors, and signage is minimized.

Section 8-3-9. Parking Lot Landscaping.

(A) General.

- (1) To provide shade, screen views, and mitigate stormwater runoff, all vehicle parking areas shall include landscaping as required in this Section.
- (2) Parking lot landscaping for all developed, vacant, and abandoned commercial, industrial, or planned development shall be continuously maintained by the owner according to the requirements contained in this Article.
 - (i) Grass and groundcover (not including shrubs, bushes, etc.) shall be maintained to grass height of no more than 6 in. from grade.
 - (ii) Grass areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
 - (iii) Any dead or dying plants shall be removed within 30 days of notification by the Administrator. If notified during winter, such plants may be replaced by the property owner during the next viable planting season.

(B) Exemptions.

- (1) The landscape provisions of this Division shall not apply to off-street parking for individual single- or two-unit residential dwellings or for parking garages or similar multi-level parking structures.
- (2) In the case of redevelopment proposals, parking lot landscape requirements do not apply to those proposals that are not required to add parking spaces over those that are currently provided.

(C) Parking Lot Landscape Buffers.²³

²¹ Editor's Note: Changed from "should" to "shall."

²² Editor's Note: Changed from "should" to "shall."

²³ Editor's Note: Existing Article 7-2-5 requires a solid wall, fence, tree, or shrubs at least 6 ft in height next to residential. This change allows for a little more variety while still blocking visibility.

- (1) Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a residential district or a public right-of-way, a landscaping strip of at least 10 feet in width shall be located between the parking lot and the abutting property line.
 - (i) A minimum of 1 deciduous shade tree for each 25 feet of contiguous property line shall be planted in the landscape strip.²⁴
 - (ii) A minimum of 5 shrubs for each 50 feet of contiguous property line shall be planted in the landscape strip.
 - (iii) The landscape strip may include a sidewalk, trail, fence, or wall. The remainder of the landscape strip must contain groundcover, turf, trees, or shrubs, or be mulched.
 - (iv) The landscape strip shall maintain a visibility clearance of at least 3 feet at all ingresses and egresses for vehicular traffic.
- (D) **Parking Lot Landscape Islands.**²⁵ *See Figure 8 - 3.*
 - (1) Landscaped planting islands shall be provided in the interior of the following types of parking lots:
 - (i) The total size of the parking lot exceeds 30 total parking spaces; or²⁶
 - (ii) Parking lot layout incorporates three or more double-loaded or single-loaded parking bays which are contiguous and parallel to each other.
 - (2) Landscaped planting islands minimum standards:
 - (i) Landscape planting islands shall be at least 10% of the parking lot area.
 - (ii) A minimum of 1 tree shall be provided for each 5 spaces of required parking. The remaining area of the island(s) shall be landscaped with shrubs, ground cover, lawn, or additional trees.
 - (iii) Planting islands shall have a minimum width of 8 feet to allow for bumper overhang and shall otherwise provide adequate width for the growth and maintenance of the intended landscape materials to be planted therein.
 - (iv) Planting islands shall maintain a visibility clearance of at least 3 feet at both ends of the island to ensure vehicular traffic and pedestrian safety.

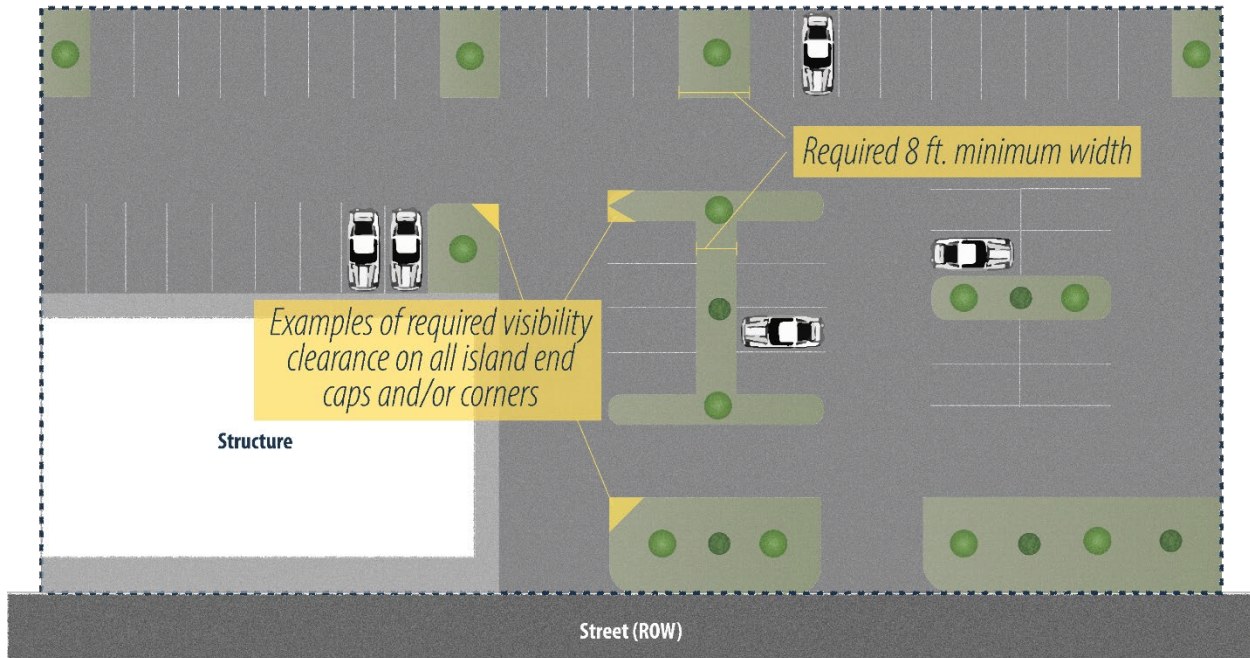
²⁴ Editor's Note: Spacing was changed from 30 feet to 25 feet for consistency throughout the Ordinance.

²⁵ Editor's Note: Parking lot landscape islands are new requirements to provide for stormwater uptake, heat reduction, and beautification.

²⁶ Editor's Note: The trigger to incorporate islands in parking lots is proposed at 30 spaces, but can be adjusted, as desired, by the Town.

- (v) The landscaped planting islands shall be dispersed throughout the parking lot, with interior dimensions of any planting area (i.e., interior parking median or island) sufficient to protect and maintain all landscaping materials planted therein.

Figure 8 – 3 Landscaped Planting Island Standards



Section 8-3-10. Modifications.

- (A) Modifications to the layout and design standards contained herein may be approved through a waiver by the Administrator upon a determination that the following conditions exist:
- (1) The proposed layout and design provide landscaping which will have the same or increased screening impact, intensity, or variation throughout the year when viewed from adjacent properties or rights-of-way as that which would be required by strict interpretation of the standards contained in this Division.
 - (2) The proposed layout and design fully integrate and complement the existing trees to be preserved on the site.
 - (3) Any trees or shrubs installed or preserved on the site which exceed the minimum numerical requirements of this Division shall not be subject to the species mixture, locational, maintenance, or replacement requirements contained herein.

Division 4. Walls and Fences.²⁷

Section 8-4-1. Purpose and Intent.

The purpose of this Division is to provide standards to ensure that walls and/or fences used to provide buffering, privacy, separation, security, or for aesthetic reasons, will not create an unsightly or unsafe condition on or off the public or private property on which the fence or wall is proposed.

Section 8-4-2. Applicability.

- (A) The provisions of this Division shall apply to all construction, reconstruction, or replacement of walls and/or fences except:
- (1) Walls and/or fences required for the physical support of a principal or accessory structure;
 - (2) Walls and/or fences erected temporarily for construction sites or a similar purpose, provided that they comply with all relevant requirements of the Uniform Statewide Building Code and do not block sight distance;
 - (3) Landscaping berms without fences;
 - (4) Walls and/or fences necessary for soil erosion control;
 - (5) Walls and/or fences at government facilities;
 - (6) Customary fencing provided as part of a permitted tennis court, athletic field, and similar recreational facility will be exempt from the height standards; and
 - (7) Fences for tree protection (temporary and permanent).

Section 8-4-3. Location.

- (A) Walls and/or fences shall not:
- (1) Be located within the public right-of-way;
 - (2) Be installed in a manner, or in a location, so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan;
 - (3) Be constructed in a manner or in a location that impairs safety or sight lines for pedestrians and vehicles traveling on public rights of way; or
 - (4) Prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices.
- (B) Walls and/or fences may be located within any required setback or yard.
- (C) Walls and/or fences located within an easement shall receive written authorization from the easement holder or the Town (as appropriate).

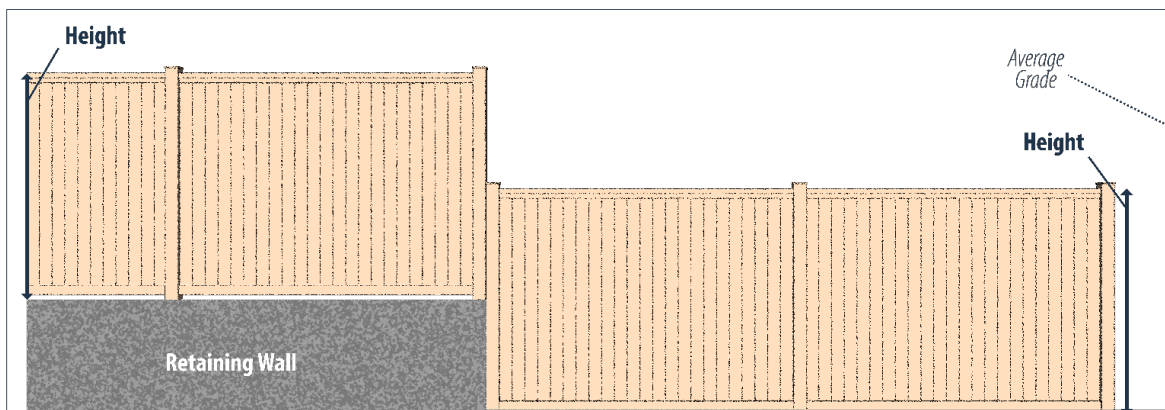
²⁷ Editor's Note: This Division introduces new content that is not in the existing Ordinance.

- (1) The Town shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
- (D) Walls and/or fences within required transitional buffers shall be installed so as not to disturb or damage existing vegetation or installed plant material.

Section 8-4-4. Height.

- (A) **Maximum Height.** Walls and/or fences shall be permitted in accordance with the following standards:
 - (1) No wall and/or fence between a street and a front building line shall be more than 4 feet in height.
 - (2) A front yard on a corner lot with a fence shall comply with [Section 8-3-3](#), Visibility Clearance of this Article.
 - (3) And not forgoing [8-4-4 \(A\) \(1\)](#), above:
 - (i) Walls and/or fences in any residential or planned development district shall not exceed 6 feet in height;
 - (ii) Walls and/or fences in any commercial zoning district shall not exceed 6 feet in height above the existing grade; and
 - (iii) Walls and/or fences in any industrial zoning district shall not exceed 8 feet in height above the existing grade.
- (B) **Measuring Height.** Wall and/or fence height will be measured parallel along the side of the fence from the highest point above grade to where the grade is lowest but excluding the height of any retaining wall directly beneath the fence or wall. [See figure 8 - 4.](#)

Figure 8 – 4. Measuring Fence Height



Section 8-4-5. Materials.

- (A) **Permitted Materials.** All wall and/or fence segments located along a single lot side shall be composed of a uniform style, material, and color compatible with other parts of the wall and/or fence. Walls and/or fences shall be constructed of any combination of:

- (1) Treated or rot-resistant wood or similar composite wood material;
- (2) wrought iron
- (3) vinyl (PVC);
- (4) decorative metal materials; or
- (5) brick, stone, masonry materials, or products designed to resemble these materials.
- (6) Where wood, masonry, or other opaque materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

(B) Prohibited Materials.

- (1) Walls and/or fences made of debris, junk, rolled plastic, sheet metal, plywood, barbed wire, razor wire, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed into new building materials that resemble the customary materials listed in (A), above.
- (2) Chain link fencing is prohibited in the Central Business District (CBD).

(C) Chain Link Fencing. Chain link fencing shall be allowed, subject to the following requirements:

- (1) Permitted in C1, C2, and GB commercial districts and M1 and M2 industrial districts, and along the side and rear yards of residential districts.

(D) Finished Side to Outside. Wherever walls and/or fences are installed the more “finished” side of the fence shall face the perimeter of the lot, rather than the interior of the lot.

Section 8-4-6. Maintenance.

- (A) All walls and/or fences shall be maintained in good repair and in a safe and attractive condition.
- (B) The owner of the property on which wall and/or fences are located shall be responsible for maintenance, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

Division 5. Parking and Loading.²⁸

Section 8-5-1. Purpose and Intent.²⁹

- (A) The purpose of this Division is to ensure efficient traffic flow and to reduce hazards to public safety by establishing standards for off-street parking and off-street loading areas. This Division is intended to:
 - (1) Ensure adequate parking is designed and constructed during the erection of all new structures and the modifications to existing structures;
 - (2) Provide safe and convenient traffic flow and add to the beautification of the Town;

²⁸ Editor’s Note: Reductions to parking requirements have been made where feasible as per discussion with staff.

²⁹ Editor’s Note: New Section to address the purpose of parking standards.

- (3) Provide for adequate but not excessive off-street parking and loading while accommodating alternative parking solutions for permanent, temporary, and seasonal demands;
- (4) Minimize the environmental impact of vehicular parking by avoiding excessive paved surface areas, applying appropriate minimum parking requirements, and encouraging the use of pervious parking surfacing; and
- (5) Support walking and bicycling in appropriate locations through the provision of bicycle parking.

Section 8-5-2. General.

- (A) Off-street parking and loading shall be provided in accordance with the requirements of this Division. For purposes of this Division, off-street parking shall mean an improved surface not in a street or alley.
 - (1) Off-street parking shall not be required for non-residential uses in the CBD, with the exception of hotels, motels, and bed and breakfast establishments.
 - (2) Any residential use in the CBD may be exempted or granted reduced parking requirements by the Administrator in conjunction with Site Plan approval. The applicant shall demonstrate sufficient public parking availability during peak hours of operation.
 - (i) The total number of required off-street parking spaces as set forth in the schedule of parking requirements in [Section 8-5-8](#) may be reduced by one space for every 20 feet of lot frontage on a street to the extent that on-street parking is permitted along the same frontage. The Administrator shall determine if on-street parking is permitted along the said frontage used for this reduction.
- (B) Parking and loading spaces shall be provided at the time of the erection of any building or structure, not less than the amount of parking and/or loading space(s) given in [Section 8-5-8 and Section 8-5-12](#).
- (C) Parking space(s) shall be maintained and shall not be encroached upon unless in conformance with [Section 8-5-4 and Section 8-5-5, below](#).
- (D) Loading space(s), as required in [Section 8-5-11 and Section 8-5-12](#), below, shall not be construed as supplying off-street parking.
- (E) Commercial trucks, utility trailers, and construction machinery or equipment.³⁰ No commercial truck or any utility trailer that exceeds 20 feet in length or 7 feet in height, as defined in [Article 11](#), Definitions, shall be parked or stored outside of a completely enclosed building in an R1 or R2 residential district, except while being used to perform a service on the premises. No construction machinery or equipment shall be parked or stored in a R1 or R2 residential district unless such machinery or equipment is incidental to construction activity occurring on the premises. Any permitted utility trailer must be parked or stored behind the building line of the primary structure.
- (F) Inoperative vehicles. The parking of more than five inoperative vehicles must follow the requirements for junkyard in [Article 7](#) of this Ordinance. The parking of less than five inoperative

³⁰ Editor's Note: Provision from the Ordinance amendment dated June 13, 2022.

vehicles must follow the requirements Chapter 62, Article III of the Code of the Town of Rocky Mount, Virginia.

