

SECTION B. C-2 OLD TOWN COMMERCIAL

Statement of intent. Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, restaurants and taverns, and garages and service stations.

Sec. 4.4. Uses permitted by right.

The following uses shall be permitted in the C-2 old town commercial district, subject to all other provisions of this ordinance:

~~4.4.1. Health clubs, spas and gyms.~~

4.4.2. Retail stores, retail sales.

4.4.3. Flower shops.

4.4.4. Bakeries.

~~4.4.5. Restaurants.~~

4.4.6. Dry cleaners.

4.4.7. Laundries.

4.4.8. Wearing apparel stores.

4.4.9. Drugstores.

4.4.10. Barber and beauty shops.

4.4.11. Auto and home appliance services.

~~4.4.12. Theaters, assembly halls.~~

~~4.4.13. Hotels, motels.~~

4.4.14. Office buildings.

~~4.4.15. Funeral homes.~~

4.4.16. Service stations.

4.4.17. Lumber and building supply.

4.4.18. Plumbing and electrical supply.

4.4.19. Auto, motorcycles, trucks, mobile home sales and service.

4.4.20. Wholesale and processing not objectionable because of dust, noise, or odors with a conditional use permit.

4.4.21. Machinery sales and service.

4.4.22. Waterfront businesses such as wholesale and retail marine activities, boats, docks, piers, small boat docks, yacht club and servicing facilities for the same, docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.

~~4.4.23. Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement.~~

4.4.24. Light industry.

4.4.25. Caterers.

4.4.26. Gift shops.

4.4.27. Professional offices.

4.4.28. Home occupations.

4.4.29. Wayside vendors.

- (1) No signs, or any similar attachment to the units are permitted unless imprinted on the unit (permanent decals or painted art work). One flag is permitted provided it shall not be larger than 15 square feet. Only one 32-square-foot freestanding sign is permitted on a parcel. If multiple vendors are on a parcel, then the 32-square-foot of signage must be shared.
- (2) The minimum usable land for one wayside vendor shall be 5,000 square feet in area. Additional wayside vendors on the same parcel are required to have an additional 3,000 square feet of usable land for each unit. Special events are exempt from this requirement. For the purpose of this section a "special event" shall be defined as any event where a large number of the public are brought together to watch or participate. A special event is conducted for a limited number of days not exceeding 14 days.
- (3) Wayside vendor units shall be placed a minimum of 35 feet from the front property line. Such units shall be placed 15 feet from the side lot lines and five feet from the rear lot line.
- (4) Each wayside vendor shall provide a minimum of four parking spaces (see parking requirements in section 6.6, parking). Push carts are exempt from this requirement if such complies with section 18-94, peddlers, of this Code.
- (5) If accessory structures are requested, no such accessory structure shall be closer than three feet from the unit.
- (6) The above regulations shall apply to all wayside vendors whether the unit is licensed through DMV or not.

4.4.30. Accessory structures.

4.4.31. Residential uses above first floor commercial use.

4.4.32. Signs, see article VII, signs.

4.4.33. Pony Penning sales, yard sales.

4.4.34. Public utilities.

~~4.4.35. Churches, schools.~~

~~4.4.36. Libraries.~~

4.4.37. Hospitals.

~~4.4.38. Clubs and lodges.~~

4.4.39. Fences.

- (1) All fences located from a point even with the front, for commercial uses, [or] rear, for residential uses, of the main structure extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90-degree angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. Open decks and open porches are exempted from being considered the rear of the main structure for residential uses. A fence previously in compliance with this section may remain in place if a new addition is constructed to the existing residential main structure.
- (2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90-degree angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.
- (3) Containment fences of solid construction may be erected to enclose fuel storage tanks, dumpsters and aboveground sewage disposal systems. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of eight feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.
- (4) A chain link safety fence may be erected for commercial construction projects provided such fence does not exceed six feet in height and is located within the property boundaries of the said project. Such fence shall not be altered with filler strips along the front lot line and 25 feet back from said lot line. The fence shall be removed prior to issuance of certificate of occupancy.

