

## 5.0 SUPPLEMENTARY REGULATIONS

5.1 The following supplementary regulations apply to referenced uses in all districts whether or not such uses are permitted by right or by special use permit. Supplementary regulations are in addition to all other requirements of this ordinance, the Code of Scottsville, and all other applicable law. The Planning Commission may waive, vary or modify any requirement of section 5 in a particular case upon a finding that such requirement would not forward the purposes of this ordinance or otherwise serve the public interest; or that varied or modified regulation would satisfy the purpose of this ordinance to at least an equivalent degree as the specified requirement; except that, in no case, shall such action constitute a waiver, variation or modification of any applicable general or district regulation. Procedures for appeals shall be as set forth in section 22.3, *Appeal to the Board of Zoning Appeals*, of this ordinance. Nothing herein shall be construed to limit the authority of the governing body in the review of any special use permit, including, but not limited to, the regulation of hours of operation, location of door and/or windows and the like.

### 5.1.1 DAY CARE, NURSERY FACILITY

- a. No such use shall operate without licensure by the Virginia Department of Welfare as a child care center. It shall be the responsibility of the owner/operator to transmit to the Town a copy of the original license and all renewals thereafter and to notify the Town of any license expiration, suspension, or revocation within three (3) days of such event. Failure to do so shall be deemed wilful noncompliance with the provisions of this ordinance.
- b. Periodic inspection of the premises shall be made by the Town fire official at his/her discretion. Failure to promptly admit the fire official for such inspection shall be deemed wilful noncompliance with the provisions of this ordinance.
- c. These provisions are supplementary and nothing stated herein shall be deemed to preclude application of the requirements of the Virginia Department of Welfare, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.

### 5.1.2 HOME FOR DEVELOPMENTALLY DISABLED PERSONS

Conditions imposed on such homes shall be the same as those imposed on other dwellings in the same district.

### 5.1.3 FIRE, AMBULANCE, RESCUE SQUAD STATION (VOLUNTEER)

- a. Any such use seeking public funding shall be reviewed by the Planning Commission in accordance with section 20.3.4.5, *Review of Public Uses for Compliance with the Comprehensive Plan*. Specifically, the Planning Commission shall find that the proposed service area is not already adequately served by another such facility. In addition, the Commission shall consider:
  1. Growth potential for the area;
  2. Relationship to centers of population and to high-value property concentrations; and
  3. Access to and adequacy of public roads in the area for such use.

The Planning Commission may request recommendation from fire and rescue officials and other appropriate agencies in its review;

b. Such subordinate uses and fund-raising activities as bingo and auctions shall be conducted in an enclosed building only. Noise generated from such activity shall not exceed forty (40) decibels at the nearest agricultural or residential property line. No such activity shall be conducted between 11:00 p.m. and 8:00 a.m.

#### 5.1.4 STORAGE AREAS, OPERATIONAL AREAS, JUNK YARDS

a. All storage and operational areas shall be enclosed by a solid, light-tight, sightly fence not less than eight (8) feet in height or alternative screening and/or fencing satisfactory to the Planning Commission.

b. All storage and operational areas shall be out of the public's view from any public street, highway, sidewalk, path, park or other public property; or from a historic landmark (reference 18, *Historic Overlay District – H*); or from any private property unless affected residents and owners have provided current written permission.

c. Storage yards and access to public roads shall be maintained in a dust-free surface.

d. Junk yards are prohibited in all districts of the Town.

#### 5.1.5 COMMERCIAL KENNEL, VETERINARY, ANIMAL HOSPITAL

a. Animals shall be confined in soundproofed, air-conditioned buildings. No such structure shall be located closer than two hundred (200) feet to any agricultural or residential lot line. For soundproofed confinements, noise measured at the nearest agricultural or residential property line shall not exceed forty (40) decibels.

b. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends the Planning Commission and Town Council may require among other things:

1. Separate building entrance and exit to avoid animal conflicts; and

2. Area for outside exercise to be exclusive from access by the public by fencing or other means.

#### 5.1.6 PUBLIC UTILITY STRUCTURES, USES

a. The proposed use at the location selected will not endanger the health and safety of workers and/or residents in the community and will not impair or prove detrimental to neighboring properties or the development of same.

b. Public utility buildings and structures in any residential zone shall, wherever practical, have the exterior appearance of residential buildings and shall have landscaping, screen planting and/or fencing, whenever these are deemed necessary by the Planning Commission.