Section 8-5-3. Obligations of Owner.³¹

- (A) The requirements for off-street parking space(s) and off-street loading space(s) shall be a continuing obligation of the owner of the real estate for any structure or use located on the property, as long as such structure or use exists and is in operation.
- (B) It shall be unlawful for the owner of any structure or use affected by this Division to discontinue, change, dispense with, or cause the discontinuance or change of the required off-street parking or loading space, apart from the use of joint/shared or reduced off-street parking or loading space which meets the requirements of, and complies with, this Division.
- (C) It shall be unlawful for any firm or corporation to use such structure without acquiring such land or other suitable land for off-street parking or loading space(s) which meets the requirements of, and complies with, this Division.

Section 8-5-4. Location to Use.³²

- (A) All parking spaces required herein shall be located on the same lot with the building or principal use served;³³ except that:
 - (1) A remote parking lot may be approved by the Administrator and shall:
 - (i) Be located and maintained within 500 feet of the principal building or use it serves;³⁴ and
 - (ii) be established by a recorded covenant or agreement as parking space(s) to be used in conjunction with the principal building or use and shall be reserved as such through an encumbrance on the title of the property.
 - (iii) Have an existing sidewalk or improved pathway and permanent access easement.
 - 1. If none exists, the developer shall establish a sidewalk or improved pathway and permanent access easement that connects the parking to the use.

Section 8-5-5. Joint/Shared Parking.³⁵

- (A) Required parking spaces can be used jointly by two or more buildings, uses, or establishments, as provided below:

³¹ Editor's Note: New Section.

³² Editor's Note: This draft changes the provision in Article 7-2-2 of the existing Zoning Ordinance requiring parking in residential districts to be located on the same plot.

³³ Editor's Note: This Section does not include the requirement in the existing Ordinance to measure along a public access.

³⁴ Editor's Note: From Article 7-2 of the existing Ordinance.

³⁵ Editor's Note: Sections 8-5-5 and 8-5-6 are new, and intended to promote shared parking, which ultimately reduces empty and unused parking spaces.

- (1) The shared parking space(s) may be used to meet no more than 75% of the off-street parking requirement.
- (2) The shared parking space(s) must be for those uses that the normal periods of peak use are different from the shared use.
- (3) The use(s) for which parking is being shared shall be within 500 feet to be measured along sidewalks or improved permanent access easements.
- (B) In the case of mixed or joint uses of a building or premises having different peak parking demands, the parking spaces required may be reduced up to 50% if approved by the Administrator, in conjunction with Site Plan approval.
 - (1) In such instances, the applicants shall demonstrate that the periods of peak use are separated sufficiently, and shared parking spaces are available to all uses sharing them, to not cause a parking demand problem.
- (C) In the case of joint use of a building or premises by more than one use having the same peak parking demand, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Section 8-5-6. Reduction or Increase in Parking.

- (A) **Reduction in Required Spaces.** Off-street parking space(s) required under this Division 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.
- (B) **Increase in Required Parking.** Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this Division for an increase in parking spaces of 10% or more, such additional spaces shall be provided on a basis of the change or enlargement.
 - (1) Parking increases shall not be circumvented by a series of changes that together would meet, or exceed, the 10% requirement.

Section 8-5-7. Parking Design Standards.³⁶

- (A) **Surfacing.**
 - (1) All parking areas shall have an improved surface to prevent soil erosion, abate dust, and provide an adequate driving surface.
 - (i) Improved surface shall mean concrete, asphalt, bituminous pavement, brick or stone pavers, or other hard, all-weather, dustless, permeable pavement system.
- (B) **Pervious and Semi-Pervious Materials.**

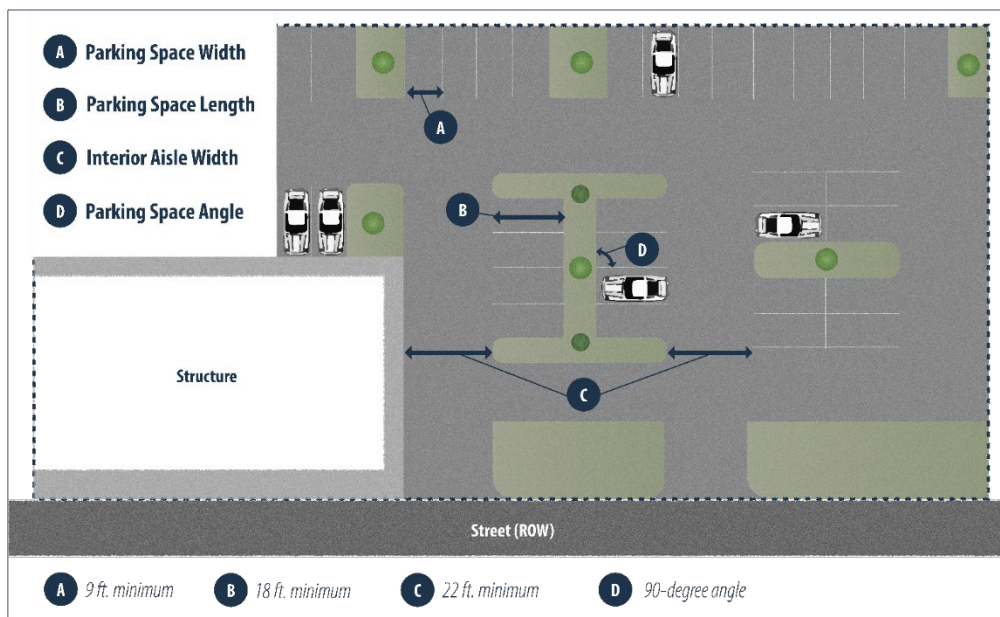
³⁶ Editor's Note: This Section replaces Article 7 of the existing Ordinance. The information has been updated and rearranged with tables and new standards including pervious and semi-pervious materials, marking requirements, location, dimensions, handicap parking, landscaping, and fleet vehicles.

- (1) The use of pervious or semi-pervious parking lot surfacing materials – including, but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass grids – may be approved for off-street parking and loading areas except on industrial and other sites where there is reasonable expectation that petroleum and other chemical products will be spilled, and provided such surfacing is subject to an on-going maintenance program (e.g., maintenance of upland and adjacent grassy areas, annual vacuuming).
- (2) Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified by a design professional as capable of accommodating anticipated traffic loading stresses and maintenance impacts.
- (3) Reinforced grass grid parking permitted under certain circumstances:
 - (i) Reinforced grass grid parking areas are permitted for the following:
 1. Uses that require 10 or fewer parking spaces.
 - (ii) All reinforced grass grid parking areas shall:
 1. Grass shall be maintained to height of no more than 6 in. from grade.
 2. Grass shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
 3. Travel ways shall be appropriately marked to maintain egress.
 - (iii) All reinforced grass grid parking areas:
 1. Cannot be permitted for any parking area that includes drive-through windows.
 2. Cannot be located in an existing or proposed landscaped area, stormwater management area, easement, or required yard.
- (4) Gravel parking is permitted for parking lots of 4 or fewer parking spaces.
- (C) **Marking.** For all paved parking areas, each parking space shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be maintained to ensure efficient traffic operation on the lot.
 - (1) For reinforced grass grid, and gravel parking, spaces shall be marked by signage and wheel stops. Signage and wheel stops must be maintained.
- (D) **Location.** Off-street parking areas shall be located in such a way to reduce visual impact from the street or pedestrian view. The preferred location for off-street parking areas is to the rear of the structure it is associated with, or the side of the structure as an alternative; if it can be demonstrated that the lot could not accommodate parking area(s) to the side or rear of the lot, the Administrator may waive this provision.
- (E) **Dimensions.**³⁷

³⁷ Editor's Note: Dimensions replaces Article 7-1-4 in the existing Ordinance.

- (1) **Parking Space Dimensions.**³⁸ See Figure 8 - 5. Off-street parking spaces shall be a minimum width of 9 feet and a minimum length of 18 ft; or in the case of parking spaces for trucks, buses, or special equipment, parking spaces of a minimum size to be determined by the Administrator based on the nature of the parked vehicles.
 - (i) Where more than 10 spaces are required by this Ordinance, a maximum of 20% of the required spaces may be reduced to a minimum width of 8 feet and a minimum length of 16 feet, provided that such spaces are designated by appropriate signs as reserved for compact cars only.
- (2) **Interior Aisles.** See Figure 8 - 5. All aisles within parking areas shall have the following minimum widths:
 - (i) Parking spaces at a 90-degree angle: 22 feet.
 - (ii) Parking spaces at a 60-degree angle: 18 feet.
 - (iii) Parallel parking spaces: 15 feet.

Figure 8 – 5 Parking Area Dimensions



Note: Figure 8-5 depicts 90-degree angled spaces only

- (F) **Handicap Accessible Parking.** Every land use shall include the number of handicap accessible off-street parking spaces in accordance with the requirements of the Virginia Uniform Statewide Building Code. These parking spaces shall be included within the required amount of parking spaces, as provided in Table 8 – 6, Minimum Off-Street Parking Requirements.

³⁸ Editor's Note: Required size of parking spaces has been decreased slightly from the requirements in existing Article 7-1 per discussion with staff.

- (G) **Entrances and Exits.**³⁹ The location and design of entrances and exits shall meet the VDOT traffic safety and design standards. In general, there shall not be more than one entrance and one exit or one combined entrance and exit along any one street.
- (H) **Curb and gutter.** Parking areas shall be constructed with VDOT standard CG-6 or CG-7 curb and gutter.
- (I) **Separation from Walkways and Streets.**
 - (1) Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by the required landscape buffer, a wall or fence, or curbing, as provided in **Division 3**, Landscaping and Screening, of this Article.
- (J) **Drainage and Maintenance.** Off-street parking areas shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.
- (K) **Lighting.** Adequate lighting shall be provided in accordance with **Division 2**, Lighting, of this Article.
- (L) **Landscaping.** Whenever a parking area is located in or adjacent to a residential district, it shall be effectively landscaped in accordance with **Division 3**, Landscaping and Screening, of this Article. However, areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation, may submit an alternative screening plan to be approved by the Administrator.
- (M) **Fleet Vehicles.**⁴⁰
 - (1) Whenever daily or overnight storage of fleet vehicles is proposed, these vehicles shall be screened or parked to block visibility from streets or adjacent properties; screening shall be in accordance with the requirements of **Division 3**, Landscaping and Screening, of this Article. These off-street parking spaces shall be identified on any approved Site Plan.
 - (2) Fleet vehicle parking shall be in accordance with **Section 8-5-2 (E)** of this Division.

Section 8-5-8. Schedule of Required Parking Spaces.

- (A) Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted to another use, off-street parking space(s) shall be provided according to the requirements for individual uses in **Table 8-5** Minimum Off-Street Parking Requirements.
- (B) Where fractional spaces result, the parking spaces required shall be increased to be the next highest whole number.
- (C) Exemptions to off-street parking requirements are contained in **Section 8-5-5** and Section **8-5-6**, above.

³⁹ Editor's Note: Reworded from Article 10-2-3 of the existing Zoning Ordinance.

⁴⁰ Editor's Note: New item to help address staff comments about truck parking.

- (D) The parking requirements in this Division are in addition to any other parking requirements contained in the district or use standards of this Ordinance.
- (E) The parking requirements in this Division do not limit additional requirements that may be imposed for approval of a Special Exception.
- (F) For residential uses, the total number of off-street parking spaces provided inside a private garage shall be calculated based on the intended design of the garage.
- (G) Except as otherwise provided, the number of employees shall be compiled based on the maximum number of persons employed on the premises at one time, on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- (H) The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Administrator.
- (I) In order to minimize the adverse impacts caused by improving large areas with impervious surfaces, including increased storm water run-off, urban heat island effects, and nonpoint source pollution, the total number of parking spaces serving a use may not exceed the minimum parking standards in Table 8.5 by more than 20%, unless one of the following apply:⁴¹
 - (1) Any spaces in excess of 20% of the minimum number required are located in a structured parking facility; or
 - (2) A Landscape Plan that provides additional pervious landscape surfaces and increases stormwater filtration has been reviewed and approved by the Administrator; or
 - (3) The applicant for the project shall apply and receive approval through a Special Exception.

⁴¹ Editor's Note: New provision of maximum parking limits to reduce amount of land used for parking.

Table 8- 5 Minimum Off-Street Parking Requirements

Use(s)		Minimum Number of Required Spaces
Residential Uses		
Bed and Breakfast		1 per bedroom
Dwelling	Manufactured; Single-Unit; Town house; Two-Unit	1 per dwelling unit ⁴²
Dwelling Multi-Unit	0 – 1 bedroom	1 per unit, plus 1 visitor space per 5 units
	2 bedrooms	1.5 per unit, plus 1 visitor space per 5 units
	3+ bedrooms	2.0 per unit, plus 1 visitor space per 5 units
Family Day Home (1-4 children)		1, plus residential requirement
Adult Day Care Center; Family Day Home (5-12 children)		3, plus residential requirement
Group Home (Large and Small); Life Care Facility		1 per 4 residents, plus 1 per 2 employees
Manufactured Home Park		2 per dwelling unit
Shelter, Residential		1 per 500 sq. ft.
Public, Civic, and Recreational		
Club		1 space per 10 persons based on maximum occupancy ⁴³
Community/Cultural Center		1 per 500 sq. ft. of floor area, plus 1 per employee on largest shift ⁴⁴
Education Facility, College, University, Business, or Trade		1 per employee on largest shift, plus 1 per 10 full-time students ⁴⁵
Education Facility, Primary or Secondary		1 per each employee on largest shift, plus 1 for each 10 seats in the largest assembly room ⁴⁶
Public Parks and Recreation; Recreational Facility, Noncommercial		1 per 4 visitors at peak service
Recreation Facility, Neighborhood		1 per 5 members, based on the design capacity of the facility
Religious Assembly		1 per 10 fixed seats in main assembly area, <i>or</i> 10 per 500 sq. ft. of assembly floor space without fixed seating ⁴⁷
Commercial Uses		
Adult Use; Construction Material Sales;		1 per 400 sq. ft. of floor area ⁴⁸

⁴² Editor's Note: Reduced from two spaces.

⁴³ Editor's Note: Changed from administrative decision to specific requirements.

⁴⁴ Editor's Note: Changed from administrative decision to specific requirements.

⁴⁵ Editor's Note: Changed from administrative decision to specific requirements.

⁴⁶ Editor's Note: Changed from administrative decision to specific requirements.

⁴⁷ Editor's Note: Changed from 1 per 5 seats to 1 per 10 for fixed; added without fixed.

⁴⁸ Editor's Note: New requirements and grouping.

Garden Center; Store, Large and Small;	
Animal Shelter; Kennel, Commercial; Veterinary Hospital/Clinic	1 per 400 sq. ft. of floor area ⁴⁹
Automobile Sales and Rental	2 spaces per 1,000 sq. ft. of sales area. ⁵⁰
Automobile Service, Major and Minor; Car Wash; Gas Station	3 per bay, stall, rack, or pit, plus 1 per gasoline pump; minimum 5 spaces ⁵¹
Brewery, Distillery, or Winery; Micro- Brewery, Distillery, or Winery	1 per 150 sq. ft. of food beverage preparation and consumption area, plus 1 per 800 sq. ft. of operations
Business Support Services; Consumer Repair Services; Personal Improvement Services; Personal Services	1 per 500 sq. ft. of floor area
Commercial Laundry; Construction Material Sales;	1 per 500 sq. ft.
Day Care Center	1 per employee on largest shift, plus 1 per 10 children; plus an unobstructed pick-up space with a stacking area for 8 vehicles
Equipment Sales, Service, and Repair (Heavy)	1 per 1,500 sq. ft. of display area, plus 3 per bay/stall
Event Venue	10 per 1,000 sq. ft. of floor
Farmer's Market; Outdoor Sales, Seasonal/Temporary	6, plus 1 per 250 sq. ft.
Financial Institution	1 per 500 sq. ft. of floor area ⁵²
Funeral Home	1 per 100 sq. ft. of main assembly area; 30 spaces minimum ⁵³
Hospital	1 per 3 patient beds ⁵⁴
Hotel	1 per guest room or unit, plus required parking for any additional uses on site (restaurant, event venue, etc.) ⁵⁵
Medical Treatment Facility; Office, General;	1 per 400 sq. ft. of floor area; 10 spaces minimum for a clinic ⁵⁶

⁴⁹ Editor's Note: Changed from administrative decision to specific requirements.

