

APPENDIX B - ZONING ORDINANCE OF THE TOWN OF CLIFTON FORGE, VIRGINIA

ARTICLE 1. TITLE, AUTHORITY, PURPOSE, SCOPE..... 9

- 1-1. Title..... 9
- 1-2. Authority..... 9
- 1-3. Effective Date..... 10
- 1-4. Purpose..... 10
- 1-5. Jurisdiction and Applicability..... 10
- 1-6. Consistency with Comprehensive Plan..... 10
- 1-7. Severability..... 11
- 1-8. Vested Rights..... 11

ARTICLE 2. GENERAL PROVISIONS..... 11

- 2-1. Purpose..... 12
- 2-2. Compliance..... 12
- 2-3. Coordination with other Regulations..... 12
- 2-4. Fees..... 12
- 2-5. Rules of Applicability and Interpretation..... 12
- 2-6. Development Standards and Supplemental Regulations..... 14
- 2-7. Use Regulations..... 14
- 2-8. Dimensional Regulations..... 15
- 2-9. Sight Distance Triangles..... 18

ARTICLE 3. ESTABLISHMENT OF ZONING DISTRICTS..... 19

- 3-1. Purpose..... 20
- 3-2. Establishment of Zoning Districts..... 20
- 3-3. Zoning District Boundaries; Zoning Map..... 20
- 3-4. Interpretation of Zoning District Boundaries..... 20
- 3-5. Vacation of Street or other Public Way..... 21
- 3-6. No Zoning Designation..... 21

ARTICLE 4. REGULATIONS FOR SPECIFIC ZONING DISTRICTS..... 21

- 4-1. Purpose..... 21
- 4-2. Applicability..... 22

DIVISION 1 – CONSERVATION DISTRICT (CN)..... 22

4-10.	Purpose of the Conservation District (CN)	22
4-11.	Use Table for Conservation District (CN)	22
4-12.	Dimensional Regulations for Conservation District (CN)	23
DIVISION 2 – RESIDENTIAL DISTRICTS.....		24
4-20.	Purposes of the Residential Districts	24
4-21.	Use Table for Residential Districts.....	24
4-22.	Dimensional Regulations for Residential Districts.....	26
4-23.	Other Regulations for Residential Districts.....	28
DIVISION 3 – BUSINESS DISTRICTS.....		28
4-30.	Purposes of the Business Districts.....	28
4-31.	Use Table for Business Districts.....	29
4-32.	Dimensional Regulations for Business Districts	32
4-33.	Other Regulations for Business Districts.....	33
DIVISION 4 – HISTORIC COMMERCIAL AREA OVERLAY DISTRICT (H-1)		34
4-40.	Purpose	34
4-41.	Applicability.....	34
4-42.	Certificate of Appropriateness	34
4-43.	Review Standards for New Construction or Exterior Modifications	34
4-44.	Review Standards for Demolition.....	36
ARTICLE 5. FLOODPLAIN OVERLAY DISTRICT		36
5-1.	Statutory Authorization and Purpose.....	37
5-2.	Applicability.....	37
DIVISION 1 – GENERAL PROVISIONS.....		37
5-10.	Compliance and Liability	37
5-11.	Abrogation and Greater Restrictions.....	38
5-12.	Severability.....	38
5-13.	Penalty for Violations	38
DIVISION 2 - DEFINITIONS.....		39
5-20.	Definitions.....	39
DIVISION 3 – ESTABLISHMENT OF FLOODPLAIN AREAS		42
5-30.	Description of Floodplain Areas	42
5-31.	Floodplain Boundary Changes.....	43

5-32.	Interpretation of Boundaries	43
5-33.	Submitting Technical Data	43
DIVISION 4 – FLOODPLAIN DEVELOPMENT REGULATIONS		43
5-40.	Permit Requirements.....	43
5-41.	General Standards	44
5-42.	Floodway.....	45
5-43.	Special Floodplain.....	45
5-44.	Approximated Floodplain	47
DIVISION 5 – PERMITTED USES IN FLOODWAY		47
5-50.	Uses Permitted as of Right in Floodway	47
5-51.	Conditional Uses Permitted in Floodway.....	48
DIVISION 6 – SITE DESIGN REQUIREMENTS		48
5-60.	Compliance.....	48
5-61.	Site Plan and Subdivision Proposal Criteria	48
5-62.	Design Criteria for Utilities and Facilities	49
DIVISION 7 – EXISTING STRUCTURES IN FLOODPLAIN AREAS.....		49
5-70.	Existing Structures in Floodplain Areas.....	49
DIVISION 8 - VARIANCES		50
5-80.	Variances; Consideration Factors	50
5-81.	Application Requirements for Variances in Floodways	51
DIVISION 9 – REAL ESTATE SALES		51
5-90.	Real Estate Sales.....	51
ARTICLE 6. SUPPLEMENTAL REGULATIONS		52
6-1.	Purpose	52
6-2.	Applicability.....	52
6-3.	Accessory Uses and Structures	52
6-4.	Adult Uses	55
6-5.	Bed and Breakfast	57
6-6.	Fences, Walls, and Hedges.....	58
6-7.	Group Care Facilities.....	59
6-8.	Home Occupations	60
6-9.	Multifamily Dwellings.....	61

6-10.	Outdoor Storage.....	62
6-11.	Parking of Commercial Motor Vehicles in Residential Districts	62
6-12.	Parking or Storage of Recreational Vehicles in Residential Districts	63
6-13.	Satellite Dish Antennas	63
6-14.	Temporary Uses.....	64
6-15.	Townhouses	68
ARTICLE 7. DEVELOPMENT STANDARDS.....		69
7-1.	Applicability.....	69
DIVISION 1 – LANDSCAPING AND SCREENING		70
7-10.	Purpose	70
7-11.	Applicability.....	70
7-12.	Installation, Maintenance, and Replacement	70
7-13.	Relationship to Certificates of Occupancy	70
7-14.	General Landscaping and Screening Standards	70
7-15.	Buffer Yards.....	71
7-16.	Parking Lots - Perimeter Landscaping.....	72
7-17.	Screening.....	73
DIVISION 2 – OFF-STREET PARKING, STACKING, AND LOADING		73
7-20.	Purpose	73
7-21.	Applicability.....	74
7-22.	Minimum Parking Required	74
7-23.	Parking Area Standards.....	77
7-24.	Stacking Spaces for Drive-Through Facilities.....	78
7-25.	Off-Street Loading Areas.....	80
DIVISION 3 - SIGNS.....		80
7-30.	Purpose	80
7-31.	Applicability.....	80
7-32.	Zoning Permit for Signs	81
7-33.	Calculating Sign Area and Number of Signs	82
7-34.	Uniform On-Premises Sign Regulations	87
7-35.	Permitted On-Premises Signs.....	90
7-36.	Temporary On-Premises Signs	93