In addition, trespass fencing and other safety measures may be required as deemed necessary to reasonably protect the public welfare.

In cases of earth-disturbing activity, immediate erosion control and reseeding shall be required to the satisfaction of the Thomas Jefferson Soil and Water Conservation District.

c. Such structures as towers, transmission lines, transformers, etc., which are abandoned, damaged or otherwise in a state of disrepair, which in the opinion of the Zoning Administrator, in consultation with

and approval of the Mayor, pose a hazard to the public safety, shall be repaired/removed to the satisfaction of the Zoning Administrator within a reasonable time prescribed by the Zoning Administrator, in consultation with the Mayor.

d. In approval of a public utility use, the Planning Commission shall be mindful of the desirability of use by more than one utility company of such features as utility easements and river crossings, particularly in areas of historic, visual or scenic value, and it shall, insofar as practical, condition such approvals so as to minimize the proliferation of such easements or crossings, as described by the comprehensive plan.

#### 5.1.7 REST HOME, NURSING HOME, CONVALESCENT HOME, ORPHANAGE

a. Such uses shall be provided in locations where the physical surroundings are compatible to the particular area.

b. No such use shall be established in any area either by right or by special use permit until the Town fire official has determined that adequate fire protection is available to such use.

c. Generally such uses should be located in proximity to or in short response time to emergency medical and fire protection facilities. Uses for the elderly and handicapped should be convenient to shopping, social, education and cultural uses.

d. No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Welfare, the Virginia Department of Health, and other such appropriate local, state and federal agencies as may have authority in a particular case.

#### 5.1.8 SWIMMING, GOLF, TENNIS CLUBS

a. The swimming pool, including the apron, filtering and pumping equipment, and any buildings, shall be at least seventy-five (75) feet from the nearest property line and at least one hundred twenty-five (125) feet from any existing dwelling on an adjoining property, except that, where the lot upon which it is located abuts land in a commercial or industrial district, the pool may be constructed no less than twenty-five (25) feet from the nearest property line of such land in a commercial or industrial district.

b. When the lot on which any such pool is located abuts the rear or side line of, or is across the street from, any residential district, a substantial, sightly wall, fence, or shrubbery shall be erected or planted, so as to screen effectively said pool from view from the nearest property in such residential district.

c. The sound from any radio, recording device, public address system or other speaker shall be limited to forty (40) decibels at the nearest residential property line.

d. The Town Council may, for the protection of the health, safety, morals and general welfare of the community, require such additional conditions as it deems necessary, including but not limited to provisions for additional fencing and/or planting or other landscaping, additional setback from property lines, additional parking space, location and arrangement of lighting, and other reasonable requirements.

e. Provision for concessions for the serving of food, refreshments or entertainment for club members and guests may be permitted under special use permit procedures.

#### 5.1.9 TOURIST LODGING

The Zoning Administrator may issue a permit for such use for a period not exceeding five (5) years and renewable for periods not exceeding five (5) years thereafter, provided that:

- a. Approval for such use has been obtained from the Town fire official. The fire official shall thereafter inspect the premises at his/her discretion; and
- b. Approval of permit has been obtained from the Bureau of Tourist Establishment Sanitation of the Virginia Department of Health.

#### 5.1.10 TEMPORARY CONSTRUCTION HEADQUARTERS, YARDS

##### 5.1.10.1 TEMPORARY CONSTRUCTION HEADQUARTERS

- a. A temporary permit may be issued by the Zoning Administrator, with approval of the Mayor, for a period beginning no earlier than thirty (30) days prior to the commencement of actual construction and terminating no later than twenty (20) days after completion of the last building to be constructed in the project.
- b. Such uses shall be located within the recorded subdivision or on the same lot where the construction project is located.
- c. The area in the vicinity of such uses and access roads thereto shall be treated or maintained in such a manner as to prevent dust or debris from blowing or spreading onto adjacent properties or public streets.