⁵⁰ Editor's Note: Reduced from 4 to 2.

⁵¹ Editor's Note: Changed from administrative decision to specific requirements.

⁵² Editor's Note: Changed from 200 to 500 sq. ft.

⁵³ Editor's Note: Reduced minimum from 40 to 30; changed additional parking to be based on square footage instead of administrative decision.

⁵⁴ Editor's Note: Reduced from 1 per 2 beds.

⁵⁵ Editor's Note: Added parking for additional uses.

⁵⁶ Editor's Note: Changed from based on number of practitioners to square footage.

Office, Medical/Clinic;	
Recreation/Entertainment, Commercial Indoor	1 per 3 persons based on maximum occupancy, plus 1 per employee on largest shift ⁵⁷
Recreation/Entertainment, Commercial Outdoor	<i>A facility with fixed seating:</i> 1 per 3 seats, plus 1 per employee on maximum working shift⁵⁸ <i>A facility without fixed seating:</i> 1 space per 300 sq. ft. of floor area of enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
Restaurant, General	1 per 150 sq. ft. of floor space, including outside seating ⁵⁹
Self-Storage Facility	1 per 5 rental units, plus 1 for each employee, plus 1 for manager/operator
Tradesperson Service	2, plus 1 per employee on maximum working shift
Industrial Uses	
Construction Yard; Laboratory, Research, and Development; Manufacturing, Heavy; Manufacturing, Light; Manufacturing, Small Scale	1 per employee on maximum working shift
Laboratory, Research, and Development; Manufacturing, Heavy; Truck/Freight Terminal; Warehousing and Distribution	1 per 1,000 sq. ft. <i>or</i> 1 per employee on maximum working shift
Miscellaneous Uses	
Mixed use structure	1 per 250 sq. ft. of commercial floor area, plus 1 space per dwelling unit

Section 8-5-9. Bicycle Parking.⁶⁰

(A) **When Required.** Bicycle parking shall be required for the following:

- (1) All commercial developments in the CBD, C1, C2, and GB districts requiring 25 or more parking spaces; and
- (2) All multi-unit developments.

(B) **Required Spaces.**

⁵⁷ Editor's Note: Changed from administrative decision to specific requirements.

⁵⁸ Editor's Note: Increased to include employee parking.

⁵⁹ Editor's Note: Changed from 1 per 100 to 1 per 150.

⁶⁰ Editor's Note: New provision to require bicycle parking.

- (1) Bicycle parking shall include four spaces for the first 25 required off-street parking spaces, as shown in **Table 8 – 5**, Minimum Off-Street Parking Requirements, above. Each additional 50 parking spaces shall require one additional bicycle space.
- (2) The minimum number of bicycle parking spaces provided at each site shall be 4 and the maximum shall be 20.

(C) **Standards.**

- (1) A bicycle parking rack shall be installed to secure bicycles within the bicycle parking area.
- (2) Each rack must:
 - (i) Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;
 - (ii) Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;
 - (iii) Be securely anchored to the ground or to a structural element of a building or structure; and
 - (iv) Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements, such as powder-coated steel or stainless steel.
- (3) Bicycle parking must be visible from the main entrance of the building it serves, unless the Administrator determines that another location provides better security for users.
- (4) The location of the bicycle parking area, when fully occupied, shall not obstruct any pedestrian way and a 5 feet wide pedestrian path shall be maintained at all times.
- (5) A bicycle parking area may not be located in any minimum front, side, or rear setbacks, or required landscaping or transitional buffer.

Section 8-5-10. Joint/Shared Off-Street Loading.⁶¹

Where a building is used for more than one use, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for the use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading.

Section 8-5-11. Off-Street Loading Design Standards.⁶²

- (A) **Minimum Size.** For the purpose of the regulations of this Division, a loading space is a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, and having a minimum width of 10 feet, a minimum length of 25 feet, and a vertical clearance of at least 15 feet.

⁶¹ Editor's Note: New provision to provide off-street loading.

⁶² Editor's Note: New provision to provide off-street loading design standards.

- (B) **Location.** All required off-street loading areas shall be located on the same lot as the use served and shall not obstruct required off-street parking spaces, any public street, or any fire lane or emergency access route during the loading or unloading of vehicles. All loading spaces shall be located only within side or rear yards, or shall be screened from view of the public right of way.
- (C) **Surfacing.** All loading areas shall have an improved surface to prevent soil erosion, abate dust, and provide an adequate driving surface.
- (D) **Screening.** Whenever an off-street loading area is located in or adjacent to a residential district, it shall be effectively screened in accordance with **Division 3**, Landscaping and Screening, of this Article. However, areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation, may submit a screening plan to be approved by the Administrator.
- (E) **Entrances and Exits.** Location and design of entrances and exits shall be in accordance with VDOT traffic safety and design standards.
 - (1) Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one off-street loading space.
 - (2) Where an off-street loading space is to be approached directly from a major thoroughfare, necessary maneuvering space shall be provided on the lot without impeding the public-right-of-way or any parking space or parking lot aisle.

Section 8-5-12. Schedule of Required Off-Street Loading Spaces.⁶³

- (A) Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected, enlarged, or increased in capacity to the extent of increasing the floor area by 50% or more, or any building is hereafter converted, for the uses and floor areas listed below, accessory off-street loading spaces shall be provided as required in **Table 8 – 6**, Minimum Off-Street Loading Requirements, below.
- (B) Space allocated to any off-street loading use shall not be used to satisfy the space requirements for any off-street parking area or portion thereof.
- (C) The loading space requirements in this Division do not limit other loading requirements contained in the district or use standards of this Ordinance.
- (D) The loading space requirements in this Division do not limit additional requirements that may be imposed in connection with uses permitted by approval of a Special Exception.

⁶³ Editor's Note: New provision for off-street loading spaces.

Table 8- 6 Minimum Off-Street Loading Requirements

Use(s)	Floor Area (in sq. ft.)	Loading Space(s) Required
All Commercial and Industrial; Dwelling, Multi-Unit	0 - 1,500	0
	1,501 - 15,000	1
	15,001 – 100,000	1 space, plus 1 space for each 15,000 sq. ft.
	100,000 – 200,000	3 spaces, plus 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.

Division 6. Public Streets, Bikeways, and Sidewalks.⁶⁴

Section 8-6-1. Purpose and Intent.

The purpose of this Division is to ensure adequate and safe pedestrian and vehicular improvements and connectivity for subdivisions and development. It will provide uniform standards for development whether submitting a site plan or plat.

Section 8-6-2. Applicability.

Required improvements shall apply to all subdivisions and developments requiring submittal of site plans, unless granted a waiver if necessary to meet stormwater quality requirements on sites greater than one acre.⁶⁵

Section 8-6-3. General.

(A) Subject to all other applicable provisions of this section, the following street improvements shall be installed and provided by the developer and shall be dedicated to the Town:

- (1) Cross drains and catch basins.
- (2) Curbs and gutters.
- (3) Street paving.
- (4) Street name signs.
- (5) Traffic signalization.

Section 8-6-4. Standards.

(A) **Alleys in subdivisions.** When new alleys are proposed for a subdivision, or when the improvement of existing alleys is proposed, the following standards shall apply:

- (1) Frontage on an alley shall not be construed to satisfy any lot frontage requirements.
- (2) Alleys shall be maintained and perpetuated by a duly constituted property owners' association and notations to this effect shall be clearly indicated on the face of the record plat.

⁶⁴ Editor's Note: The provisions in this Division are from the existing Zoning and Subdivision Ordinances, unless otherwise noted.

⁶⁵ Editor's Note: From existing Ordinance 10-2-1, text has been reorganized into Applicability and General sections.

- (3) Alleys shall be designed to minimize⁶⁶ the potential for through traffic.
- (4) Alleys shall have a minimum paved or sealed surface width of ten feet. New alleys shall have a minimum right-of-way width of 15 feet.⁶⁷
- (5) Alleys to serve single-unit residential uses shall have chip and seal surface. Alleys to serve developments of greater intensity than single-unit residential uses shall have an asphalt surface constructed in accordance with **Section 8-6-4 (G) below.**
- (6) Sight distances that comply with VDOT standards shall be provided at intersections with public streets. Alleys shall be built with a minimum pavement edge radius of 25 feet at their intersections with public streets.
- (7) Alleys shall not dead end. Alleys shall end in an intersection with a public street, or in a cul-de-sac constructed to comply with the standards of Section 8-6-4 (G) (12) below.
- (8) Alley length shall not exceed 1,000 feet without an intersecting street.

(B) Bicycle infrastructure.

- (1) **Bicycle lanes.**⁶⁸ All proposed collector and arterial streets within a subdivision shall be constructed with bicycle lanes, except where an off-road bikeway is provided as an alternative and dedicated to the Town as provided in **C (2)** below. The bike lane width and intersection configuration shall meet current VDOT standards.
- (2) **Bikeways, shared use paths, or multiuse trails.**⁶⁹
 - (i) Where a proposed subdivision fronts on a street or includes an area which is designated as a potential bikeway in the Comprehensive Plan, the developer may construct a bikeway to Town standards and dedicate the bikeway right-of-way to the Town for use as a public right-of-way.
 - (ii) **Location of bikeways.** The location of the bikeway route shall be determined by the Agent in consultation with the developer and appropriate departments of the Town. The bikeway route shall be placed so as to take into consideration the topography of the route, visibility, safe grades and curves for recreational use.
 - (iii) **Access to future bikeway rights-of-way.** The Agent or Planning Commission may require the reservation and development of rights-of-way for additional bikeways in new subdivisions where such routes are necessary for access to routes shown in the Comprehensive Plan or bikeways plan.
 - (iv) **Bikeways construction and design standards.**⁷⁰

⁶⁶ Editor's Note: Removed "or eliminate."

⁶⁷ Editor's Note: Reduce width from 20 feet to 15 feet to facilitate residential development.

⁶⁸ Editor's Note: Changed "may be constructed" to "shall be constructed," and added "except where an off-road bikeway is provided as an alternative and dedicated to the Town as in **C (2)** below."

⁶⁹ Editor's Note: "Multiuse Trail" has been added per state code and VDOT standards language.

⁷⁰ Editor's Note: This item from the existing Ordinance Appendix B Section 8-5 was researched and is based on a comparison locality ordinance.

- (a) Bikeways shall be constructed of a minimum pavement section of 4" 21B aggregate and 1 ½" SM2A asphalt.
- (b) Bikeways shall be designed to minimize segments of trail where the slope exceeds eight percent (8%), to allow for handicap access. Where the slope exceeds eight percent (8%), pull-offs are required every 100 feet and a profile of the bikeway shall be submitted.
- (c) Culvert crossings shall be provided where the bikeway crosses an existing or proposed drainageway so as to eliminate flow across the trail. The Agent may waive this requirement where the flow across the trail is deemed insignificant, for example, less than one cubic foot per second.
- (d) Minimum pavement width for bikeways is eight feet with one-foot clear shoulder on each side, provided that for any bikeway that is designated as an "arterial," the minimum paved width shall be ten feet.
- (e) Landings at road crossings shall be not more than two percent (2%) grade for a distance of 15 feet measured from the edge of the street pavement.
- (f) Where the bikeway meets the curb, a handicap ramp shall be provided and approved by VDOT.
- (g) A minimum four-foot grass strip separation shall be maintained between the back of the curb and the asphalt bikeway. Where there is no curb between the asphalt walkway and the street, the bikeway shall be placed beyond the road shoulder and roadside ditch. Minimum separation in this case shall be as approved by the Agent or Planning Commission.

(C) Driveways.

- (1) A maximum of two driveway entrances per lot is permitted for single-unit dwellings and two-unit dwellings. The curb cut shall be a minimum of 12 feet in width and a maximum of 20 feet in width at the right-of-way line. Curb cuts on the same lot shall be separated by a minimum of 40 feet, measured from centerline to centerline.
- (2) All commercial entrances constructed from a new or existing street or road shall be in accordance with the "Minimum Standards of Entrances to State Highways" of the VDOT, as amended, incorporated by reference except as these may be varied by this section.
- (3) On local and collector streets, driveways shall be no closer than 40 feet to an intersection with a public street.

- (D) On arterial streets, driveways shall be no closer than 75 feet to an intersection with a public street. This dimension may be reduced by the Agent or Planning Commission for lots without access to collector or local streets and whereby reason of topography, sight distance or other similar considerations the 75-foot dimension is not feasible.

(E) Sidewalks and walkways.

- (1) **Dedication of sidewalks.** If the planned sidewalk is not currently within the Town right-of-way, the owner shall dedicate fee simple title of the area from the sidewalk to the right-of-way to the Town.

- (2) Sidewalks shall be provided by the developer on all boundaries adjacent to the public right-of-way.
 - (3) Sidewalks shall be placed so as to provide for eventual continuation with future sidewalks in the vicinity of the site.
 - (4) Sidewalks shall be constructed of concrete and shall be a minimum of five feet in width. A minimum two-foot planting strip is required between the curb and sidewalk for pedestrian/vehicle separation and to provide for mailbox and utility service placement.
 - (5) Sidewalk materials and specifications shall meet current VDOT standards.
- (F) **Street design.** For design standards not explicitly set forth herein, VDOT standards shall apply.
- (1) **Private streets.** Private streets shall not be allowed, nor shall there be private reserve strips controlling access to the street. This section shall not preclude the approval of parking lots and access drives for parking lots serving Town house, attached housing, or multifamily dwellings.
 - (2) **Dedication of streets.** The developer shall make provision for the dedication to the Town of proposed street extensions as set forth in the Comprehensive Plan or in other formal documents approved by the Planning Commission and Town Council and for the dedication to the Town of the fee simple title to land for other proposed streets in the subdivision.
 - (3) Street grades may not exceed ten percent (10%),⁷¹ nor be less than half percent (0.5%) except as expressly approved by the Administrator.
 - (4) Street intersections shall provide landings of not more than five percent (5%) grade for a distance of 100 feet.⁷²
 - (5) All streets shall be constructed with VDOT standard CG-6 or CG-7 curb and gutter and be a minimum of 30 feet in width, as measured from face of curb to face of curb, or greater based upon projected traffic generation by the development.
 - (6) Street intersections and entrances shall be designed to provide a minimum VDOT stopping sight distance.⁷³
 - (7) Street pavement sections shall meet VDOT pavement design guidelines based upon a California Bearing Ratio (CBR) of ten. During construction, prior to subgrade approval by the Town, CBR test results must be provided to the Town, one per 400 feet of proposed roadway, or a minimum of three CBRs per subdivision. Pavement design based upon the actual CBRs shall be provided by a professional engineer.

⁷¹ Editor's Note: The existing Zoning Ordinance states that street grades may not exceed 12%, while the Subdivision Ordinance states 10%. Recommend 10% based on a comparison of similar localities.

⁷² Editor's Note: The existing Zoning Ordinance states that street intersection landings may not exceed 2% for a distance of 50 ft., while the Subdivision Ordinance states 5% and 100 feet Recommend using the Subdivision standard based on a comparison of similar localities.