7-37.	Exempt Signs	94
7-38.	Prohibited Signs.....	95
7-39.	Sign Definitions.....	96
ARTICLE 8. NONCONFORMING USES, STRUCTURES, AND LOTS		103
8-1.	Purpose	103
8-2.	Generally.....	103
8-3.	Plans, Construction, or Designated Use Prior to Adoption or Amendment	104
8-4.	Nonconforming Lots	104
8-5.	Nonconforming Structures	104
8-6.	Nonconforming Uses	105
8-7.	Nonconforming Signs and Other Characteristics of Use	106
8-8.	Nonconforming Mobile or Manufactured Home	106
8-9.	Repairs and Maintenance	107
8-10.	Change of Nonconforming Use	107
8-11.	Certain Uses Deemed Conforming	107
ARTICLE 9. PROCEDURES		107
9-1.	Purpose	109
DIVISION 1 - GENERALLY		109
9-10.	General Procedural Requirements	109
9-11.	Post-Decision Proceedings	110
DIVISION 2 – ADMINISTRATIVE PERMITS.....		111
9-20.	Purpose	111
9-21.	General Applicability.....	111
9-22.	Zoning Permit	111
9-23.	Certificate of Occupancy	114
DIVISION 3 – SITE PLAN REVIEW		115
9-30.	Purpose	115
9-31.	Applicability.....	115
9-32.	Site Plan Requirements.....	115
9-33.	Site Plan Review and Approval.....	117
9-34.	Scope of Approval.....	119
9-35.	Amendment of Site Plan	120

9-36.	Compliance with Approved Site Plan.....	120
DIVISION 4 – CERTIFICATE OF APPROPRIATENESS		120
9-40.	Purpose	120
9-41.	Applicability.....	120
9-42.	Filing Procedure.....	121
9-43.	Board Action.....	121
9-44.	Appeal of Decision of Board of Architectural Review.....	122
9-45.	Appeal of Town Council Decision	122
9-46.	Scope of Approval.....	122
9-47.	Consideration of Substantially Same Application	122
9-48.	Demolition; Offer to Sell	122
DIVISION 5 – ZONING AMENDMENTS		123
9-50.	Zoning Amendment.....	123
9-51.	Conditional Zoning.....	126
DIVISION 6 – CONDITIONAL USE PERMITS.....		129
9-60.	Purpose	129
9-61.	Applicability.....	129
9-62.	Filing Procedures	129
9-63.	Notice and Public Hearing Requirements	129
9-64.	Approval Criteria; Imposing of Conditions.....	129
9-65.	Planning Commission Action.....	130
9-66.	Town Council Action	131
9-67.	Scope of Approval.....	131
9-68.	Consideration of Substantially Same Application	132
9-69.	Revocation	132
DIVISION 7 – VARIANCES AND APPEALS		132
9-70.	Variance	132
9-71.	Appeals to Board of Zoning Appeals.....	134
9-72.	Appeals of Board of Zoning Appeals.....	136
DIVISION 8 – DETERMINATIONS AND ENFORCEMENT		137
9-80.	Purpose	137
9-81.	Applicability.....	137

9-82.	Procedures	137
9-83.	Penalties.....	139
9-84.	Revocation of Permit or Approval	139
DIVISION 9 – PERMIT PROCESS FLOWCHARTS.....		139
9-90.	Permit Process Flowcharts.....	139
ARTICLE 10. COMMISSIONS, BOARDS, AND ADMINISTRATIVE OFFICIALS		146
10-1.	Purpose	146
DIVISION 1 – PLANNING COMMISSION		147
10-10.	Definition	147
10-11.	Establishment.....	147
10-12.	Membership.....	147
10-13.	Meetings	147
10-14.	Quorum and Vote.....	148
10-15.	Officers; Secretary; Staff	148
10-16.	Rules and Records	148
10-17.	Powers and Duties.....	148
DIVISION 2 – BOARD OF ARCHITECTURAL REVIEW		150
10-20.	Definition	150
10-21.	Establishment.....	150
10-22.	Membership.....	150
10-23.	Meetings	151
10-24.	Quorum and Vote.....	151
10-25.	Officers; Secretary; Staff	151
10-26.	Rules and Records	151
10-27.	Powers and Duties.....	151
10-28.	Appeal of Decision.....	151
DIVISION 3 – BOARD OF ZONING APPEALS.....		152
10-30.	Definition	152
10-31.	Establishment.....	152
10-32.	Membership.....	152
10-33.	Meetings	152
10-34.	Quorum and Vote.....	153

10-35.	Officers; Secretary; Staff	153
10-36.	Rules and Records	153
10-37.	Powers and Duties	153
10-38.	Appeal of Decision	154
DIVISION 4 – ZONING ADMINISTRATOR		154
10-40.	Designation	154
10-41.	Powers and Duties	154
10-42.	Appeal of Decision	155
ARTICLE 11. DEFINITIONS AND RULES OF CONSTRUCTION		155
11-1.	Rules of Construction of Language	155
11-2.	Definitions of Terms and Use Types	156
FIGURES, DIAGRAMS, TABLES, AND CHARTS		188

ARTICLE 1. TITLE, AUTHORITY, PURPOSE, SCOPE

[1-1. Title](#)

[1-2. Authority](#)

[1-3. Effective Date](#)

[1-4. Purpose](#)

[1-5. Jurisdiction and Applicability](#)

[1-6. Consistency with Comprehensive Plan](#)

[1-7. Severability](#)

[1-8. Vested Rights](#)

1-1. Title

This appendix shall be known, cited, and referred to as the “Zoning Ordinance of the Town of Clifton Forge, Virginia” and shall include all provisions contained herein, together with the Town’s zoning map.

- (a) The location and boundaries of the zoning districts established by this appendix, other than the floodplain districts, shall be as shown on the “Official Zoning Map, Town of Clifton Forge, Virginia,” dated September 10, 2013, as amended, which is maintained by the Department of Community Development and is hereby made a part of this appendix. Such map, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be referred to in this appendix as the “Official Zoning Map.” The locations and boundaries of the floodplain districts are shown as described in [Section 5-30](#) of this appendix.
- (b) Upon the adoption of ordinances amending the Official Zoning Map, the Town Clerk shall forward to the Department of Community Development attested copies of such ordinances. Upon receipt of these ordinances, the Zoning Administrator shall see that the amendment is properly recorded on the map, along with the effective date and nature of the amendment.
- (c) A certified copy of the Zoning Ordinance and Official Zoning Map of the Town shall be maintained in the office of the Zoning Administrator and in the office of the Clerk of the Circuit Court.