##### 5.1.10.2 TEMPORARY CONSTRUCTION YARDS

- a. A temporary permit may be issued by the Zoning Administrator, with approval of the Mayor, for a period not to exceed eighteen (18) months.
- b. Such a yard shall be located within the recorded subdivision which it serves or on the same lot where the construction project is located.
- c. No portion of such a yard shall be located closer than fifty (50) feet to any right-of-way line of any public street existing prior to the recording of the subdivision served by such yard or existing prior to the commencement of the construction project.
- d. No portion of such a yard shall be located closer than one hundred fifty (150) feet to any preexisting dwelling not owned or leased by the owner of the subdivision or construction project served by such yard.
- e. All areas of such a yard and access roads thereto shall be treated or maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way. Such yards shall be maintained in a clean and orderly manner, and building material and construction residue and debris shall not be permitted to accumulate.
- f. All buildings, materials, supplies and debris shall be completely removed from such yard within sixty (60) days from the date of completion of the last building to be constructed or within sixty (60) days from the date active construction is discontinued, whichever occurs first, but in no event shall the time exceed the limit set forth above.
- g. Where deemed necessary and desirable by the Town, when such yards are to be located in or adjacent to a residential district, appropriate screening or fencing measures shall be provided.

#### 5.1.11 WAYSIDE STAND

- a. Structures for wayside stands, including vehicles, shall not exceed six hundred (600) square feet in aggregate floor area nor be located closer than thirty-five (35) feet to any public road right-of-way.
- b. No such use may be established without approval of a preliminary site development plan by the Planning Commission. In review of such plan, the Commission shall give particular attention to provisions for safe and convenient access from and to the public road and adequacy of delineation of parking. No such plan shall be approved until the Virginia Department of Highways and Transportation has approved commercial access to the site.

#### 5.1.12 SALE AND/OR STORAGE OF PETROLEUM PRODUCTS INCLUDING KEROSENE, GASOLINE, AND HEATING OIL

- a. No storage in excess of six hundred (600) gallons or sale of petroleum products shall be established without Town fire official approval.
- b. In such review and approval the fire official may, in addition to other safety requirements, require separation between such use and adjoining uses as deemed necessary to protect the public health and safety.

#### 5.1.13 FEED AND SEED STORE

- a. All loose bulk storage of seed, grains and feed shall be in enclosed buildings.
- b. Provision shall be made for the control of dust during handling of loose bulk storage materials.
- c. No such use shall be established without Town fire official approval.

#### 5.1.14 TEMPORARY EVENTS SPONSORED BY LOCAL NONPROFIT ORGANIZATIONS

- a. This provision is intended to regulate for purposes of public health, safety and welfare, major events such as agricultural expositions, concerts, craft fairs, and similar activities which generally: attract large numbers of patrons; may be disruptive of the area; and occasion the need for planning in regard to traffic control, emergency vehicular access, health concerns and the like. The provision is not intended to regulate such minor events as church bazaars, yard sales, bake sales, car washes, picnics and the like which generally are not disruptive of the area and require only minimal logistical planning; nor is it intended to permit permanent amusement facilities. Each such event shall be sponsored by one or more not-for-profit organizations operating primarily in the Town, Albemarle, Buckingham and Fluvanna counties and/or the City of Charlottesville.
- b. No event shall extend for a period longer than that provided by the Town Council in the conditions of the special use permit. A separate special use permit shall be required for each event.

##### 5.1.14.1 SPECIAL USE PERMITS

Special use permits may be issued by the Town Council pursuant to this section, upon finding:

- a. That the public roads serving the site are adequate to accommodate the traffic which would be expected to be generated by such event; and

b. That the character of such use will be in harmony with the public health, safety and welfare, and uses permitted by right in the district and will not be of substantial detriment to adjacent property in terms of smoke, dust, noise, hours of operation, artificial lighting or other specific identifiable conditions which may be deleterious to the existing uses of such property.

#### 5.1.14.2 SPECIFICATION OF CONDITIONAL USE

Except as the Town Council may expressly add or delete conditions in a particular case, each such permit shall be subject to the following conditions:

- a. A preliminary plan showing access, parking, vehicular and pedestrian circulation, and method of separation of the same shall be approved by the Zoning Administrator;
- b. Such organization shall have made adequate arrangements with the county police, sheriff, fire and rescue squads, and the local office of the Virginia Department of Health for the conduct of such event; and
- c. Adequate arrangements have been made for the removal of trash and debris, reseeding and general restoration of the site following the event. The Town Council may establish and require the posting of a bond in an amount deemed by the Council to be sufficient for such purpose.