⁷³ Editor's Note: Wording matches the existing Zoning Ordinance. The following from the Subdivision Ordinance was not included: "Street intersections shall be designed so as to provide a minimum stopping sight distance of ten times the posted speed limit of the street."

- (8) All entrances and curb cuts to the development shall be provided by the developer in accordance with the standards of the "Minimum Standards of Entrances to State Highways," latest edition, published by VDOT.
- (9) The developer shall provide curb cut ramps for handicap access at each intersection or entrance regardless of whether a sidewalk is installed at that location.
- (10) **Widening of highways and streets.** Whenever plans for the widening of any street or highway, approved by either the Virginia Department of Transportation or Town Council, additional front yard setbacks may be required for any new construction, addition, or relocation of structures 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 or planned improvement.
- (11) **Access to and from adjoining property.**
 - (i) Where it is necessary for the orderly extension of the Town's transportation system to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not permitted.
 - (ii) The developer enjoys the right to tie into and access adjoining, existing streets under the guidelines and conditions of this Division.
- (12) **Approach angle.** All streets shall approach the major or collector streets at an angle of not less than 80 degrees unless the Agent or Planning Commission, by variance shall approve a lesser angle of approach for reasons of contour, terrain, or matching existing patterns.
- (13) **Coordination of streets with existing streets.**
 - (i) The arrangement of streets in any new subdivision shall make provision for the continuation of existing streets in adjoining areas where streets already exist. Major, collector, and local streets shall be respectively extended as such. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when the developers plat their land and seek to provide for convenient vehicle access to it.
 - (ii) Access points to and from the subdivision and the arrangement of streets within the proposed subdivision and their relationship to adjoining, existing streets shall be such as to minimize the effects of traffic, noise, light, and danger to pedestrians and children caused by vehicular traffic to and from the proposed subdivision.
- (14) **Cul-de-sacs.** Cul-de-sacs are permitted only in residential subdivisions.
 - (i) A permanent cul-de-sac shall not be longer than 900 feet, including the turnaround. The paved area of the bulb turnaround at the end of the cul-de-sac shall be a minimum of 90 feet in diameter. In lieu of a bulb cul-de-sac, the Agent or Planning Commission may permit a "T" or a "Y" cul-de-sac.
 - (ii) Pavement on "T" turnarounds shall be at least 40 feet long and 20 feet wide, which does not include the 30 feet of roadway width at the "T."
 - (iii) Pavement at a "Y" turnaround shall be at least 20 feet wide and each leg shall be 40 feet long, and the radius and angle shall be adequate to permit vehicles to turn around on the paved surface.

(15) Rights-of-way at turnarounds and cul-de-sacs shall be at least five feet beyond the edge of the pavement or the back of the curve.

(16) **Minimum right-of-way widths.**

- (i) The minimum right-of-way width of proposed streets shall be 50 feet.
- (ii) If the existing streets within a subdivision are not 50 feet in width, the developer shall dedicate by subdivision plat so that such streets will meet the standards of this section.
- (iii) If the existing streets abutting a subdivision are not 50 feet in width, and if the need for additional right-of-way width is generated, in whole or in part, by the proposed subdivision, the developer shall dedicate by subdivision plat additional right-of-way so that such streets will have a width of 25 feet from the center line where the street abuts the subdivided parcel.
- (iv) The Agent may require additional right-of-way width where VDOT standards for the traffic generated by a subdivision require additional width.

(17) **Traffic control devices.** The developer shall install traffic control devices within a subdivision and where subdivision streets connect with existing streets in accordance with Manual of Uniform Traffic Control Devices standards.

(18) **Turn lanes.** Turn lanes shall be provided on all streets adjacent to and within a subdivision where warranted by the standards of the "Minimum Standards of Entrances to State Highways," latest edition, published by VDOT.

(G) **Streetlights.**

- (1) Streetlights shall be provided on all dedicated streets except "local" streets as defined by VDOT. The street light layout shall be per Illumination Engineering Society Standards.
 - (i) Streetlights shall be provided on all collector and arterial streets.
- (2) The Town will submit the lighting plan to the electric utility company for cost estimate for installation. The cost provided the Town will be per current contracts between the Town and the electric service provider. The installation cost shall be paid 50% by the developer and 50% by the Town. The cost of providing streetlights on local streets will not be shared by the Town.
 - (i) Subdivisions. Payment is required or a security for payment provided to the Town, prior to subdivision plat approval.
 - (ii) Other development. Payment required or a security for payment provided to the Town, upon site plan approval.

(H) **Street names and signs.**

- (1) Street names shall be indicated on the preliminary and final plats and shall be approved by the Administrator. Proposed streets that are in alignment with other streets already existing and named shall bear the name of the existing street. In no case shall the name of the proposed streets duplicate or be similar, literally or phonetically, to existing street names, regardless of the use of the terms street, avenue, boulevard, driveway, place, lane, or court. Names of existing streets shall not be changed except by the approval of Town Council.

- (2) Required street name signs shall be provided by and installed by the developer. Once the streets have been accepted for maintenance by the Town, the Town will maintain all standard signs.
- (I) **Street trees.** Street trees shall be provided along all collector and arterial streets within or adjacent to a proposed subdivision or development in accordance with **Section 8-3-8** of this Article.
- (J) **Traffic signalization.** The developer shall provide traffic signalization if the development causes the need for new traffic control devices and these devices shall be installed in accordance with the Manual of Uniform Traffic Control Devices Standards.

Section 8-6-5. Inspections

- (A) **Street inspections.** The developer is responsible for contacting the Agent 48 hours prior to required inspections. Base stone shall not be installed until the subgrade has been approved by the Agent. No asphalt pavement shall be installed until the base stone has been inspected and approved by the Agent. The Agent may require compaction tests in areas suspected of inadequate compaction and may require undercutting and additional tests in areas that appear deficient during proof-rolling.
- (B) **Monuments visible for inspection.** Upon completion of subdivision streets, sewers, and other improvements, the developer shall install at their expense all monuments required by the Agent or Planning Commission. Such monuments shall be clearly visible and shall be inspected and approved by the Agent before any improvements are accepted by the governing body.

Division 7. Utilities⁷⁴

Section 8-7-1. Purpose and Intent.⁷⁵

- (A) The purpose of this Division is to protect the public health, safety, and welfare of the Town and the environment through:
 - (1) Ensuring that the location and design of private wells and on-site sewage disposal systems are built to sustain and protect natural resources and are in compliance with all other local and State regulations.
 - (2) Providing for the orderly extension of water and sewer, stormwater facilities, and other utility services in a safe, adequate, and efficient manner.

Section 8-7-2. Applicability.⁷⁶

- (A) The requirements of this Division shall apply to all new water and sewer systems, stormwater management, and other utilities and any voluntary upgrades, enhancements, or physical additions/expansions to existing systems.

⁷⁴ Editor's Note: This Division consolidates provisions from both the existing Zoning Ordinance and Subdivision Ordinance.

⁷⁵ Editor's Note: New Section.

⁷⁶ Editor's Note: New Section.

- (B) **Connection required.** Connection to public sewer and water shall be in accordance with Part II, Chapter 58, Article II Disposal of wastewater generally, and Article X Water systems generally, of the Code of the Town of Rocky Mount.
- (C) **Exemptions.**
- (1) Properties in the Residential Agriculture (RA) district that, with approval by the Health Official, use a private well and on-site sewage disposal system.
 - (2) The repair of a previously permitted on-site sewage disposal system or the replacement of an existing private well shall be in accordance with Part II, Chapter 58, Article II Disposal of wastewater generally, and Article X Water systems generally, of the Code of the Town of Rocky Mount.⁷⁷
 - (3) Additions to buildings or uses which do not result in an increase of greater than ten percent (10%) of the floor area of a building and where the number of required parking spaces is increased no more than six spaces are exempt from Section 8-7-6 Stormwater requirements.

Section 8-7-3. Easements.

- (A) Sewer, water, and drainage easements at least 20 feet in width shall be noted on site plans and plats, and dedicated to the Town for necessary improvements. Such easements, other utility easements, and stormwater management easements shall follow the requirements of Article 10, Subdivisions.

Section 8-7-4. Water Standards.

- (A) **Public water required.** The developer shall install the public water distribution system within the development, including water mains, service lateral through the curb line for each user, and fire hydrants, and upon its completion, shall dedicate and convey title to the water distribution system to the Town.
- (1) **Subdivisions.**⁷⁸ If public water facilities are reasonably available to serve the proposed subdivision, but inadequate capacity as determined by the Agent exists, the developer shall at his expense upgrade the public water mains or facilities to provide the additional capacity. Adequate capacity shall be determined as enabling 1,000 gallons per minute fire flow to be attained at the critical hydrant as determined by the Agent, without dropping residual pressures elsewhere within the public water system to or below 20 pounds per square inch.
- (B) **Construction and design standards.**
- (1) Public water system design and construction shall be in accordance with Part II, Chapter 58, Article X, Water system generally, of the Code of the Town of Rocky Mount.
 - (2) Water mains shall be looped within or through the development or terminated with a fire hydrant or blow-off.

⁷⁷ Editor's Note: Connection requirement was changed to rely on Town Code. The Town may need to add a provision for repairs to previously permitted systems and well replacements, or require connection instead of repairs and replacements.

⁷⁸ Editor's Note: Recommend removing Section 8-7-4 (A) (1) Subdivisions. from the Zoning Ordinance and placing the provision in Part II, Chapter 58, Article X.

- (3) Each user or tenant shall be required to have a separate water meter.
 - (i) Subdivisions. Water meters shall be located on a lot corner remote from the electric service.
- (4) **Placement of water laterals.**⁷⁹ Public water shall be designed and constructed to be available to each lot, such that individual laterals shall not extend across lots to the served lot.

Section 8-7-5. Sewer Standards.

(A) Sanitary sewer required.

- (1) The developer shall install the sanitary sewer system within the development, in accordance with the standards of this Division, and upon its completion, shall dedicate and convey ownership of the sanitary sewer system to the Town.
- (2) Sanitary sewerage facilities shall connect with public sanitary sewerage systems.
 - (i) Subdivisions. If public sanitary sewerage facilities are reasonably available to serve the proposed subdivision but inadequate capacity, as determined by the Agent, if such facilities exist, the developer shall at his expense upgrade the sanitary sewerage lines or facilities to provide the additional capacity. The Agent shall evaluate the downstream sewer system to the point where the flow contributed by the subdivision is less than one percent (1%) of the flow in the system.
- (3) The sanitary sewerage plan shall include calculations of the amount of sanitary flow to be discharged from the subdivision or development upon complete occupancy of the site.

(B) Construction and design of sanitary sewer.

- (1) The sanitary sewer shall be designed and constructed to serve by gravity the lowest floor elevation of proposed structures on all lots.
- (2) Private grinder pumps or pump stations shall not be permitted unless expressly approved by the Administrator. Considerations to be used in this variance evaluation shall be the engineering feasibility of providing gravity sewer to the structure, and the cause of the request.
- (3) Basements without interior access, which are not intended for habitation may be constructed without sewer service. However, in no case shall private grinder pumps be permitted to provide sewer service to such basements.
- (4) Public sewer shall be designed and constructed to be available to each lot, such that individual laterals shall not extend across lots to the served lot.
- (5) Sewer design and construction shall be in accordance with town sanitary sewer specifications, incorporated herein.

Section 8-7-6. Stormwater Standards.

(A) Stormwater management required.

- (1) The developer shall design and construct stormwater management facilities for the development. The design shall include, but not be limited to, an analysis of:

⁷⁹ Editor's Note: This provision from the Subdivision Ordinance is proposed to be standard for all development.

- (i) Proposed stormwater drainage facilities;
 - (ii) Pre- or post-development stormwater runoff calculations;
 - (iii) Impacts on downstream properties;
 - (iv) Impacts upon downstream stormwater management facilities; and
 - (v) Existing and potential runoff from upstream drainage areas.
 - (2) All designs for stormwater management shall be in accordance with professionally accepted hydraulic engineering practices, the Virginia Erosion and Sediment Control Handbook or any later, comparable source, the Town of Rocky Mount Erosion and Sediment Control Ordinance, and formal stormwater policies of the Town.
 - (3) The developer shall install the stormwater management system, including detention facilities. Where a proposed development includes more than one lot, a common stormwater management system, serving all of the lots in the development, shall be provided, unless otherwise approved by the Town.
 - (4) Each phase of a phased subdivision shall demonstrate compliance with these stormwater management regulations.
- (B) Capacity standards for stormwater management facilities.**
- (1) The engineering calculations shall demonstrate that the rate of runoff from the development will be equal to or less than the pre-development rate of runoff as evaluated under the ten-year frequency storm.
 - (i) The entire drainage area of the proposed development shall be considered in the design.
 - (ii) The entire tract proposed for development shall be considered as if it were fully developed.
 - (iii) Stormwater detention may be waived by the Administrator if the developer provides field survey verification and calculations demonstrating that the existing downstream system is adequate to carry the increased runoff from the development to the point where the total drainage area is at least 100 times greater than the area of the development site under consideration.
 - (iv) A regional stormwater management plan, adopted by Town Council, may establish a different detention standard for areas within the region. Detention of lower frequency storms shall be required by the Administrator if required by the relevant regional stormwater management plan.
 - (a) Subdivisions. Where possible, the developer shall maintain pre-development runoff velocities and overland flows to encourage groundwater recharge, using engineering methods conducive to groundwater recharge.
 - (2) The engineering calculations shall demonstrate the safe passage of the 25-year storm and the 100-year storm through the stormwater management facility. When the routing of these storms directs flow over an adjacent or adjoining road crossing, the depth of flow over the road shall not exceed one foot.
 - (3) Where the downstream channel is inadequate to carry the outfall from the detention pond during a 25-year storm event, the 25-year storm shall also be detained to pre-development

levels or the downstream channel made adequate to carry the outfall to the point where the total drainage area is at least 100 times greater than the area of the development site under consideration.

- (i) Subdivision. Where the downstream channel is inadequate to carry the outfall from the detention pond, the 25-year storm shall also be detained to pre-development levels and the discharge from the pond shall be restricted so as to conform to the erosion and sediment control standards of the Town erosion and sediment control ordinance.
- (C) **Regional stormwater management plans and facilities.** When a subdivision is located partially or wholly within an area for which a regional stormwater management plan has been adopted by Town Council, the developer shall share in the cost of downstream regional facilities, per the terms of Article 10, **Section 10-8, Vacation of plats.**
- (D) **Use of watercourses and low-lying lands except as needed and approved for access and entrance.**
 - (1) Watercourses that drain 100 acres or more shall be preserved in their natural state as drainage ways.
 - (2) Low-lying lands along such watercourses, subject to flooding during a 100-year storm or more frequently, shall be preserved in their natural state as drainage ways.
 - (3) The developer shall retain natural drainage patterns and routes. The transfer of stormwater from one natural basin to another shall not be permitted.
- (E) **Maintenance of stormwater management facilities.**
 - (1) Stormwater management facilities serving a development shall be maintained by the owner or equivalent body for that development unless town maintenance or another arrangement is approved by Town Council.
 - (i) Subdivisions. Stormwater management facilities serving a subdivision shall be maintained by the homeowner's association or equivalent body for that subdivision unless town maintenance or another arrangement is approved by the Agent. A maintenance plan for the facilities shall be provided as part of the engineering plan for the subdivision.
 - (2) Maintenance responsibility shall be designated on the site plan and plat recording dedicated easements. The developer shall provide a maintenance easement to the party responsible for maintaining the facilities.
- (F) **Storm drainage design and construction.**
 - (1) The developer shall design and construct a storm drainage system for the development. Design and construction of the storm drainage system for streets, parking areas, and aisles within the development including inlets, pipes, culverts, and appurtenances shall be in accordance with VDOT standards unless granted a waiver if necessary to meet stormwater quality requirements on sites greater than one acre.