1-2. Authority

This appendix, adopted by the Town pursuant to Section 15.2-2280, Code of Virginia (1950), as amended, classifies the territory of the Town into districts of such number, shape and size as deemed best suited to carry out the purposes of this appendix, and in each district regulates, restricts, permits, prohibits, and determines the following:

- (a) The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;
- (b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- (c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; or
- (d) The excavation or mining of soil or other natural resources.

1-3. Effective Date

The effective date of this appendix shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.

1-4. Purpose

Pursuant to Section 15.2-2283, Code of Virginia (1950), as amended, zoning regulations and districts are set forth in this appendix for the general purposes of implementing the Comprehensive Plan of the Town and promoting the health, safety, and general welfare of the public. To these ends, this appendix is designed to give reasonable consideration to each of the following purposes:

- (a) To provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- (b) To reduce or prevent congestion in the public streets;
- (c) To facilitate the creation of a convenient, attractive and harmonious community;
- (d) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (e) To protect against destruction of or encroachment upon historic areas;
- (f) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
- (g) To encourage economic development activities that provide desirable employment and enlarge the tax base;
- (h) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
- (i) To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the Town as well as a reasonable proportion of the current and future needs of the planning district within which the Town is situated; and
- (j) To protect surface water and ground water as defined in Section 62.1-255, Code of Virginia (1950), as amended.

1-5. Jurisdiction and Applicability

- (a) *General applicability.* Pursuant to Section 15.2-2281, Code of Virginia (1950), as amended, the provisions of this appendix shall apply to the development and use of all land and structures within the incorporated area of the Town to the extent permitted by law.
- (b) *Exemptions.* Except where specifically provided for in this appendix, railroad tracks, signals, bridges, and similar facilities located on a railroad right-of-way shall be exempt from the regulations of this appendix. Such exemption shall not apply to railroad yards, railroad shops, and similar facilities.

1-6. Consistency with Comprehensive Plan

This appendix implements the Comprehensive Plan of the Town, as amended.

1-7. Severability

Should any article, section, or provision of this appendix be decided by the courts to be unconstitutional or invalid, such decision of the court shall not affect the validity or enforceability of the appendix as a whole, or any part thereof other than the part so held to be unconstitutional or invalid, and such remainder of this appendix shall continue in full force and effect.

1-8. Vested Rights

(a) Nothing in this appendix shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a property owner’s rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to this appendix, when the property owner:

- (1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;
- (2) Relies in good faith on the significant affirmative governmental act; and
- (3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(b) For purposes of this section and without limitation, and pursuant to Section 15.2-2307, Code of Virginia (1950), as amended, the following are deemed to be significant affirmative governmental acts allowing development of a specific project:

- (1) The Town Council has accepted proffers or proffered conditions which specify use related to a zoning amendment;
- (2) The Town Council has approved an application for a rezoning for a specific use or density;
- (3) The Town Council has granted a conditional use permit;
- (4) The Board of Zoning Appeals has approved a variance;
- (5) The Town Council or its designated agent has approved a preliminary subdivision plat, site plan, or plan of development for the landowner’s property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances;
- (6) The Town Council or its designated agent has approved a final subdivision plat, site plan, or plan of development for the landowner’s property; and
- (7) The Zoning Administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner’s property that is no long subject to appeal and no longer subject to change, modification or reversal under subsection C of Section 15.2-2311, Code of Virginia (1950), as amended.

ARTICLE 2. GENERAL PROVISIONS

[2-1. Purpose](#)

[2-2. Compliance](#)

[2-3. Coordination with other Regulations](#)

[2-4. Fees](#)

[2-5. Rules of Applicability and Interpretation](#)

[2-6. Development Standards and Supplemental Regulations](#)

[2-7. Use Regulations](#)

[2-8. Dimensional Regulations](#)

[2-9. Sight Distance Triangles](#)

2-1. Purpose

The purpose of this article is to establish general rules of applicability, interpretation, and construction critical to the equitable and consistent administration and enforcement of the provisions of this appendix and to provide the general rules for the regulation of each zoning district.

2-2. Compliance

(a) Compliance with provisions.

- (1) Except as otherwise expressly provided in this appendix, no building, structure, or land, or part thereof, shall hereafter be used or occupied, or constructed, altered, moved, expanded, or converted to another use or structurally altered except in conformity with the regulations specified within this appendix.
- (2) Lots created after the effective date of this appendix shall not be platted and recorded unless the minimum requirements established by the provisions of this appendix are met.

(b) Change affecting compliance with minimum requirement.

- (1) No lot area, open space, parking space, or other feature required by this appendix shall be reduced in dimension or area or eliminated, except in conformance with the provisions of this appendix.
- (2) The reduction of yards below the minimum established by the provisions of this appendix shall not be permitted.

(c) Permits and certificates. No construction may commence, no use may be established or changed, and no structure shall be constructed, erected, altered, moved, or demolished unless and until all permits required by [Article 9](#) of this appendix have been issued.

2-3. Coordination with other Regulations

The use of land and buildings within the Town is subject to all other regulations as well as this appendix, whether or not such other provisions are specifically referenced in this appendix. References to other regulations or provisions of this appendix or other chapters of this Code are for the convenience of the reader. Lack of a cross reference shall not be construed as an indication that other regulations do not apply.

2-4. Fees

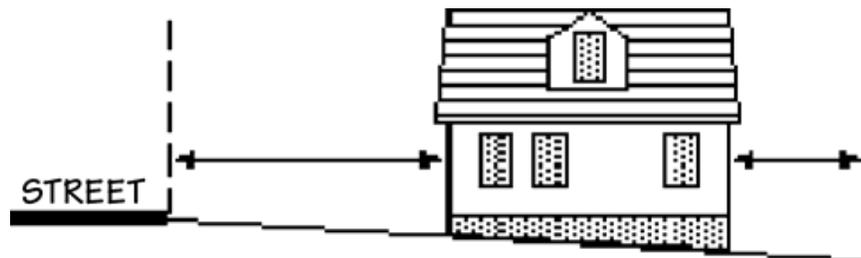
Pursuant to Section 15.2-2286.A.6, Code of Virginia (1950), as amended, the Town Council may establish an annual fee schedule to provide for the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices, and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment. All applications for rezonings, conditional use permits, variances, reviews, approvals or other actions for which fees are specified by such annual fee schedule shall be accompanied by the required application fee. Such schedule of fees shall be made available in the office of the Zoning Administrator.