#### 5.1.15 BORROW, FILL OR WASTE AREAS

- a. No grading permit shall be issued for any borrow, fill, or waste area activity exceeding an aggregate volume of ten thousand (10,000) cubic yards on any one parcel of record on the adoption date of this provision until, in addition to approval of a grading plan, the Thomas Jefferson Soil and Water Conservation District has approved a plan and/or narrative for such activity in accordance with the following requirements:
  1. The site, both during and after such activity, shall be shaped and sloped for proper drainage;
  2. No such activity shall occur in any flood plain area except in accordance with the flood hazard overlay section of this ordinance nor within three hundred (300) horizontal feet of the edge of any water supply impoundment or tributary thereof without approval of the Thomas Jefferson Soil and Water Conservation District. Provision shall be made for the minimization of ground and surface water contamination;
  3. All vehicles used to transport excavated or waste materials shall be loaded in such manner that the material cannot be unintentionally discharged from the vehicle. All such vehicles shall be cleaned of all material not in the load-bed prior to entering onto any public road;
  4. The area of such activity and access roads thereto shall be treated or maintained in such a manner as to prevent dust or debris from blowing or spreading onto adjacent properties or public streets. Dependent on the anticipated intensity and duration of the activity and the character of development of adjoining properties, the Thomas Jefferson Soil and Water Conservation District may require, for the protection of adjoining properties, public roads, and public safety, such setback, fencing and/or landscaping requirements as deemed appropriate;
  5. Operations involving power equipment of an industrial type shall be limited to the hours of 7:00 a.m. to 9:00 p.m. except in cases of a public emergency as determined by the Mayor. Blasting operations shall be restricted to Monday through Friday between 8:00 a.m. and 5:00 p.m.;

6. Regarding lateral support, all operations shall be conducted in a safe manner with respect to the likelihood of hazard to persons, physical damage to adjacent land and improvements, and damage to any public street by reason of slides, sinking, or collapse;

7. Fill and waste areas shall only be for the disposal of natural materials such as soil, rock, stumpage and the like. Disposal of trash and garbage is prohibited within the Town boundary;

8. Provision shall be made for site reclamation including but not limited to restoration approximating natural contours and establishment of permanent vegetative ground cover. Such reclamation shall commence within fifteen (15) days of completion of borrow, fill or waste activity, provided reclamation activities of a seasonal nature shall be completed by a date to be established by the Town engineer.

b. In the case of fill or waste activity, the Thomas Jefferson Soil and Water Conservation District may refer such plan to the Division of Solid and Hazardous Waste Management of the Virginia Department of Health for comment and recommendation. The Thomas Jefferson Soil and Water Conservation District may require additional information and plans from the applicant to facilitate such review.

c. In lieu of a plan and narrative as required by this section, the Town Council may accept a contractual agreement between the Virginia Department of Highways and Transportation and its contractor for a public road project; provided that such agreement satisfies at least to an equivalent extent the requirements and intent of this section.

d. The Town Council may require posting of a bond in an amount adequate to ensure compliance with the requirements of this section prior to commencement of such activity.

#### 5.1.16 BODY SHOP

a. There shall be no storage of parts, materials or equipment except within an enclosed building.

b. No vehicle awaiting repair shall be located on any portion of such property so as to be visible from any public road or any residential property, and shall be limited to locations designed on the approved site plan.

#### 5.1.17 TOWING AND TEMPORARY STORAGE OF MOTOR VEHICLES

a. This provision is intended to provide locations for the towing and/or temporary storage of collision/disabled vehicles. No body or mechanical work, painting, maintenance, servicing, disassembling, salvage or crushing of vehicles shall be permitted; except that the Planning Commission may authorize maintenance and servicing of rental vehicles in a particular case.

b. No vehicle shall be located on any portion of such property so as to be visible from any public road or any residential property and shall be limited to locations designated on the approved site plan.

#### 5.1.18 MOTOR VEHICLE SALES AND TIRE SALES

a. There shall be no more than two buildings (repair shop and office) per parcel or parcels designated to sell motor vehicles or tires. These buildings must be on permanent foundations approved pursuant to the Virginia Uniform Statewide Building Code. No storage trailers or temporary buildings for storage are permitted.

b. There shall be no storage of parts, tires, materials or equipment except within an enclosed building.