Section 8-7-7. Other Utilities.

(A) Subdivisions.

- (1) **Underground utility wiring.** All new or extended transmission, distribution and customer service utility facilities installed within the boundaries of a new subdivision or within 200 feet

of the boundaries of new subdivisions for the purpose of serving the subdivision shall be underground, except:

- (i) Equipment normally installed above ground in accordance with accepted utility practices for underground distribution.
- (ii) Temporary overhead facilities required for construction.
- (iii) Where provided, streetlights shall be installed with underground service.

Division 8. Signs.⁸⁰

Section 8-8-1. Purpose and Intent.⁸¹

(A) The purpose of these sign regulations is to define, permit, and control the size, material, location, and condition of signs in a manner that, as a first priority, protects the health, safety, and welfare of the public; and to regulate signage through a system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and design requirements. These sign regulations are intended to achieve the following community goals and objectives:

- (1) Protect the health, safety, and welfare of the public;
- (2) Promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with the surrounding buildings and landscape;
- (3) Balance public and private objectives by allowing adequate signage for business identification;
- (4) Prevent property damage and personal injury from signs which are improperly constructed or poorly maintained;
- (5) Safeguard the public use and nature of the streets and sidewalks;
- (6) Protect and enhance the visual environment of the Town;
- (7) Discourage the diminishing of property values in the Town;
- (8) Minimize visual distractions to motorists using the public streets;
- (9) Promote the economic growth of the Town by creating a community image that is conducive to attracting new business and development;
- (10) Permit reasonable effectiveness of signs and to prevent their over-concentration, improper placement, and excessive height, bulk, density, and area;
- (11) Promote the safety of persons and property by requiring that signs not create a hazard due to improper construction, poor maintenance, collapse, fire, decay, or abandonment;

⁸⁰ Editor's Note: This Division is all new, unless otherwise noted, to address staff comments regarding needed updates to bring sign regulations into compliance with state code, clarify sign regulations for all users, and to ease enforcement.

⁸¹ Editor's Note: This Section closely matches existing Zoning Ordinance Article 8-1.

- (12) Ensure that signs do not obstruct fire-fighting efforts or create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, other vehicles, or traffic signs; and
- (13) Promote commerce and trade, with recognition of the effects of signage on the character of the community.

Section 8-8-2. Administration.

(A) Interpretation.⁸²

- (1) The regulations of this Division shall apply to all new signs, replacement signs, and their modification(s) established after the effective date of this Ordinance.
- (2) Signs not expressly permitted are prohibited.
- (3) Signs containing noncommercial speech are permitted anywhere that advertising or commercial signs are permitted, subject to the same regulations of such signs.
- (4) This Division shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(B) Application and Permit.⁸³

(1) Sign Permit Required.

- (i) No sign visible from the public right-of-way shall be erected, installed, altered, modified, refaced, re-hung, or replaced, without obtaining a permit pursuant to this Division, except as otherwise provided in this Division.
- (ii) No permit shall be issued by the Administrator except upon a determination that a proposed sign is in conformity with the requirements of this Division and, where applicable, in conformity with the requirements of an approved Site Plan for the property upon which the sign is to be placed.
- (iii) More than one sign on one building or group of buildings located on the same parcel of land may be included on one application provided that all such signs are applied for at one time.
- (iv) After the issuance of an approved sign permit, the applicant may install and display the approved sign(s). Once installed, the Administrator may inspect the sign(s) for conformance with the approved sign permit and this Ordinance.

(2) Application. An application for a sign permit shall:

- (i) Include the name, address, and contact information of the applicant, and property owner (if different);

⁸² Editor's Note: Interpretation removes the subjective interpretation of the Administrator for signs not covered by this Division.

⁸³ Editor's Note: Contains text and similar content from Article 8-6 of the existing Zoning Ordinance.

- (ii) Include the name of person, firm, or business erecting the sign and/or any related electric work;
 - (iii) Specify the type of sign to be constructed and the zoning district in which this sign is to be located;
 - (iv) Be accompanied with plans including a survey of the property, including measurements of the lot frontage;
 - (v) Indicate the square footage and location of all existing signs visible from the public right-of-way, on the property;
 - (vi) The area, size, structure, design, location, lighting, and materials for the sign; and
 - (vii) Contain written consent of the owner or lessee of the land or building upon which the sign is to be erected, if not owned by the applicant.
- (3) **Duration and Revocation of Permit.**
- (i) Any sign permit shall be null and void if any sign for which the permit was issued is not installed in accordance with the permit within 6 months of the date of approval.
 - (ii) A sign permit shall become null and void if the use to which it pertains is not commenced within 6 months after the date the sign permit is issued.
 - 1. Upon written request and for good cause shown, the Administrator may grant one six-month extension.
 - (iii) Whenever the use of a building or land is discontinued by the specific business, the sign permit shall expire and all signs pertaining to that business shall be removed by the property owner within 30 calendar days of the discontinuance, unless the following provisions are applicable:⁸⁴
 - 1. An owner with a new tenant or a new owner has six months after such vacation to use or remove all signs, sign supports, and attendant hardware.
 - 2. Each subsequent occupant of the lot or building shall obtain a new sign permit prior to erecting or changing the structure of any sign.
 - 3. If a vacated sign is nonconforming, within six months after vacation the owner shall remove all signs, sign supports and attendant hardware from the premises, unless a new tenant or owner uses the signs within that six-month period.
 - 4. Abandoned signs shall be removed in accordance with **Section 8-8-10** of this Division.
 - (iv) The Administrator shall revoke a sign permit if the sign does not comply with applicable regulations of this Division, building code, or other applicable law, regulation, or ordinance.
- (4) **Variances.** Requests for variances shall follow the procedures **in Article 3, Division 5** of this Ordinance.

⁸⁴ Editor's Note: (iii) is reworded from existing Article 8-6 (H). Hoarding of signs has been changed to removal.

Section 8-8-3. Prohibited.⁸⁵

- (A) The following types of signs are prohibited in all zoning districts, unless otherwise specifically permitted in this Ordinance:
- (1) Any sign affixed to, hung, placed, or painted on any cliff, rock, tree, or other natural feature; public utility pole or structure supporting wire, cable, or pipe; or radio, television, or similar tower;
 - (i) This prohibition shall not affect official traffic, parking, or informational signs placed on utility poles by the Town.
 - (2) Any sign or banner within or across a public right-of-way, unless specifically approved by the Virginia Department of Transportation (VDOT) and the Town Council;
 - (3) Any sign that, due to its size, illumination, location, or height, obstructs the vision of motorists or pedestrians at any intersection, or similarly obstructs the vision of motorists entering a public right-of-way from private property or obscures traffic or safety signs;
 - (4) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized Town official as a nuisance;
 - (5) Flashing or revolving lights or beacons intended to direct attention to a location, building, or service, or any device that imitates by its design or use emergency services vehicle or equipment;
 - (6) Any flashing sign or signs with intermittent lights or lights of changing degrees of intensity or color, or with non-shielded illumination within 200 feet of a residential district, except those officially erected for safety purposes;
 - (7) A sign or illumination that causes any glare into or upon any building or land other than the building and land to which the sign is accessory;
 - (8) Signs which obstruct any window or door opening used as a means of egress, prevents free passage from one part of a roof to any other part thereof, or interferes with an opening required for ventilation;
 - (9) Any electrical sign that does not display the required UL, ETL, CSA, or ULC label.
 - (10) Signs or sign structures that are erected on, or extend over, property without the expressed written permission of the property owner or the owner's Agent;
 - (11) Permanent floating or stationary balloons;
 - (12) Portable mounted trailer signs;

⁸⁵ Editor's Note: This Section contains some text from, and is similar to, Article 8-5 of the existing Ordinance.

- (13) Signs attached, painted, or mounted to unlicensed, inoperative, or generally stationary vehicles and/or trailers. Vehicles and/or trailers shall not be used primarily as static displays, advertising a business, product, or service;
- (14) Signs extending above the roofline of a structure, building, or parapet wall;
- (15) Signs that emit sound, smoke, flame, scent, mist, aerosol, liquid, or gas;
- (16) Any sign representing or depicting illegal activity, or specified sexual activities and/or specified anatomical areas or sexually oriented goods;
- (17) Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance;
- (18) Off-site signs, unless specifically permitted by this Division; and
- (19) Any signs greater in size, quantity, or window coverage other than as provided for in the Sections below.

Section 8-8-4. Exemptions.

- (A) The following signs are exempt from the provisions of this Division and may be displayed or constructed without a permit but shall be in accordance with all other provisions of this Ordinance and the structural and safety requirements of the Virginia Uniform Statewide Building Code. An electrical permit shall be required for any sign requiring or incorporating electrical service.
 - (1) **Changeable Sign Content.**⁸⁶ The changing of message content, including message content on a changeable sign if permitted in the district.
 - (2) **Governmental Body or Required by Law.**⁸⁷ Signs erected by a governmental body or required by law, including official traffic signs or sign structures and provisional warning signs or sign structures, and temporary signs indicating danger.
 - (3) **Flags**, as defined, and in accordance with **Article 4, Section 4-8-3.**
 - (i) Flags shall not exceed 40 sq. ft.
 - (4) **Feather Signs.**⁸⁸ Feather signs are subject to the following:
 - (i) Residential, planned development, and CBD districts: Limit of two per parcel at a maximum of 45 sq. ft. in size, and a maximum of 15 feet in height for each sign.
 - (ii) C1, C2, GB, and industrial districts: Limit of 3 per parcel at a maximum of 45 sq. ft. in size, and a maximum of 15 feet in height for each sign.

⁸⁶ Editor's Note: New - this applies only to the content on the sign.

⁸⁷ Editor's Note: Provision(s) carried over from 8-4 of the existing Zoning Ordinance.

⁸⁸ Editor's Note: This is a change - the existing Ordinance prohibits "any sign or portion thereof that rotates, or otherwise moves through the use of electrical or wind power."

- (iii) The minimum setback for a pole is the longest dimension of the pole, in order to prevent the feather or pole falling into the property of another or into a public street, trail, or sidewalk.
- (iv) Feather signs shall not be located within any right-of-way.
- (5) **Interior signs.** Signs on the inside of establishments, except window signs as specified in **Section 8-8-6.**
- (6) **Memorial Plaques and Building Cornerstones.** Memorial plaques and building cornerstones displayed by a public or quasi-public agency and cut or carved into a masonry surface or other noncombustible material and made an integral part of the building or structure.
 - (i) Memorial plaques and building cornerstones displayed by a non-public agency not exceeding 6 sq. ft. in area.
- (7) **Murals and Decorations.**⁸⁹ Art, holiday or seasonal decorations, and murals as defined by this Ordinance. Term does not include *wall sign*, as defined by this Ordinance.
- (8) **Recreation/Sports Facility Fence Signs.** Signs affixed to the interior of a permanent fence of a recreational or sports facility.
- (9) **Signs not visible from a public right-of-way.**
- (10) **Small signs.**⁹⁰
 - (i) **Portable Signs.**⁹¹ One portable sign per street frontage/business, each portable sign not to exceed 12 sq. ft. in area.
 - 1. Portable signs shall in no way obstruct vehicular travel, public parking, and/or pedestrian movement along sidewalks and are removed when the establishment is closed for business.
 - (ii) **Minor Signs.**⁹² Two minor signs per street frontage, each minor sign not to exceed 3 sq. ft. in area.
 - 1. A minor sign is any wall or freestanding sign not exceeding 3 sq. ft. in area, not exceeding 4 feet in height, and not illuminated. Examples include no trespassing signs, displays of building address, security warning signs, parking signs, entrance/exit signs, and on-site directional signs.
- (11) **Temporary Signs.**

⁸⁹ Editor's Note: Note the difference between *Mural* and *Wall Sign* in the Definitions.

⁹⁰ Editor's Note: Consideration should be given to Chapter 54, Section 54-11 of the Town code which requires an application to the Town Manager for "displays of wares of merchandise and sidewalk signs," which contradicts this provision.

⁹¹ Editor's Note: New; this is intended for a-frames used by retail and restaurant establishments.

⁹² Editor's Note: Increased from 2 sq. ft. to 3.

1. Temporary signs for events/non-recurring activities. No more than two signs shall be displayed simultaneously and total square footage at one time shall not exceed 60 sq. ft. in area and erected for not more than 30 consecutive days.
2. On a property for sale or for rent. Temporary signs shall not exceed 16 sq. ft. for single- and two-unit residential properties or 40 sq. ft. for all other residential, nonresidential, or mixed-use properties.⁹³
3. On-premises signs on active construction or renovation sites.⁹⁴
 - i. One sign identifying a construction site or project, located on the identified project site may be erected no more than five days prior to the beginning of construction.
 - ii. No sign shall exceed 54⁹⁵ sq. ft. in area in commercial or industrial zoning districts, or 36 sq. ft. in agricultural or residential zoning districts.
 - iii. A setback of 15 feet from any public right-of-way shall be required.
 - iv. All signs must be removed from a project site prior to issuance of a certificate of zoning compliance for the project.

Section 8-8-5. Measurement and General Sign Standards.

(A) Sign Area Calculation – One Sided.

- (1) The sign area permitted under this Division is determined by measuring the entire face of the sign, including any background incidental to its decoration, but excluding support elements for the sole purpose of supporting the sign.
- (2) The sign area shall be calculated using the smallest rectangle, circle, or triangle that can enclose the sign face.
 - (i) Rectangle formula: sign area = length (L) x width (W)
 - (ii) Circle formula: sign area = πr^2
 - (iii) Triangle formula: sign area = $\frac{1}{2} \times \text{base (B)} \times \text{height (H)}$
- (3) The surface area of any sign made up only of individual letters or figures shall include the space between such letters or figures.

(B) Sign Area Calculation – Multi-Sided.

- (1) Whenever one sign contains information on both sides (back-to-back and not more than 42 in. apart), sign area shall be calculated based on the largest sign face. Faces are not totaled.
- (2) Whenever one sign is multi-faceted (3-dimensional objects, greater than 42 in. apart, etc.), sign area shall be calculated by adding together the area of all sign faces visible from any one point.

⁹³ Editor's Note: Areas reduced and simplified from those of Article 8-8 (B) of the existing Ordinance.

⁹⁴ Editor's Note: From the existing Ordinance, Article 8-8 (C).

⁹⁵ Editor's Note: Size was reduced from 96 to 54 sq. ft.

(C) **Sign Height.**

- (1) The maximum height for signs shall be as provided in Tables 8 – 7, 8 - 8, 8 – 9 and 8 - 10, provided in Section 8-6-7, below.
- (2) The height of a sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign.

(D) **Sign Setbacks.**

- (1) The minimum setback from the property line is half (1/2) the height of the sign, or 15 feet, whichever is greater, except in the Central Business District (CBD).
 - (i) Any freestanding sign in the CBD must have a minimum setback of five feet from any front property line.⁹⁶
- (2) No freestanding sign shall be located within 15 feet of any other freestanding sign on an adjacent or adjoining lot.⁹⁷
- (3) Freestanding signs must be a minimum of 15 feet apart.⁹⁸

(E) **Illumination.**

- (1) All permitted signs may be internally or externally lit, except that no sign shall be illuminated in a residential district.
- (2) No sign shall be illuminated in such a way that light may shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling.
- (3) Any electrical sign shall display the required UL, ETL, CSA, or ULC label.
- (4) Light emitting diode illumination shall be no greater than 700⁹⁹ nits from sunrise to sunset, or 500 nits from sunset to sunrise and be equipped with automatic brightness control which can dim the display brightness when ambient conditions exist.
- (5) Electronic service lines shall be underground.

Section 8-8-6. Special Sign Standards.