2-5. Rules of Applicability and Interpretation

(a) Uniform applicability of regulations. All regulations established by this appendix shall be uniform for each class or kind of buildings and uses throughout each district, but the regulations in one district may differ from those in other districts.

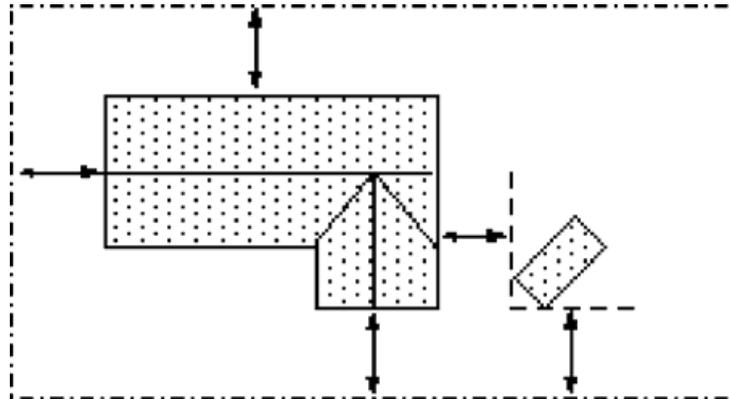
- (b) *Minimum requirements.* Unless specifically indicated herein to the contrary, the provisions of this appendix shall be considered to be the minimum requirements to protect public health, safety, comfort, prosperity, and general welfare, and to provide a remedy for existing conditions which are detrimental thereto.
- (c) *Requirements pertain to each building, structure, or use.* No part of any lot, yard, open space, parking space, or other feature required by this appendix for a building, structure, or use shall constitute a lot, yard, open space, parking space, or other feature for any other building, structure, or use, except as may be specifically provided in this appendix.
- (d) *Conflicting ordinances.* Whenever any regulation in this appendix imposes higher or more restrictive standards than are required in any other statute, ordinance, or regulation, the provisions of the regulations of this appendix shall govern. Whenever the provision of any other statute, ordinance, or regulation imposes higher or more restrictive standards than are required by this appendix, the provisions of such other statute, ordinance, or regulation shall govern.
- (e) *Rules of construction.* For the purposes of the provisions of this appendix, the following rules of construction shall apply:
- (1) *Headlines.* The headlines of the articles, divisions, and sections of this appendix are intended as catchwords to indicate the contents thereof and shall not be deemed or taken to be titles of such sections, or any part thereof.
 - (2) *Interpretations guided by purpose statements.* The regulations of this appendix shall be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by the purpose statements in this appendix.
- (f) *Terms not defined in ordinance.*
- (1) Where terms are not defined in this appendix, they shall have their ordinarily accepted meanings, within such context as they are used.
 - (2) The Zoning Administrator may determine the meaning of a disputed word, phrase, or sentence of the appendix, guided by the purposes and intent of the ordinance. Such determination of the Zoning Administrator shall be recorded in writing.
- (g) *Measurement of distance.*
- (1) All distances specified in this appendix shall be measured in a horizontal plane (see [Figure 2-5-1](#)). When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects (see [Figure 2-5-2](#)).

FIGURE 2-5-1. DISTANCES MEASURED HORIZONTALLY



Distances are always measured horizontally.

FIGURE 2-5-2. MEASUREMENT MADE AT SHORTEST DISTANCE BETWEEN POINTS



Measurement is taken from the shortest distance between the points.

- (2) All distances specified in this appendix for the purpose of separating uses shall be measured in a horizontal plane from the closest property line of one (1) use to the closest property line of the other use.
- (3) All distances specified in this appendix for the purpose of separating structures shall be measured in a horizontal plane from the closest point of one (1) structure to the closest point of the other structure.
- (4) All distances specified in this appendix for the purpose of separating a use from a residentially zoned district shall be measured in a horizontal plane from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

2-6. Development Standards and Supplemental Regulations

In addition to the regulations for specific zoning districts set forth in [Article 4](#) of this appendix, development standards applicable to all zoning districts, unless otherwise provided, are set forth in [Article 7](#), and supplemental regulations applicable to particular uses or building types, within one (1) or more districts, are set forth in [Article 6](#).

2-7. Use Regulations

- (a) *Applicability.* Pursuant to Section 15.2-2280, Code of Virginia (1950), as amended, [Article 4](#) of this appendix regulates the use of all land and structures for commercial, industrial, residential, and other categories of land uses.
- (b) *Permitted uses.* The uses permitted as of right or by conditional use permit for each base zoning district are set forth in table format in [Article 4](#) and are referred to in this appendix as “Use Tables.” Uses permitted as of right or by conditional use permit shall be subject to all provisions of this appendix.
- (c) *Interpretation of use tables.*
 - (1) The purpose of the use types as delineated in the Use Tables in [Article 4](#), and as defined in [Article 11](#), is to establish a use classification system and a consistent set of terms defining uses permitted within the various zoning districts. The examples listed in the definitions of use types are intended to be illustrative, as opposed to exclusive, unless a use or activity is specifically excluded within the use type definition.

- (2) Uses and activities not provided for or addressed by the terms of this appendix shall be deemed prohibited uses and activities unless the Zoning Administrator determines that the use is substantially the same as a permitted use type pursuant to subsection (5), below.
- (3) If a use is specifically identified in the Use Tables, while a more general use category is also listed, the regulations and applicability of the specifically identified use shall govern.
- (4) In the case of mixed uses, the regulation for each use, as provided in [Article 4](#), shall apply to that portion of the building or land so used unless otherwise provided.
- (5) For a use not identified in the Use Tables, the Zoning Administrator may determine that such proposed use is substantially the same as a use type otherwise permitted in the Use Tables.
 - (A) Such determination of the Zoning Administrator shall be recorded in writing and shall include an explanation of the reasons for the determination.
 - (B) In making such determination, the Zoning Administrator shall consider the definitions of the use types, along with examples of uses provided in the respective definitions, and shall make such finding that the proposed use is substantially the same as a permitted use type. Such consideration shall include functional, product, and physical characteristics of the proposed use that are in common with a permitted use type, pursuant to the definition, including the type and amount of activity, type of customers or residents, how goods or services are sold or delivered, and certain site factors.