- c. All vehicles must be organized and displayed on an asphalt or primed and double sealed surface.
- d. No displayed vehicles shall be inoperative motor vehicles, excepting those without license plates or inspection stickers and otherwise are operable.
- e. Nothing herein shall be construed to limit the authority of the governing body in the review of any special use permit, including, but not limited to, the regulations of hours of operation, location of doors and windows and the like.

#### 5.1.19 VEHICLE SERVICE STATIONS AND VEHICLE REPAIR SHOPS

- a. There shall be no more than one building per parcel or parcels for businesses that sell gasoline or motor vehicle parts. This building must be on permanent foundations approved pursuant to the Virginia Uniform Statewide Building Code. No storage trailers or temporary buildings for storage are permitted.
- b. There shall be no storage of parts, tires, materials or equipment except within an enclosed building.
- c. No vehicles awaiting repair shall be stored so as to be visible from a public street or road or from an adjoining property for longer than thirty (30) days.
- d. Asphalt or primed and double sealed surfaces shall be provided for all vehicular traffic.
- e. Nothing herein shall be construed to limit the authority of the governing body in the review of any special use permit, including, but not limited to, the regulations of hours of operation, location of doors and windows and the like.

### 5.2 HOME OCCUPATIONS

#### 5.2.1 CLEARANCE OF ZONING ADMINISTRATOR REQUIRED

Except as herein provided, no home occupation shall be established without approval of the Zoning Administrator, having consulted with and obtaining approval of the Mayor. Upon receipt of a request to establish a home occupation, Class B, the Zoning Administrator shall refer the same to the Virginia Department of Highways and Transportation for approval of entrance facilities and the Zoning Administrator shall determine the adequacy of existing parking for such use. No such clearance shall be issued for any home occupation, Class B, except after compliance with section 5.2.3 hereof.

#### 5.2.2 REGULATIONS GOVERNING HOME OCCUPATIONS

##### 5.2.2.1 The following regulations shall apply to any home occupation:

- a. Such occupation may be conducted either within the dwelling or an accessory structure, or both, provided that not more than twenty-five (25) percent of the floor area of the dwelling shall be used in the conduct of the home occupation and in no event shall the total floor area of the dwelling, accessory structure, or both, devoted to such occupation, exceed one thousand five hundred (1,500) square feet; provided that the use of accessory structures shall be permitted only in connection with home occupation, Class B.
- b. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign. Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn or other structure normally

expected in a rural or residential area and shall be specifically compatible in design and scale with other development in the area in which located. Any accessory structure which does not conform to the setback and yard regulations for main structures in the district in which it is located shall not be used for any home occupation.

- c. There shall be no sales on the premises, other than items handcrafted on the premises, in connection with such home occupation; this does not exclude beauty shops or one-chair barber shops.
- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- e. All home occupations shall comply with performance standards set forth in section 4.13, *Performance Standards*.
- f. All Home occupations within a historic overlay district shall also comply with the more restrictive provisions of section 18, *Historic Overlay District – H*.
- g. Tourist lodging, nursing homes, nursery schools, day care centers and private schools shall not be deemed home occupations.

5.2.2.2 Prior to issuance of clearance for any home occupation, the Zoning Administrator shall require the applicant to sign an affidavit stating his/her clear understanding of and intent to abide by the foregoing regulations.

### 5.2.3 CERTAIN PERMITS REQUIRED

No home occupation, Class B, shall be established until a permit shall have been issued therefor.

### 5.2.4 REVOCATION

The Zoning Administrator, with approval of the Mayor, may revoke any clearance or permit issued pursuant to this section, after hearing, for noncompliance with this ordinance or any condition imposed under the authority of this section, with notice and hearings provided in accordance with section 15.1-431 of the Code of Virginia..

## 5.3 MOBILE HOMES ON INDIVIDUAL LOTS

While the Code of Virginia specifically provides for the restriction of mobile homes solely to mobile home parks among other regulatory provisions applicable to mobile home, the Town, in an effort to provide for affordable housing for all residents, permits mobile homes to be situated on individual lots in certain zoning districts. Single-wide and double-wide mobile homes shall be allowed by right in the RA district and double-wide mobile homes shall be allowed by right in all residential districts, except as provided within the historic overlay district. To ensure usage of such mobile homes for residential purposes, the following regulations shall apply:

- a. Such mobile home shall be located on a permanent foundation approved pursuant to the Virginia Uniform Statewide Building Code;
- b. Such mobile home shall not be used for any purpose other than a primary place of residence.