(A) **Awnings.**¹⁰⁰

- (1) Awnings are to be treated as signs for permitting and maintenance and repair purposes.
- (2) Awnings are permitted to be placed on the front or side exterior of buildings.
- (3) Awnings may not project past the sidewalk or be placed on a building in such a manner as to constitute an obstruction or hazard to pedestrian or vehicular traffic.

⁹⁶ Editor's Note: From existing Article 8-14 CBD regulations.

⁹⁷ Editor's Note: Provision from existing Article 8-14 (B).

⁹⁸ Editor's Note: Provision from existing Article 8-14 (B).

⁹⁹ Editor's Note: The United States Sign Council's *Best Practice Recommendations & Standards for On-Premise Sign Lighting* provides that for LED lighting, recommends that standards provide a maximum of 700 nits prior to sunset.

¹⁰⁰ Editor's Note: Awnings section is from the existing Zoning Ordinance, Article 8-15.

- (4) Awnings may not obstruct lighting within the pedestrian way.
 - (5) Awnings must be located above transom windows allowing a minimum of eight feet clearance above the grade or the sidewalk.
 - (6) Awnings must be constructed of high quality, weather resistant materials, and form and colors should complement the building architecture and that of adjacent buildings.
 - (7) Lettering or images painted on or attached as part of an awning cover must be attached flat against the surface of the awning. It may not extend beyond the valance or be attached to the underside.
 - (8) The Administrator may refer awning designs to the Town of Rocky Mount Planning Commission for review.
- (B) **Changeable Signs.** Changeable signs include components to change the message either electronically or manually.
- (1) **Manually changeable signs.** Uses categorized as Public, Civic, and Recreational within Table 6-1, Use Matrix and properties within the C1, C2, GB or industrial district shall be permitted to erect and maintain up to two manually changeable signs not to exceed 30 sq. ft. for each sign.
 - (2) **Electronically changeable signs.** Within any commercial or industrial district, one changeable sign per lot shall be permitted, subject to the following requirements:
 - (i) The changeable sign may be an existing or proposed freestanding, wall, or projected sign.
 - (ii) The message shall not be changed more than once every ten (10) seconds, move, flash, or display animation, as prohibited in this Article.
 - (iii) Any changeable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, thereby causing motion, movement, flashing or any other similar effects, shall be repaired, covered, or disconnected by the owner or operator of such sign within 24 hours of Notice of Violation.
- (C) **Landmark signs.** The Administrator may grant exceptions to landmark signs, as defined, that are preserved and maintained, even if they no longer pertain to the present use of the premises.¹⁰¹
- (D) **Projecting Signs.**
- (1) Signs projecting over public walkways, including doors and entryways, shall be a minimum height of 8 feet¹⁰² from average grade to the bottom of the sign.
 - (2) Projecting signs shall not extend more than 4 feet beyond the face of the building or greater than 2 feet from the curb line towards the building the sign is attached to.¹⁰³

¹⁰¹ Editor's Note: From Article 8-15 of the existing Zoning Ordinance. The requirement for a Special Use Permit has been removed to allow administrative exception for landmark signs.

¹⁰² Editor's Note: Reduced from 10 feet to match awning signs and enhance historic character.

¹⁰³ Editor's Note: Changed from *six feet from the structure* (Article 8-11) to provide flexibility and enhance historic character.

- (3) Signs, architectural projections, or sign structures projecting over vehicular access areas shall have a minimum vertical clearance of 14 feet.

(E) **Temporary Signs.**

- (1) Each temporary sign shall be maintained in good, safe condition, securely affixed to a building or the ground.
- (2) Any temporary sign pertaining to an event must be removed within ten (10) days after the event.
- (3) No temporary sign shall be illuminated.

(G) **Window Signs.**¹⁰⁴

- (1) Window signs, as defined by this Ordinance, shall be permitted at a maximum of 20% of the window area, and in accordance with **Section 8-2-3 of this Article**.
 - (i) No more than two illuminated or lit window signs shall be allowed per establishment.

Section 8-8-7. Permitted Signs by District.

- (A) The following standards, shown in **Table 8 - 7**, Maximum Sign Dimensions – Residential Districts, **Table 8 - 8** Maximum Sign Dimensions – C1 and C2, **Table 8 - 9**, Maximum Sign Dimensions – CBD, and **Table 8 – 10**, Maximum Sign Dimensions - GB and Industrial Districts show the maximum sign dimensions, per type of sign, permitted in each district for all by-right and conditional uses, subject to all other requirements of this Ordinance.
 - (1) Signs requiring a sign permit within planned developments will be determined as part of the rezoning process.
 - (2) Other permitted signs are allowed in these districts as provided in Sections 8-8-4 and 8-8-6.
- (B) Sign area square footage limits are provided per sign, unless a district total is provided.
 - (1) Total area is calculated as an aggregate of all signs.
- (C) See **Article 11**, Definitions, of this Ordinance, for the definitions of the sign types provided in the Tables of this Division.
- (D) For the purposes of **Table 8 - 7**, the Residential Uses shall be those under the Residential category in Article 6, **Table 6 - 1, Use Matrix**, and Non-Residential Uses shall be those under the Public/Civic/Recreation, Commercial, Industrial, and Miscellaneous categories of **Table 6 - 1, Use Matrix**.

¹⁰⁴ Editor's Note: New provision per discussion with staff to reduce sign clutter and intensity.

Table 8- 7 Maximum Sign Dimensions – Residential Districts¹⁰⁵

Sign Type	Residential Uses			Non-Residential Uses ²		
	Number	Area (square feet)	Height (feet)	Number	Area ³ (square feet) <i>LF=Linear Foot</i>	Height (feet)
Freestanding	1 per street frontage; 2 permitted if for subdivision entrance	12 ¹	5	2 per street frontage	20	5
Projecting	Not permitted			1 per street frontage	10	Equal to the eave line, or the bottom of a second story windowsill, whichever is lower
Wall	1 per street frontage	12	n/a	1 per street frontage	2 sq. ft. for every 1 <i>LF</i> of building face	n/a

¹Subdivision monument signs may be a maximum of 20 sq. ft.

²Hospital and emergency signs may be a maximum of 50 sq. ft. and 12 feet in height.

³Cannot exceed a total of 45 sq. ft. of sign area.

¹⁰⁵ Editor's Note: To provide equity and streamline standards, BG no longer coordinates sign size with length of street frontage.

Table 8- 8 Maximum Sign Dimensions – C1 and C2 Districts

Sign Type	Number	Area (square feet) <i>LF=Linear Foot</i>	Height (in feet)
Freestanding (1 business)	1 per street frontage	50 ¹⁰⁶	15
Freestanding ¹ (2 businesses)	1 per business, per street frontage	50	15
Freestanding (3 or more businesses with coordinated access points)	1 sign listing the tenants	125	15
Projecting	1 per establishment	15	Equal to the eave line, or the bottom of a second story windowsill, whichever is lower
Wall	Unlimited	2 sq. ft. for every 1 LF of building face occupied by the tenant	n/a
Canopy ²	1 per street frontage	1 sq. ft. per LF of canopy fascia on which the sign is mounted	Shall not extend above, or be suspended below, the horizontal plane of the canopy fascia
¹ Provided that any 2 signs on the same public street are at least 75 feet apart. ² Canopy does not include awning, as defined in this Ordinance.			

¹⁰⁶ Editor's Note: Maximum area was reduced from 60 to 50, and the frontage requirement of 100 feet was removed.

Table 8- 9 Maximum Sign Dimensions – CBD District¹⁰⁷

Sign Type ¹	Number	Area ¹⁰⁸ (square feet) ² <i>LF=Linear Foot</i>	Height (in feet)
Freestanding (1 business)	1	20	6
Freestanding (2+ businesses on lot or lots under single ownership)	1 sign listing the tenants	40	8
Projecting	1 per establishment	10	Equal to the eave line, or the bottom of a second story windowsill, whichever is lower
Wall	1 per building face	20	n/a
Canopy ³	1 per street frontage	1 sq. ft. per LF of canopy fascia on which the sign is mounted	Shall not extend above, or be suspended below, the horizontal plane of the canopy fascia
¹ Electronically changeable signs are prohibited in the CBD. ¹⁰⁹ ² A maximum total of 60 sq. ft. of signage per parcel is permitted in the CBD. ³ Canopy does not include awning, as defined in this Ordinance.			

¹⁰⁷ Editor's Note: Standards designed to allow flexibility while limiting sign clutter in the CBD.

¹⁰⁸ Editor's Note: Maximum areas were reduced and the frontage requirement of 50 feet was removed.

¹⁰⁹ Editor's Note: The existing Ordinance prohibits electronic signs in the CBD.

Table 8- 10 Maximum Sign Dimensions – GB and Industrial Districts

Sign Type	Number	Area (square feet) <i>LF=Linear Foot</i>	Height (in feet)
Freestanding (1 business)	1 per street frontage	100	25
Freestanding ¹ (2 businesses with coordinated access points)	1 per business, per street frontage	100	25
Freestanding (3 or more businesses with coordinated access points)	1 sign listing the tenants per street frontage ¹¹⁰	300	25
Projecting	1 per establishment	15	Equal to the eave line, or the bottom of a second story windowsill, whichever is lower; in compliance with Section 8-8-6
Wall	Unlimited	2 sq. ft. for every 1 <i>LF</i> of building face occupied by the tenant	n/a
Canopy	1 per street frontage	1 sq. ft. per <i>LF</i> of canopy fascia on which the sign is mounted	Shall not extend above, or be suspended below, the horizontal plane of the canopy fascia

¹ Provided that any 2 signs on the same public street are at least 250 feet apart.

Section 8-8-8. Nonconforming Signs.¹¹¹

(A) Nonconforming Signs.

- (1) Any sign legally existing at the time of the effective date of this Ordinance that does not conform in use, location, height, or size with the regulations of the district in which such sign is located, shall be considered legally nonconforming and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:
 - (ii) A nonconforming sign shall not be enlarged, nor shall any feature of a nonconforming sign such as, illumination, be increased.
 - (iii) A nonconforming sign shall not be moved for any distance on the same lot or to any other lot unless:

¹¹⁰ Editor's Note: Changed from 1 total, to allow 1 per street frontage. Removed 100-foot frontage requirement.

¹¹¹ Editor's Note: Contains some text from Article 8-12 of the existing Zoning Ordinance.

1. Such change in location will make the sign meet all current requirements of this Division; or
2. Such change in location is to conform to required setbacks of this Ordinance.
- (iv) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its sign area, may be restored within two years¹¹² after such destruction or damage but shall not be enlarged in any manner.
- (2) If such a sign is destroyed or damaged to an extent exceeding 50%, it shall not be reconstructed but may be replaced with a sign that meets all current requirements of this Division.
- (3) Notwithstanding any contrary provision in this Ordinance, no nonconforming sign is required to be removed solely by the passage of time.

Section 8-8-9. Maintenance and Enforcement.

(A) Maintenance, Repair, and Removal.¹¹³

- (1) Every sign permitted by this Division shall be kept in good condition and repair. All signs shall be maintained, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of such signs.
- (2) If a sign is in violation of the provisions of this Ordinance, the owner shall correct such violations and make the sign conform with the provisions of this Division, within ten (10) days of a Notice of Violation from the Administrator. Signs in violation may include:
 - (i) Any that becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Administrator; or
 - (ii) Any sign that is unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance.
- (3) If within ten (10) days the Notice of Violation is not complied with, the Administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner of the sign.
- (4) If a sign presents an imminent and immediate threat to life or property, then the Administrator may abate, raze, or remove it, and may bring an action against the responsible party to recover the necessary costs incurred for abating, razing, or removing the sign.¹¹⁴

Section 8-8-10. Removal of Abandoned Signs.¹¹⁵

- (A) Except as otherwise provided in this Division, any sign that is located on a property which becomes vacant and is unoccupied for a period of 3 months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.

¹¹² Editor's Note: Extended from 90 days to match state code.

¹¹³ Editor's Note: Contains similar text to that found in Article 8-13 of the existing Zoning Ordinance.

¹¹⁴ Editor's Note: (3) and (4) clarify content from existing Article 8-13 (A).

¹¹⁵ Editor's Note: The existing Ordinance does not address abandoned signs.

- (1) Business signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of 12 months or more.
- (B) If the owner or lessee fails to remove such sign, the Administrator shall give the owner 30 days' written notice to remove it.
- (C) Upon failure to comply with this notice, the Administrator may remove the sign at cost to the property owner.

Division 9. Open Space.¹¹⁶

Section 8-9-1. Purpose and Intent.

- (A) The standards in this Division are intended to ensure that a minimum amount of required open space is provided in new development for the use and enjoyment of the development's residents, employees, and users in a manner that:
 - (1) Preserves the Town's natural resources;
 - (2) Provides open areas for use as active and passive recreation;
 - (3) Reduces the heat island effect of developed areas;
 - (4) Provides civic and meeting spaces for use by the public;
 - (5) Preserves trees and stands of older growth;
 - (6) Enhances stormwater management; and
 - (7) Provides other public health benefits.

Section 8-9-2. Applicability.

- (A) **General.** Unless exempted in accordance with 8-9-2 (B), below, the requirements of this Division shall apply to all new construction, developments, or redevelopments in all zoning districts requiring an approved Site Plan, Special Exception Permit, or Zoning Permit specified by this Ordinance.
- (B) **Exemptions.** The following development is exempted from the standards in this Division:
 - (1) Single- and two-unit residential development on individual lots (not part of a Major Subdivision or Planned Development);
 - (2) Minor subdivisions;
 - (3) Utility uses;
 - (4) Development within the Central Business District (CBD); and

¹¹⁶ Editor's Note: The existing Ordinance requires open space for the RPUD; however, this Division includes additional districts and additional detail for clarity and enforcement purposes.

(5) Development within industrial districts.

- (C) **Timing of Review.** Review for compliance with the standards of this Division will occur during review of an application for a planned development, Zoning Permit, Special Exception, Building Permit, Certificate of Occupancy, Site Plan, or Subdivision Plat, as appropriate.
- (D) **Open Space Plan Required.** All development applications subject to review for compliance with the standards of this Division must include an Open Space Plan, which shall designate all open space areas, including the amount of each type of open space provided, and the relation of each open space area to the constructed areas of the site, including all buildings and circulation systems.

Section 8-9-3. Amount of Open Space Required.

Development subject to these standards must provide required open space in an amount that meets or exceeds the minimum provided in **Table 8 - 11**, Minimum Open Space Required, based on the district where the development is proposed.

Table 8- 11 Minimum Open Space Required

District	Minimum Open Space Required	Stipulation
RA, R1, R2	15%	Of the required percentage, a minimum of 10% shall be for active or passive recreation
R3	20%	
RPUD	25% ¹¹⁷	Of the required percentage, a minimum of 20% shall be for active or passive recreation
C1, C2, GB	10%	n/a
CBD, M1, M2	n/a	

Section 8-9-4. Areas Counted as Open Space.

(A) The features and areas identified below shall count toward open space as required by this Division.

(1) **Natural Features.**

- (i) **Description.** Native mixed forests, existing and healthy wooded areas, and natural vegetation.
- (ii) **Limitation.**
- A maximum of 50% of the required open space shall be comprised of natural features.
 - These areas shall not include streams, rivers, ponds, lakes, wetlands, steep slopes, drainageways, or flood hazard areas.

¹¹⁷ Editor's Note: 25% open space is the requirement in the existing Ordinance for RPUD.

(2) **Passive Recreation Areas.**

- (i) **Description.** Planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, picnic shelters, gazebos, and similar structures.
- (ii) **Design Requirements.** Passive recreation areas must have at least one direct access to a building or to a street or walkway accessible to the development's residents and users.

(3) **Active Recreation Areas.**

- (i) **Description.** Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses.
- (ii) **Design Requirements.** Land must be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas must have at least one direct access to a building or to a street or walkway accessible to the public or the development's residents and users.