2-8. Dimensional Regulations

(a) Applicability.

- (1) Each section of [Article 4](#) establishes minimum and maximum standards for the size, height, areas, and bulk of structures, the areas and dimensions of land and air space to be occupied by structures and uses, and yards and other open spaces to be left unoccupied by uses and structures, pursuant to Section 15.2-2280, Code of Virginia (1950), as amended.
- (2) Supplemental regulations ([Article 6](#)) that contain certain dimensional requirements shall supersede the dimensional requirement of the applicable zoning district as set forth in [Article 4](#) or this section.
- (3) In addition to the dimensional regulations set forth in [Article 4](#) for each zoning district, dimensional regulations shall be further defined as set forth in subsections (b) through (k), below.

(b) Density calculation.

- (1) In calculating the maximum allowable density for any lot, any fractional dwelling count shall be equal to zero dwelling units.
- (2) Any lands normally submerged under water shall not be included in calculating the allowable number of dwelling units for any lot.
- (3) For single-family detached dwellings, the total number of dwelling units shall be governed by the minimum lot area.

(c) Lot area. Any lot, legally in existence at the time this appendix was adopted, which does not meet the minimum lot area, minimum lot frontage, or minimum lot width requirements of the district in which it is located, as set forth in [Article 4](#) of this appendix, may be developed, subject to the use and other dimensional requirements of the applicable district.

(d) Lot frontage.

- (1) Every building erected or moved shall be located on a lot that has frontage on an improved street.

- (2) Lot frontage requirements for townhouses shall be governed by [Section 6-15](#) of this appendix.
- (3) In addition to the lot frontage and lot width required by the applicable zoning district, all structures shall be located on lots so as to comply with any adopted ordinances of the Town relating to public service and fire protection.

(e) *Yards - Generally.*

- (1) *Applicability.* Whenever more than one (1) principal building is located on a lot, the yards required by the applicable zoning district shall be established and maintained on the lot around the group of buildings. Buildings shall be separated by any distance prescribed by the fire prevention and protection regulations of Chapter 50 of this Code.
- (2) *Permitted encroachments.* Yards shall be unoccupied and unobstructed as defined in [Article 11](#), except that encroachments thirty (30) inches or greater in height into yards shall be permitted as set forth in [Table 2-8-1](#), provided the structure with which the encroachment is associated is conforming, or if the structure is nonconforming, provided the encroachment does not increase any nonconforming characteristic of the structure.

Table 2-8-1. PERMITTED ENCROACHMENTS IN YARDS			
(A) Feature	(B) Front Yard or Side Street Yard	(C) Side Yard	(D) Rear Yard
Bay window, projecting no more than 2 feet into yard	Y	N	Y
Chimney, projecting no more than 2 feet into yard	Y	Y	Y
Flagpole	Y	Y	Y
Handicap ramp in residential application, projecting into yard no more than distance specified in Columns (B), (C), and (D) respectively	Y 7 feet	Y 4 feet	Y 10 feet
Heating and cooling unit, or solar panel	N	Y 2 feet	Y 5 feet
Overhanging roof, eave, gutter, cornice, or awning, projecting into yard no more than distance specified in Columns (B), (C), and (D) respectively	Y 2 feet	Y 1 foot	Y 2 feet
Protective hood or overhang over a doorway, projecting no more than 2 feet into yard	Y	N	Y
Retaining wall	Y	Y	Y
Unenclosed deck, terrace, steps, stoop, or porch of a height not exceeding 4 feet, projecting no more than 2 feet into yard. "Unenclosed" means that the feature has no walls or other permanent vertical or horizontal enclosures other than a guardrail or balustrade.	N	N	Y
<p>Rules of Interpretation of Table 2-8-1: Column (A) lists the encroachment, and in certain circumstances defines the maximum distance the encroachment may project into the yard where such encroachment is permitted. Columns (B), (C), and (D) indicate the yard type, with "Y" meaning the encroachment is permitted in the yard and "N" meaning the encroachment is not permitted in the yard, and in certain circumstances defines the maximum distance the encroachment may project into the yard where such encroachment is permitted.</p>			

- (f) *Front yards.*
- (1) The depth of a front yard shall be measured at a right angle to the applicable street line. In the case of a curved street line, the depth shall be measured on the radial line.
 - (2) The required depth of the minimum front yard shall be established by the minimum building setback line of the applicable zoning district regulations as set forth in [Article 4](#).
- (g) *Side yards and side street yards.* The required width of a side yard or side street yard shall be measured at a right angle to the adjacent side lot line or adjacent street line, respectively. In the case of a side street yard on a street with a curved street line, the depth shall be measured on the radial line.
- (h) *Rear yards.* The depth of a rear yard shall be measured at a right angle to the rear lot line.
- (i) *Yards - Corner lots.*
- (1) On a corner lot having two (2) street frontages, one (1) front yard shall be provided along the shorter of the two (2) lot lines abutting a street and shall be subject to the minimum front yard depth of the applicable zoning district, as determined by the minimum building setback line. A side street yard shall be provided along the longer of the two (2) lot lines abutting a street, subject to the minimum side street yard depth of the applicable zoning district. The yards remaining after the provision of the front yard and side street yard shall be deemed a side yard and rear yard as defined in this appendix.
 - (2) On a corner lot having more than two (2) street frontages, one (1) front yard shall be provided along the shortest of the lot lines abutting a street and shall be subject to the minimum front yard depth of the applicable zoning district, as determined by the minimum building setback line. Side street yards shall be provided along the other lot lines abutting a street, subject to the minimum side street yard depth of the applicable zoning district. The yard or yards remaining after the provision of the front yard and side street yards shall be deemed side or rear yards as defined in this appendix.
- (j) *Yards – Through lots.*
- (1) Through lots shall provide one (1) front yard along the frontage to which the principal structure is oriented, subject to the minimum front yard depth of the applicable zoning district, as determined by the minimum building setback line.
 - (2) Yards remaining after the front yard has been provided shall be deemed side yards and a rear yard as defined in this appendix.
- (k) *Height.*
- (1) *Applicability.* The maximum height regulations set forth in [Article 4](#) for each zoning district shall apply to principal and accessory buildings. This appendix contains other applicable height standards for signs ([Article 7](#)) and fences, walls, and certain other structures (supplemental regulations of [Article 6](#)).
 - (2) *Exemptions from maximum height regulations.*
 - (A) In all zoning districts, the maximum height regulations set forth in [Article 4](#) shall not apply to any of the following parts or appurtenances of a building not intended for human occupancy:
 - (i) Church spires, belfries, cupolas, chimneys, flues, smokestacks, cooling towers, flagpoles, attached whip antennas less than eight (8) feet in length and similar structures;
 - (ii) Water towers, active solar collectors, and radio and television antennae and their supporting structures;
 - (iii) Elevator penthouses, towers, and mechanical or electrical equipment except satellite dishes, located on a roof, provided that such features shall be erected only to the height

necessary to accomplish the purpose they are intended to serve and the total area covered by such features shall not exceed twenty (20) percent of the horizontal area of the roof on which they are located; and