4.4.40. Single-family dwelling.

4.4.41. Two-family dwelling.

4.4.42. Townhouse.

4.4.43. Condominiums.

4.4.44. Rooming and boarding houses.

4.4.45. Tourist home.

4.4.46. Multifamily dwelling.

4.4.47. Vacation rental cottages.

4.4.48. Boardinghouse.

4.4.49. Bed and breakfast.

4.4.50. Rest home.

4.4.51. Site trailers. The temporary location of construction site trailers or other such protective storage or temporary office-type structures for construction purposes are permitted providing that such structures are removed prior to the issuance of a certificate of occupancy or whenever significant construction activity is discontinued for 30 days or longer.

4.4.52. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

(Ord. of 8-1-1994; Ord. of 11-4-1996; Ord. of 4-13-1998; Ord. of 4-5-1999; Amended 6-2-2003, 9-2-2003, 5-3-2004, 4-2-2012, 12-5-2015; Ord. of 6-20-2019)

Sec. 4.5. Special exceptions; special use permits; conditional use.

4.5.1. Cemetery.

4.5.2. Repealed 3-1-2010.

4.5.3. The use of semi-trailers or trailers as accessory structures for storage.

4.5.4. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the town council as a conditional use in accordance with article IX of this appendix.

4.5.4.1. Parking garages and other similar structures.

4.5.4.2. Tattoo business.

4.5.4.3. Body-piercing salon.

4.5.4.4. Assembly uses included in Assembly Group A as defined by Section 303 of Virginia Construction Code. Assembly uses with occupant loads less than 50 persons are classified as Group B, in accordance with all other provisions of this ordinance.

Sec. 4.6. Area regulations.

Commercial use

4.6.1. *Lot size.* No minimum lot size for permitted uses shall be required, with the exception that all residential uses must comply with R-3 requirements.

4.6.2. *Setback.* Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of ten feet from any street right-of-way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots.

4.6.3. *Open space.*

- (1) The minimum side yard for each main structure or accessory structure shall be five feet.
- (2) Each main structure or accessory structure shall have a minimum rear yard of five feet except waterfront properties would have no required setbacks for both residential and commercial structures.

4.6.4. *Height regulations.*

- (1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.
- (2) No accessory building or structure shall be more than 25 feet in height.
- (3) Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.

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- (4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
 - (5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).
 - (6) Parapet walls shall not extend more than four feet above the maximum building height for non-residential structures.

4.6.5. *Corner lots.*

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than five feet by five feet.

Residential use

Area and setback requirements for 4.4.40 thru 4.4.50 shall use R-3 area regulations.

4.6.6. *Lot size.*

- (1) The minimum lot size for permitted uses shall be 10,500 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official).
- (2) For each additional attached family or dwelling unit permitted above one, the lot size required shall increase by 3,000 square feet.

4.6.7. *Setback.* Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 25 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

4.6.8. *Open space.*

- (1) The minimum side yard for each main structure shall be ten feet.
- (2) Each main structure shall have a minimum rear yard of 25 feet except waterfront properties would have no required setback.

4.6.9. *Height regulations.*

- (1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.
- (2) No accessory building or structure shall be more than 25 feet in height.
- (3) Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.
- (4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
- (5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).

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- (6) Parapet walls shall not extend more than four feet above the maximum building height for non-residential structures.

4.6.10. *Corner lots.*

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures excluding steps, and a landing not greater than five feet by five feet.

(Ord. of 4-3-1995; Ord. of 5-18-1995; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 8-2-1999; Ord. of 2-5-2001; Ord. of 5-17-2001; Amended 9-2-2003, 5-3-2004, 12-4-2006, 10-19-2007, 9-18-2008, 4-2-2012, 5-4-2015, 12-5-2016, 6-5-2017)