(4) **Required Landscaping and Buffers.**

- (i) **Description.** All areas occupied by required landscape areas and transitional buffers, except for parking lot landscaping.
- (ii) **Design Requirements.** As provided in **Division 3**, Landscaping and Buffering, of this Article.

(5) **Stormwater Management Areas/Facilities Treated as Site Amenities.**

- (i) **Description.** Stormwater management features that are incorporated into a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).
- (ii) **Limitation.** A maximum of 75% of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) may be included as open space.
- (iii) **Design Requirements.** To qualify, stormwater management facilities must support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes, and vegetative landscaping.

(6) **Public Access Easements.**

- (i) **Description.** Public access easements that include paths or trails that are available for activities such as walking, hiking, running, and/or biking.
- (ii) **Design Requirements.** Such access easements must include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.

(7) **Squares and Plazas.**

- (i) **Description.** Flat, open areas immediately in front of a building/group of buildings or framed by buildings or streets that provide gathering places, opportunities for outdoor dining, and other similar activities.
- (ii) **Design Requirements.** A square or plaza must be at least 200 sq. ft., but no more than one acre, in area. It must have at least one direct access to a principal building, or to a street or walkway accessible to the public or the development's residents and users. Surrounding principal buildings must be oriented toward the square or plaza where possible.

Section 8-9-5. Areas Not Counted as Open Space.

- (A) The following features and areas will not be counted as required open space for purposes of this Division:
- (1) More than 50% of open space comprised of natural features, as provided in 8-9-4 (A) (1), above.
 - (2) Yards on lots containing a single- or two-unit dwelling, or manufactured homes;
 - (3) Street rights-of-way, private access easements, or utility easements, including sidewalks located within those rights-of-way or easements;
 - (4) Parking areas and driveways, including parking lot landscaping and walkways;
 - (5) Land covered by structures, unless designed for active or passive recreational uses;
 - (6) Designated outdoor storage areas and mechanical yards; and
 - (7) Stormwater management facilities not located and designed as a site amenity, as described in 8-9-4 (A) (5), above.

Section 8-9-6. Design and Development Standards.

- (A) **Location.**
- (1) Required open space must be readily accessible by residents and users of the development to the maximum extent practicable.
 - (2) To the extent practicable, a portion of the open space should provide focal points for the development through prominent placement or direct visibility from streets.
- (B) **Access to open space.**
- (1) Where common open space or public parkland is provided in a development, the developer shall provide pedestrian access to the site.
 - (2) Access to public parkland shall be dedicated to the Town. The access shall consist of a sidewalk that meets the requirements of Section 8-6-4 (F) above, or a bikeway, which meets the standards of Section 8-6-4 (C) above.
 - (3) Access to private common open space may be by a private access way. The access shall be paved with gravel, limestone dust, or asphalt. No minimum width is required by this Division.
- (C) **Configuration.**

- (1) Required open space must be compact with a minimum of 40% of the required open space contiguous unless:
 - (i) A linear configuration is needed to continue an existing trail or accommodate preservation of natural features; or
 - (ii) It can be demonstrated that a different configuration provides better access to usable open space for intended users of the open space.
- (2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the required open space must, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public open space area.
- (3) Pedestrian access to required open space must be provided from sidewalks or other pedestrian ways within or adjacent to the development.

Section 8-9-7. Ownership and Maintenance.

- (A) All required open space must include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities.
 - (1) Stormwater management facilities treated as site amenities must be maintained to provide for the effective management of stormwater and as passive recreation.
 - (2) Adequate liability insurance shall be secured for the intended purposes of the land.
- (B) Required open space must be maintained by the developer or owner of the project or by a property owners' association comprising owners of the property in the project.
 - (1) If property is conveyed to the property owners' association:
 - (i) Deed restrictions and covenants, in a form satisfactory to the Town Attorney, must provide that any assessments, charges, or costs of maintenance of required open space constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot.
 - (ii) The association must be organized prior to the sale of any lots.
 - (iii) Membership in the organization shall be mandatory for all property owners, present or future, and such organization shall not discriminate in its members or shareholders.
- (C) Required open space may be dedicated to the Town for public use only in a manner and form approved by the Town.
- (D) Maintenance of natural features is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions, and the clearing of debris from trails.

ATTACHMENT C

*Editor's Note: These definitions are included for review, and to aid in understanding the concepts of the articles being reviewed during this Worksession. They will be placed in Article 11, Definitions, following review by Town Council and Planning Commission.

Draft Definitions for Article 8.¹

Adjacent. To be separated by common property lines, lot lines, streets, or roads; also known as: abutting, adjoining, contiguous, or touching.

Alley. A permanent service way providing a secondary means of access to abutting properties. For the purpose of this section, an alley may also be used as a utility corridor unless otherwise provided by a subdivision restrictive covenant.

Architectural lighting. Lighting of building surfaces, landscape features, statues, and similar items for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness, or other purpose unrelated to safety, business operation, or essential lighting function.

Bare-root planting. Planting of perennial plants whose roots are not wrapped via baling and burlap, and whose roots are exposed when planted.

Bicycle parking rack. A stationary fixture to which a bicycle can be supported upright, provide two points of contact, and be securely attached (typically using a bicycle lock) to prevent theft.

Bikeway. Any facility that provides for bicycle travel and may be one of the three following types:

- (1) **Bike lane:** A restricted right-of-way integrated with a vehicular roadway and designed for the exclusive use of bicycles. Through travel by motor vehicles is not permitted, but cross flows may be allowed.
- (2) **Multiuse trail.²** A facility designed and constructed for the purpose of providing bicycle and pedestrian transportation, located within a dedicated public way and is anticipated to be maintained by an entity other than the VDOT.
- (3) **Shared use path.** means a facility that is designed and constructed according to the Road Design Manual, 2011 (VDOT), for the purpose of providing bicycle and pedestrian transportation.

Buffer, transitional. A strip of land, with plantings, designed to set apart and protect one space or activity from an adjacent space or activity.

Caliper. A measure of tree size, determined by measuring the diameter of the tree at breast height.

Canopy (attached). An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. The term does not include *awning*, as defined in this Ordinance.

¹ Editor's Note: Definitions are new or revised from that of the existing Ordinance's definitions, unless otherwise noted.

² Editor's Note: Multiuse trail and shared use path are new definitions from state code 24VAC30-92-10.

Canopy (freestanding). A freestanding structure composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. The term does not include *awning*, as defined in this Ordinance.

Commercial truck.³ Any vehicle that exceeds an empty weight of 5,000 pounds or is equipped with or designed to have more than two rear wheels, and is designed or regularly used for carrying freight, merchandise, or more than ten passengers, including buses. Empty weight shall be that which is identified as such for vehicle title or registration purposes by the Virginia Department of Motor Vehicles. These provisions do not apply to pick-up body type trucks, panel trucks, or vans.

Cul-de-sac.⁴ A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Decorative lighting. Ambient or accent lighting intended to enhance the appearance of a use or structure. The term does not include emergency or holiday decorative lighting.

Developer.⁵ An individual, corporation, local government, or registered partnership engaged in the subdivision, improvement, or renovation of land.

Easement.⁶ A grant of a right to use property of an owner for specific or limited purpose.

Engineer. A professional who is qualified to practice engineering by reason of their special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested, through licensure, as a professional engineer by the Commonwealth of Virginia.

Engineer, Town. An employee of the Town of Rocky Mount who reviews subdivision plans and site plans for new developments or upgrades to existing developments, as well as reviews all infrastructure plans of the Town to ensure that such plans are in compliance with Town ordinances and other applicable regulations.

Engineer, Highway. The resident engineer employed by the Virginia Department of Transportation.

Fence. A barrier of man-made construction preventing movement across a boundary, including walls that do not support a roof, but not retaining walls.

Flag. A display, usually made of fabric and attached to a pole or rope, showing only the national symbol of any nation, state, local government area, culture, or people.

Fleet vehicle. A vehicle that is owned or leased by a business, government agency, or other organization rather than by an individual.

³ Editor's Note: Definition from Ordinance amendment dated Nov. 3, 2021.

⁴ Editor's Note: Definition updated per state code 24VAC30-92-10.

⁵ Editor's Note: New definition from state code 24VAC30-92-10.

⁶ Editor's Note: New definition from state code 24VAC30-92-10.

Footcandle. A measure of light falling on a surface. One footcandle equals the amount of light generated by one candle shining on one square foot surface located 1 ft. away. Footcandle measurements must be made with a photometric light meter.

Glare. The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance.

Governing body. The Town Council of Rocky Mount, but may also mean the local governing body of a county, if appropriate, in the application of these requirements.

High-pressure sodium vapor. A High Intensity Discharge light source in which the arc tube's primary internal element is Sodium Vapor. High-pressure sodium vapor lamps emit a broader spectrum of light than low-pressure lamps.

Highway engineer. The resident engineer employed by the Virginia Department of Transportation with transportation and highways responsibilities for Franklin County, Virginia.

Homeowner's Association. A non-profit organization (also known as an HOA or property owner's association) operating under recorded land agreements through which:

1. Each lot and/or homeowner in a clustered or planned development is automatically a member;
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
3. The charge, if unpaid, becomes a lien against the property.

Improved surface. A surface made of asphalt, concrete, brick, stone pavers, or an equivalent hard, dustless, and bonded material.

Interior aisle. A portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.

Kelvin light color temperature. A light bulb color temperature's unit of absolute temperature, noted by the symbol K. The higher the Kelvin rating, the whiter the light will be. The Kelvin scale is generally as follows: 2700K (warm incandescent), 3000K (warm white halogen) and 3500K (household fluorescent).

Land surveyor. A person who, by reason of their knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested through licensure as a land surveyor to do business in the Commonwealth of Virginia.

Landscaping. The finishing and adornment of unpaved yard areas. Materials and treatment include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features, and contouring of the earth.

Landscaping, building frontage. The length of an exterior building wall or structure of a single premise oriented to the public way or other properties that it faces.

Light emitting diode. A semiconductor light source that emits light when current flows through it. Also referred to as an LED.

Loading space. A space within the main structure or on the same lot therewith, providing for the standing, loading, or unloading of trucks and other vehicles, and which has access to a street, alley, or other appropriate means of ingress and egress.

Low-pressure sodium vapor. A High Intensity Discharge light source in which the arc tube's primary internal element is Sodium Vapor. Low-pressure sodium vapor lamps only give monochromatic yellow light and so inhibit color vision at night.

Luminaire. A complete electric light unit.

Luminaire, full cut-off. An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected down below the fixture.

Luminaire, directionally shielded. An outdoor light fixture that contains visors, louvers, and other types of shields or lenses designed to direct light onto a targeted area and to minimize stray light.

Luminaire, outdoor. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Mural. A permanent mural painted directly onto a building surface which is not commercial in nature.

Nit. A measurement of candelas per square meter (cd/m²) and used frequently to describe sign luminance and to measure sign brightness.

Off-street parking. Space provided for vehicular parking outside the dedicated street right-of-way.

Open space. Land area not covered by buildings, roads, driveway and parking areas, or outdoor storage areas, including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns, outdoor recreation areas, and those elements provided in Article 8 of this Ordinance.

Outdoor storage. The keeping, in other than a building, of any goods, materials, or merchandise.

Parking lot. An off-street, ground level area that is used to provide for the required parking spaces, and associated aisles, as provided in Article 8 of this Ordinance.

Parking space. A designated space designed to park a vehicle; such space being exclusive of necessary drives, aisles, entrances and exits and being fully accessible for the parking or storage of permitted vehicles.

Planting strip.⁷ A section of land between the curb face and the pedestrian accommodation or multiuse path.

Recreation, active. Recreation which requires physical alteration to the area in which they are performed. This generally includes recreation or recreation areas such as playgrounds, ball courts, golf courses, and swimming pools.

⁷ Editor's Note: New definition from state code 24VAC30-92-10.

Recreation, passive. Recreation that involves existing natural resources and/or minimal development and has a minimal impact. This generally includes walking, hiking, picnicking, birdwatching, and enjoyment of open areas such as parks.

Retaining wall. A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a slope.

Right-of-way. A legally established area or strip on which an irrevocable public right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Roadway.⁸ The portion of the road or street within the limits of construction and all structures, ditches, channels, etc., necessary for the correct drainage thereof.

Screening. Landscaping, solid fencing, masonry walls, or combination thereof, that physically and visually shields uses or their appurtenances, such as dumpsters and mechanical equipment, from adjacent property or uses.

Sign.⁹ Any object, device, display, structure, fixture, painting, emblem, or visual that uses words, figures, designs, graphics, fixtures, logos, colors, illumination, symbols, numbers, letters, or projected images for the purpose of communicating a message on the part of an institution, organization, business, product, service, event, or location.

Sign, abandoned. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by State law.

Sign, A-frame or easel. Any upright sign with a rigid supporting frame either in the form of an inverted "V" or in the form of an easel. These signs are typically used to display a temporary message and are not permanently affixed to the ground.

Sign, attached. Any sign that is affixed directly to a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building, and whose face is parallel to the building element to which it is attached. Attached signs have only one face visible from a public right-of-way.

Sign, awning. A type of attached sign painted on, printed on, or otherwise affixed to the surface of an awning. The term does not include *canopy*, as defined in this Ordinance.

Sign, banner. A sign utilizing a banner or flexible substrate as its display surface for copy or graphics. Banners are temporary in nature and do not include flags or pennants.

Sign, business. A sign which directs attention to a profession or business conducted, or to a commodity, service authority or entertainment sold or offered, upon the premises where the sign is located or in the building to which the sign is affixed.

⁸ Editor's Note: New definition from state code 24VAC30-92-10.

⁹ Editor's Note: Sign definitions are largely from the existing Ordinance and updated as needed, and new sign definitions have been added.

Sign, canopy. A sign displayed on or attached flat against the surface or surfaces of a canopy. Illuminated canopies, if translucent, are considered part of the total canopy sign area. The term does not include *awning sign*, as defined in this Ordinance.

Sign, changeable. A sign that includes any changing of the message either electronically or manually in which the message is stationary and does not fluctuate in size or brightness.

Sign, commercial. A sign informing or advertising products or activities for sale or profit.

Sign, construction. A temporary sign identifying an architect, developer, builder, general contractor, subcontractor, material supplier, and/or financing entity participating in construction on the property on which the sign is located.

Sign, directional. Any sign displayed for the direction and convenience of the public, including signs which identify rest rooms, location of public telephones, public entrances, freight entrances or the like.

Sign, exterior. Any sign placed outside a building.

Sign, feather. A double-faced sign that is made of cloth or lightweight non-rigid material that is attached to a pole or rope and displays information, promotional, or advertising content. The term does not include *flag*, as defined in this Ordinance.

Sign, flashing. An illuminated sign with artificial light which is flashing or intermittent when in use. Illuminated signs which indicate public service information such as time, date, temperature, weather, or similar information should not be considered "flashing" signs.

Sign, freestanding. A sign which is supported by structures or supports in or upon the ground and is independent of any support from any building. This does not include portable or trailer type signs.

Sign, illuminated: A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Sign, interior. Any sign placed within a building, but not including "*signs, window*" as defined by this Ordinance.

Sign, landmark.¹⁰ A sign having cultural or historical value to the community such that it contributes to the character and aesthetics of the Town.

Sign, minor. A wall or freestanding sign not exceeding 3 sq. ft. in area, not exceeding 4 ft. in height, and not illuminated. Examples include no trespassing signs, displays of building address, security warning signs, parking signs, entrance/exit signs, and on-site directional signs.

Sign, monument. A freestanding sign directly affixed to a solid, rectangular, or cylindrical base built on-grade.

Sign, nonconforming. A sign lawfully existing as of the effective date of this Ordinance, and which does not conform to the provisions of this Ordinance.