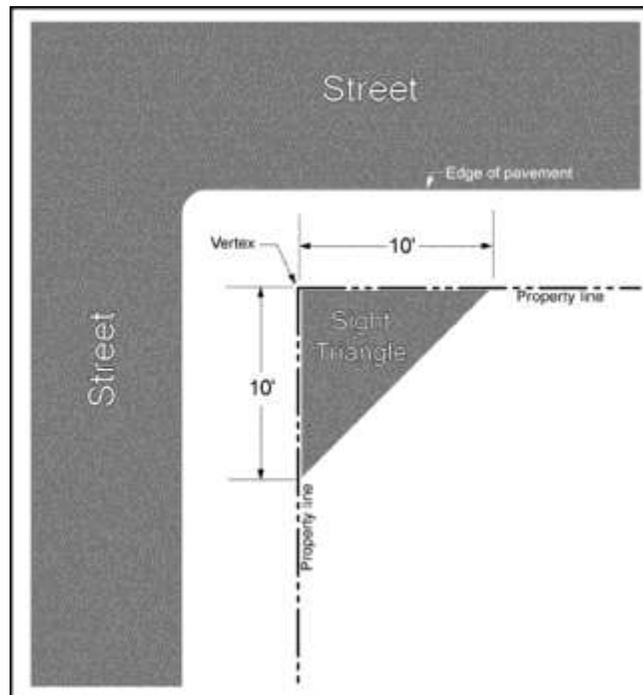
- (iv) Parapet walls or cornices, without windows, which do not exceed the maximum height requirement of the applicable district by more than six (6) feet.
- (B) In all zoning districts, the maximum height regulations set forth in each base zoning district shall not apply to any amateur radio tower or antenna or satellite dish, such structures being subject to the height limitation provisions of [Sections 6-3\(d\)](#) and [6-13](#) of this appendix respectively.

2-9. Sight Distance Triangles

A sight distance triangle shall be required at the intersecting rights-of-way of any two (2) public streets and at the intersection of any driveway with a public street right-of-way, as described and set forth in subsection (a) below. Such sight distance triangles shall be maintained to be clear of obstructions to driver visibility as set forth in subsection (b) below.

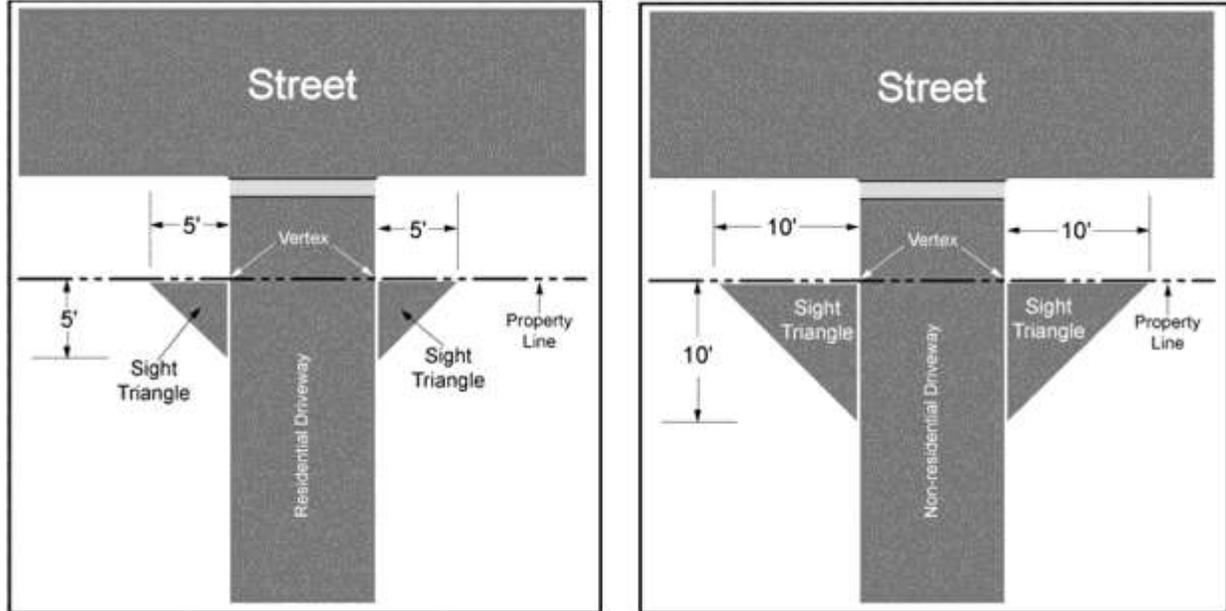
- (a) A sight distance triangle shall be a triangular area as set forth in subsections (1) and (2), below:
 - (1) That portion of a corner lot, in any zoning district, lying within a triangle area formed by measuring from the vertex of that portion of the property line adjacent to the intersecting streets, to a point on each property line running from the vertex equal to ten (10) feet, and then connecting the two (2) points thus established with a third line (see [Figure 2-9-1](#)); and

FIGURE 2-9-1. SIGHT DISTANCE TRIANGLE – CORNER



- (2) A triangular area formed by a diagonal line connecting two (2) points located on a right-of-way line and the edge of a driveway, with such points to be equal to five (5) feet from the intersecting lines for residential driveways, and ten (10) feet from the intersecting lines for nonresidential driveways (see [Figure 2-9-2](#)).

FIGURE 2-9-2. SIGHT DISTANCE TRIANGLE – STREET



- (b) In order not to obstruct cross-visibility, the following standards shall apply within any required sight distance triangle:
- (1) No fence, wall, or hedge that exceeds a height of thirty (30) inches from graded ground level shall be permitted;
 - (2) No shrub or ground cover shall exceed thirty (30) inches in height above the graded ground level;
 - (3) No tree shall form a material impediment to visibility between a height of thirty (30) inches and ten (10) feet from graded ground level;
 - (4) No freestanding sign, nor any part of such sign other than a supporting pole or brace no greater than eighteen (18) inches in width or diameter, shall be located lower than nine (9) feet from grade;
 - (5) No structure, except for a freestanding sign as described in subsection (b)(4), above, exceeding a height of thirty (30) inches from graded ground level shall be permitted; and
 - (6) No vehicle impeding visibility shall be parked.

ARTICLE 3. ESTABLISHMENT OF ZONING DISTRICTS

[3-1. Purpose](#)

[3-2. Establishment of Zoning Districts](#)

[3-3. Zoning District Boundaries; Zoning Map](#)

[3-4. Interpretation of Zoning District Boundaries](#)

[3-5. Vacation of Street or other Public Way](#)

[3-6. No Zoning Designation](#)

3-1. Purpose

The purpose of this article is to establish the zoning districts of the Town, both base and overlay. The established districts provide densities that are appropriate for the context of a built environment and establish a building form relating to the public realm. The districts reflect the Town's character as a small community with a compact development pattern.

3-2. Establishment of Zoning Districts

Pursuant to Section 15.2-2280, Code of Virginia (1950), as amended, and in order to carry out the purposes of this appendix, the incorporated areas of the Town shall be divided into zoning districts as established below:

(a) *Base districts.* The following base zoning districts are hereby established:

- (1) *Special purpose zoning districts:*
Conservation District (CN)
- (2) *Residential zoning districts:*
R-1 Residential District
R-2 Residential District
R-3 Residential District
- (3) *Business zoning districts:*
General Business District (BG)
Downtown Business District (BD)

(b) *Overlay districts.* The following overlay zoning districts are hereby established:

- (1) Historic Commercial Area Overlay District (H-1)
- (2) Floodplain Overlay District (F)

3-3. Zoning District Boundaries; Zoning Map

The boundaries of the zoning districts as established in [Section 3-2](#) shall be as shown upon the Official Zoning Map as set forth in [Article 1](#) of this appendix.

3-4. Interpretation of Zoning District Boundaries

(a) Where uncertainty exists with respect to the boundaries of zoning districts on the Official Zoning Map, the following rules shall apply:

- (1) District boundaries indicated as approximately following or being at right angles to the centerlines of streets, highways, rights-of-way, alleys, or railroad lines shall be construed to follow such centerlines or lines at right angles to such centerlines, as the case may be.
- (2) District boundaries indicated as approximately following the centerlines of streams, rivers, creeks, or other bodies of water shall be construed to follow such centerlines at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- (3) District boundaries indicated as approximately parallel to or extensions of features indicated above shall be so construed, and at such distances as indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (4) In the case of subsequent dispute over the boundary of a zoning district, appeal may be made to the Board of Zoning Appeals for interpretation of the Official Zoning Map pursuant to Sections [9-71](#) and [10-37\(c\)](#) of this appendix.

(b) Where a lot in single ownership is divided by one (1) or more district boundary lines, each portion of the lot shall be subject to all the regulations applicable to the district in which it is located.

3-5. Vacation of Street or other Public Way

Whenever any dedicated street, alley, or other public right-of-way is vacated by the Town Council, the zoning district boundaries adjoining each side of such street, alley, or public right-of-way shall automatically be extended to the centerline of the vacated right-of-way.

3-6. No Zoning Designation

In the case of an area on the Official Zoning Map for which no zoning classification is delineated, the regulations applying to the Residential R-1 District shall apply to such area pending an amendment of this appendix.

ARTICLE 4. REGULATIONS FOR SPECIFIC ZONING DISTRICTS

[4-1. Purpose](#)

[4-2. Applicability](#)

[DIVISION 1 – CONSERVATION DISTRICT \(CN\)](#)

[4-10. Purpose of the Conservation District \(CN\)](#)

[4-11. Use Table for Conservation District \(CN\)](#)

[4-12. Dimensional Regulations for Conservation District \(CN\)](#)

[DIVISION 2 - RESIDENTIAL DISTRICTS](#)

[4-20. Purposes of the Residential Districts](#)

[4-21. Use Table for Residential Districts](#)

[4-22. Dimensional Regulations for Residential Districts](#)

[4-23. Other Regulations for Residential Districts](#)

[DIVISION 3 - BUSINESS DISTRICTS](#)

[4-30. Purposes of the Business Districts](#)

[4-31. Use Table for Business Districts](#)

[4-32. Dimensional Regulations for Business Districts](#)

[4-33. Other Regulations for Business Districts](#)

[DIVISION 4 – HISTORIC COMMERCIAL AREA OVERLAY DISTRICT \(H-1\)](#)

[4-40. Purpose](#)

[4-41. Applicability](#)

[4-42. Certificate of Appropriateness](#)

[4-43. Review Standards for New Construction or Exterior Modifications](#)

[4-44. Review Standards for Demolition](#)

4-1. Purpose

The purpose of this article is to establish use, dimensional, open space, and certain specific regulations for each base zoning district, including the conservation, residential, and business districts, and to establish regulations for the Historic Commercial Area Overlay District.

4-2. Applicability

- (a) The provisions of this article shall apply to properties within the incorporated area of the Town as applicable by the respective zoning districts as established in [Section 3-2](#) and as shown on the Official Zoning Map.
- (b) Properties located within the floodplain as established, defined, and delineated by this appendix shall also be subject to the provisions of [Article 5](#), which provisions supplement those regulations of the applicable underlying base zoning district of the subject property.
- (c) In addition to the regulations for specific zoning districts as set forth in this article, all other requirements of this appendix shall apply, including, but not limited to, development standards applicable to all zoning districts ([Article 7](#)), unless otherwise provided, supplemental regulations applicable to particular uses or building types within one (1) or more districts ([Article 6](#)), and site plan review, zoning permits, and certificates of occupancy ([Article 9](#)).

DIVISION 1 – CONSERVATION DISTRICT (CN)

4-10. Purpose of the Conservation District (CN)

The purpose of the Conservation District (CN) is to protect specific areas from development and degradation, which areas have been identified as currently undeveloped, unlikely to be developed, or unsuitable for development. These areas have natural conditions of soil, slope, susceptibility to flooding or erosion, geological condition, vegetation or an interaction between the aforesaid which makes such lands unsuitable for urban development. The uses and standards of the district are intended to preserve and protect the natural environment in these sensitive areas by preventing the encroachment of incompatible land use, permitting low intensity uses with a focus on recreation-oriented activities, and permitting limited construction within open space areas which is supportive of their function and which promotes their use and enjoyment.