¹⁰ Editor's Note: New term and definition.

Sign, off-site (off-premises). A sign which directs attention to a business, commodity, service, activity, or entertainment conducted, sold, or offered on a parcel of land other than the one on which the sign is located.

Sign, on-site (on-premises). Any sign which directs attention to a message, business, commodity, activity, service, or product conducted, sold, or offered upon the premises where the sign is located.

Sign, portable. A freestanding temporary sign that is designed to be moved easily and is not permanently affixed to the ground.

Sign, projecting. A sign that is affixed directly to a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building, and whose face is roughly perpendicular to the building element to which it is attached.

Sign, roof. A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted or fastened to a roof.

Sign, temporary. A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, yard sale signs, construction signs, and special or one-time event signs.

Sign, vehicle. Any sign that is painted, mounted, adhered, magnetically attached, or otherwise permanently affixed to or incorporated into a vehicle or trailer, except those unlicensed, inoperative, or generally stationary vehicles and/or trailers. This does not include the use of incidental business logos, identification, or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

Sign, wall. A sign that is in any manner affixed to, or painted directly onto, any exterior wall of a building or structure.

Sign, window. A sign applied or attached to, or suspended from, the interior of a window, or displayed through a window, with its message intended to be visible to and readable from the public way or from adjacent property. Signs affixed to the exterior of the surface of a window are considered wall signs. Signs painted on windows or doors shall be considered window signs.

Sign area. A square, rectangle, triangle, circle, or other geometric configuration, encompassing the entire advertising area, excluding architectural trim and structural supports.

Sign face. The particular area of the sign structure upon which a message, copy, or advertisement is displayed for viewing.

Sign height. The vertical distance measured from grade to the highest portions of the sign or sign structure.

Sign maintenance. To prevent through preservation, repair, or restoration, the development of any rust, corrosion, rot, chipping, peeling, or other deterioration in either the physical appearance or the safety of every sign.

Sign setback. The minimum distance required between any property line and any portion of a sign or sign structure.

Sign structure. Any structure supporting a sign.

Stormwater management facility. A control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.

Street. A right-of-way improved for vehicular and pedestrian traffic, whether called a street, highway, thoroughfare, toll road, parkway, road, avenue, boulevard, lane, place, or other designation.

Street, arterial, major. A thoroughfare which carries the major portion of traffic entering and leaving the urban, suburban, and rural areas such as between the commercial districts and outlying residential areas, between major inner town communities or between major suburban centers.

Street, arterial, minor. A thoroughfare that connects with and augments the major arterial street system and provides service for traffic of moderate trip length at a somewhat lower level of service.

Street, collector, major. A street, or system of streets, that distributes traffic from the arterial through the area to the ultimate destination that may be a local or minor collector street. The major collector street also collects traffic from local and minor collector streets in the neighborhood and channels such traffic into the arterial systems.

Street, collector, minor. The principal entrance streets of a residential development and the principal circulating streets within a development.

Street, local. The functional classification for highways that comprise all facilities that are not collectors or arterials. Local streets serve primarily to provide direct access to abutting land and to other streets.

Street, public. A street dedicated to public use and available to the public's unrestricted use without regard to the jurisdictional authority responsible for its operation and maintenance.

Street or alley, public use of. The unrestricted use of a specified area or right-of-way for ingress and egress to two or more properties. Unless otherwise provided or regulated, a public street or alley may be used for the convenient transport of utility services.

Street, service drive. A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

Street, width. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips. That area for travel between opposite lots.

Subdivider. Any individual, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing or requiring by law to engage in the subdivision, improvement, or renovation of land.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots or other subdivision of land, for the purpose, whether immediate or future, of transfer of ownership, or building development, including all changes in street or lot lines, and including any parcel previously separated by the then owner of such tract for such purpose subsequent to the adoption of these regulations, provided, that the division of land in parcels of one acre or more that such division does not involve any new public street, extension of an existing public streets, or easement of access or road shall not be considered a subdivision when such division does not offer an opportunity to obstruct natural drainage or a planned

major highway or to adversely affect any part of an adopted plan, or in any way violate the intent of the zoning regulations of the Town, and provided further, that divisions of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

Tree

Tree, deciduous. A tree that loses its leaves at the end of its growing season and becomes dormant during the winter.

Tree, evergreen. A tree that does not shed its leaves in the winter but stays green all year.

Tree, ornamental. A tree that is typically a deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark, or shape.

Tree, protected. Any healthy tree to be preserved on site shall be protected before, during, and after the development process utilizing accepted practices; see Article 8 for the preference for which trees are to be protected on a given site.

Tree, understory. A tree that that is small enough, and sufficiently shade tolerant, to thrive under the canopies of other, taller trees.

Utility trailer. Wheeled trailers used for the transport of livestock, work tools and equipment, hobby equipment, landscaping supplies, or other non-recreational equipment.

Visibility triangle. A triangular area that is included between the lines of an intersecting public street or private driveway, extended to the point where the lines intersect, and, at points on each line 20 ft. distant from that point, a straight line connecting them.

Watercourse.¹¹ A defined channel with bed and banks within which water flows, either continuously or periodically.

Window lighting.¹² Any style of lighting generally placed around the perimeter of the window, door openings, or signs on, or displayed through, windows or doors.

¹¹ Editor's Note: New definition from state code 24VAC30-92-10.

¹² Editor's Note: New definition to address sign clutter.

ATTACHMENT D



GUIDE TO LANDSCAPING REQUIREMENTS



What Are Landscaping Requirements?

Landscaping requirements are one of the tools Virginia localities have available to them to enhance community character, protect environmental resources, and reduce the impact of potentially incompatible uses. Local ordinances often require landscaping and screening as part of development or land disturbing activities. These requirements are typically reviewed through an application which includes a landscape plan submitted as a part of any development approval. Specific requirements focus on site design, transitional areas, and screening. In doing so, these requirements are intended to preserve and promote the health, safety, and general welfare of a community. This guide introduces different landscaping options that can be applied and modified as appropriate for each locality.

Essential Landscaping Requirements:

- ▶ The land owner is responsible for installation, maintenance, repair, and replacement of required landscaping.
- ▶ Encourage the use of native, drought-tolerant vegetation known to thrive in Virginia.
- ▶ All plant material should be maintained in a healthy condition, replaced when necessary, and kept free of debris.
- ▶ Existing vegetation should be preserved whenever possible as a part of required landscaping.
- ▶ Any change of use or intensity of use at an existing development should be subject to landscaping standards.
- ▶ Plans must identify the location, size and description of all existing and proposed landscaping materials.



Right-of-Way Landscaping

Purpose: Lessen the adverse impacts of roadways and vehicle movement in proximity to developments and enhance community character.

Options: An area of 3-50 ft bordering a right-of-way with staggered mix of shrubs and trees. Trees can be of 1.5-3 in caliper planted every 40-50 ft. Shrubs not always mandated.

Applicability: Along road frontages, public right of ways, access easements, and specific corridors.

Deviations: May vary for specific corridors or road classifications. Number and spacing of required plantings and size of landscaped area also vary.



Foundation Landscaping

Purpose: Soften the visual impact of building foundations and provide for the even dispersal of evergreen and deciduous shrubs along building walls facing streets.

Options: Planted within 3 ft of a building foundation and evenly distributed along walls. Evergreen or deciduous shrubs 3-6 ft in height every 5-10 ft. Planters or decorative pots may be used.

Applicability: Typically used in commercial and industrial districts for new development. This can apply to entire building or just walls that face the streets.

Deviations: If foundation is within 1-20 ft. of right-of-way, landscaping requirements may be different. Sidewalk can allow landscaping to be spaced farther away from building.



On-Site Screening

Purpose: Shield view of on-site functions, such as loading areas, dumpsters and trash collection, outside storage areas, maintenance areas, and mechanical equipment.

Options: 3-6 ft evergreen shrub or combination of shrub and 3 ft berm, or use of an architectural element compatible with building.

Applicability: Any exterior mechanical equipment (HVAC, tanks, transformers), dumpsters or loading areas visible from adjacent properties and streets.

Deviations: Generally consistent with site landscaping, but architectural elements, such as building walls or fences, may also be used.



GUIDE TO LANDSCAPING REQUIREMENTS



Transitional Buffers

Purpose: Lessen impacts of more intense uses with landscaped areas of sufficient width, density, and height to divide and shield them from surrounding uses.

Options: Mix of trees and shrubs in an area 10-50 ft in depth. Deciduous or evergreen trees should reach 15-75 ft in height and be planted every 10-50 ft. Shrubs should reach 3-10 ft in height and be planted every 3-10 ft.

Applicability: Between adjacent lots or across the street from different zoning districts. Commonly used to protect agricultural and residential areas from industrial or commercial uses.

Deviations: Required plant materials and depth of landscaping may vary. A matrix can be used to differentiate recommended buffers for each land use type. Berms, fences or walls may be used to reduce the required buffer width.



Parking Lot Landscaping

Purpose: Mitigate a parking area's glare, heat-island, storm water, and visual impacts through required internal and perimeter landscaping standards.

Options: Buffer around perimeter with a percentage of lot interior to be landscaped and to include islands to break up rows of spaces. Between 5% and 15% of interior is landscaped. Use of islands of at least 150 sq. ft. used to break up rows of 15-30 parking spots.

Applicability: In parking lots greater than 5-20 spaces or comparable square footage. Along outer boundaries of a lot except where driveways or other openings are needed.

Deviations: Specific corridors or road classifications may vary. Plant type, size of islands, total landscaping area, and the size of parking area that triggers requirements can vary.



Tree Canopy Requirements

Purpose: Protect and grow a community's tree canopy by requiring planting or retention of trees in any development needing site plan approval.

Options: Localities may consider a minimum of 10% tree canopy for a site zoned business, commercial, or industrial; 10% for a residential site zoned 20 or more units per acre; 15% for a residential site zoned more than 10 but less than 20 units per acre; and 20% for a residential site zoned 10 units or less per acre.

Applicability: In accordance with Virginia code § 15.2-961, any locality with a population density of at least 75 persons per square mile or located within the Chesapeake Bay watershed may adopt an ordinance providing for the planting and replacement of trees during the development process, to achieve a percent tree coverage (designated by zoning type) in 20 years.

Deviations: Exemptions possible for the reasonable development of farmland or other open areas. Also, the development of school sites, playing fields and other non-wooded recreation areas may have more flexibility. Preservation of wetlands and unreasonable hardships to land owners can be considered.



Why should a locality adopt landscaping requirements?

- ✓ Ensure orderly development that is consistent with the policies of the comprehensive plan on natural resources, the environment, and land use.
- ✓ Facilitate the protection, replenishment, and maintenance of the existing natural features.
- ✓ Improve the relationship between adjacent properties through screening and buffering.
- ✓ Protect the unique features of a site which could otherwise be irretrievably lost due to careless site design.
- ✓ Minimize noise, dust, and glare while also improving air quality and the quantity of stormwater runoff.
- ✓ Preserve and enhance the aesthetic character of the community.



GUIDE TO SIGNS



What are Sign Requirements?

Sign requirements within the zoning ordinance provide standards for the type, placement, design, and condition of signs on private property. A strong sign ordinance is easy to interpret, business friendly, and contains content-neutral regulations while also offering sufficient standards to protect the safety and character of the community and prevent nuisances.

Purposes of Sign Requirements

- ✓ **Protect public safety** by reducing visual distractions
- ✓ **Assist with wayfinding** for pedestrians and motorists
- ✓ **Preserve community character** and scenic beauty by minimizing visual clutter
- ✓ **Promote economic vitality** through business and community services identification
- ✓ **Reduce hazards and nuisance** from light trespass and poorly placed and managed signs
- ✓ **Promote fair and consistent** sign regulation

How Can Communities Regulate Signs?

As a result of a 2015 Supreme Court case, *Reed v. Town of Gilbert*, sign ordinances must be content-neutral. Generally speaking, if a sign must be read to apply a regulation, then the regulation is based on content and is not allowed.

Examples of Acceptable Content-Neutral Regulations:

- The size (area) and height of signs based on zoning district
- The location of signs (e.g., setbacks and placement)
- Time limits for displaying signs promoting temporary events
- Number of signs on commercial, residential, or other properties
- Standards for fixed/static messages and electronic/moving messages
- Prohibition of specific types of signs
- Sign lighting, materials, and mounting

How is Sign Area Calculated?

Defining methods for calculating sign area ensures consistent interpretation of the sign ordinance. Sign area calculations can vary from community to community.

Typically, the following methods are used:

Regular polygons or circles: area calculated using mathematical formula for the sign shape.

Irregular polygons or circles: area calculated by applying up to three rectangles over the sign face and using the mathematical formula for each of those for total sign area.

Individual (or Channel) Letters: individual letters and space between individual letters are counted toward sign area.

Double sided signs: only one side of sign used to calculate area; if unequal, the larger side is used to determine sign area.

Other Considerations:

Existing signs that do not conform to or meet standards within an adopted ordinance are called **Nonconforming Signs**. Nonconforming Signs can remain in place, and be maintained or refaced, as long as the sign is not enlarged, expanded, or moved except to bring the sign into conformity with the new regulations.

Some communities allow additional flexibility for certain businesses or use types through application and approval of a special use (or conditional) use permit for signage. This can be a good option to evaluate the merit of allowing larger or additional signage on a case-by-case basis.



GUIDE TO SIGNS

Typically Exempt Signs

- Signs erected by the government
- US, Virginia, County, or non-commercial flags
- Changing message content of signs (time, temperature, etc.)
- Certain small signs (minor signs, memorial plaques, temporary non-illuminated signs)
- Signs on a property under construction or renovation
- Menu boards not over a certain size at drive-thru windows
- Signs on property for rent or sale
- Signs on operable vehicles
- Signs affixed to the interior of a permanent fence of a recreational or sports facility

Typically Prohibited Signs

- Signs with flashing lights, animation, or that emit smoke, sound, or flame
- Signs placed on public utility poles, towers, trees, etc.
- Signs on trailers or inoperable vehicles
- Signs painted on structures
- Vulgar or profane signs
- Signs that simulate official government signs
- Signs that advertise illegal activities
- Off-premise signs
- Signs mounted on or extending above a building roof line

Freestanding Signs



A sign principally supported by a structure affixed to the ground, and not supported by a building.

Some localities provide distinct regulations for pole mounted vs. monument-style freestanding signs.

Ordinances frequently allow 1 per street frontage for non-residential uses.

Permitted sign area, height, and road setback vary significantly by locality and use type.

Some communities allow modifications for freestanding signs in shopping centers.

Wall Signs

A sign affixed to any exterior wall of a building or structure and that projects no more than a certain distance (e.g. 18") from the wall.

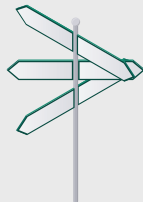
Regulations normally allow 1 wall sign per occupant per street frontage.

Sign area may be standardized or calculated based on linear feet of wall face.

Permitted sign area varies significantly by locality and use type. Some localities also allow larger signs based on building setback.



Minor Signs



Generally small wall or freestanding signs which do not exceed a certain sign area and height (e.g. 3 square feet in area with a height less than 4 feet.)

Examples include directional, no trespassing, building address, and no parking signs.

Typically not limited in commercial and industrial districts; aggregate area limited in residential districts.

Temporary Signs

A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited time period.

Examples include real estate signs, yard sale signs, contractor's signs, and special event signs.

Regulations typically specify maximum area for each sign and maximum combined sign area per parcel. Maximum number and height may also be provided.



Other Common Signs



- Canopy Signs commonly located on gasoline or car wash canopy structures.
- Projecting Signs commonly used in downtown historic districts.
- Community Signs located at the entrance to a residential subdivision or multifamily building.
- Banners