4-11. Use Table for Conservation District (CN)

The uses permitted as of right or by conditional use in the Conservation District (CN) are as set forth in [Table 4-11-1](#), subject to all other applicable requirements contained in this appendix.

TABLE 4-11-1. USE TABLE FOR CONSERVATION DISTRICT (CN)		
USE	CN	SUPPLEMENTAL REGULATION SECTION
Public, Institutional, and Community Facilities		
PARKS AND OPEN AREAS		
Cemetery	P	
Community garden	P	
Public park or recreational area	P	
Resource conservation facility	P	
Utility Uses		
Utility distribution or collection, basic	P	
Utility distribution or collection, transitional	C	
Agricultural Uses		
Stable, commercial	P	
Accessory Uses		
Not otherwise listed	P	6-3
Amateur radio tower and antenna	P	6-3(d)
Outdoor storage		6-10
Portable storage container		
Satellite dish antenna	P	6-13
Interpretation of Table 4-11-1. "P" indicates a use permitted as of right. "C" indicates a use permitted only by conditional use permit. A blank cell means the use is not permitted.		

4-12. Dimensional Regulations for Conservation District (CN)

The dimensional regulations of the Conservation District (CN) are as set forth in [Table 4-12-1](#).

TABLE 4-12-1. DIMENSIONAL REGULATIONS FOR CN DISTRICT	
Lot area, minimum (square feet)	None
Lot frontage, minimum (feet)	None
Building setback line, minimum (feet)	30, measured from the centerline of the adjoining street right-of-way
Side yard depth, minimum (feet)	10
Rear yard depth, minimum (feet)	10
Height maximum (feet)	35
Lot coverage maximum	25%
Interpretation of Table 4-12-1. A numeric entry means the dimension shall apply based on the unit of measurement indicated. "None" means there is no requirement.	

DIVISION 2 – RESIDENTIAL DISTRICTS

4-20. Purposes of the Residential Districts

- (a) *R-1 Residential District.* The purpose of the R-1 Residential District is to provide appropriate areas for low density residential development and promote a suitable residential environment with necessary community facilities and public services. The R-1 District is established for areas with existing low density residential development and land which appears appropriate for such development. This district is intended to preserve the predominant character of established neighborhoods and to provide the highest degree of protection from encroachment by potentially incompatible nonresidential uses and residential development of a higher density, size, or scale. To these ends, in addition to single-family detached dwellings, uses of a community nature which are generally deemed compatible are permitted in this district, including parks, playgrounds, schools, churches, and other similar neighborhood activities and public facilities.
- (b) *R-2 Residential District.* The purpose of the R-2 Residential District is to provide appropriate areas for moderate density development and promote a suitable residential environment with necessary community facilities and public services. The R-2 District is established for areas with existing low to medium density residential development and land which appears to be appropriate for such development. While providing reasonable protection to existing single-family residential neighborhoods, the district is also intended to provide a range of housing choices by accommodating a mix of single-family, two-family, and townhouse options at a low to medium density. The regulations of the district are intended to facilitate a harmonious mixture of low to moderate density housing with compatible community uses, such as schools, parks, and churches, certain public facilities that serve the residents of the district, and certain limited non-residential uses which are of a character unlikely to develop a concentration of traffic, crowds of customers, and signage and advertising. The regulations of the district are intended to preserve the predominant character of established neighborhoods and protect them from encroachment by potentially incompatible nonresidential uses and higher density residential uses.
- (c) *R-3 Residential District.* The purpose of the R-3 Residential District is to provide for a variety of housing types at medium to high density in a suitable residential environment protected from encroachment by incompatible nonresidential uses, but which accommodates support services and encourages a harmonious mixture of certain less intensive commercial and public, institutional and community operations which do not detract from the general residential character of the area. The district is intended to permit a mix of single-family, two-family, townhouse, and multifamily residential uses, with convenient access and adequate public services, including sewer, water, and schools with capacity to accommodate higher density development, with minimal impact on minor streets and lower density neighborhoods. The R-3 District is established for areas with middle to high density residential development and land which appears appropriate for such development. The regulations of the district are intended to protect the character and scale of such a mixed-use development pattern by permitting low-intensity development at a scale that recognizes and respects residential patterns of development, avoids undue burden on public services, and promotes balance and stability.

4-21. Use Table for Residential Districts

The uses permitted as of right or by conditional use in the Residential Districts are as set forth in [Table 4-21-1](#), subject to all other applicable requirements contained in this appendix.

TABLE 4-21-1. USE TABLE FOR RESIDENTIAL DISTRICTS

USE	DISTRICTS			SUPPLEMENTAL REGULATION SECTION
	R-1	R-2	R-3	
Residential Uses				
Dwelling, single-family, detached	P	P	P	
Dwelling, two-family		P	P	
Dwelling, multifamily			P	6-9
Dwelling, townhouse		C	P	6-15
Accommodations and Group Living				
Bed and breakfast	C	C	P	6-5
Boarding house			C	
<i>Group care facility:</i>				
Congregate home, elderly		P	P	6-7
Congregate home, not otherwise listed		C	C	6-7
Group care home		C	C	6-7
Halfway house		C	C	6-7
Nursing home		C	C	6-7
Tourist home	C	C	P	
Commercial Uses: Office and Related Uses				
Office, general , GFA 4,000 sq. ft. or less			C	
Commercial Uses: Miscellaneous				
Funeral home, GFA 4,000 sq. ft. or less			C	
Commercial Uses: Sales and Service				
Studio, fine arts		C	C	
Public, Institutional, and Community Facilities				
ASSEMBLY				
Club			C	
Religious assembly	P	P	P	
COMMUNITY SERVICES				
Cultural services	C	P	P	
Day care center, child	C	C	P	
Government administrative services	C	C	C	
Public safety services	C	C	C	
PARKS AND OPEN AREAS				
Cemetery	C	C	C	
Community garden	P	P	P	
Public park or recreational area	P	P	P	
SCHOOLS				
Educational facilities, primary/secondary	P	P	P	
SPORTS AND RECREATION FACILITIES				
Community recreation	P	P	P	
Public recreation assembly	P	P	P	

USE	R-1	R-2	R-3	SUPPLEMENTAL REGULATION SECTION
Utility Uses				
Telecommunications facility	C	C	C	
Telecommunications facility, stealth	P	P	P	
Utility distribution or collection, basic	P	P	P	
Utility distribution or collection, transitional	C	C	C	
Agricultural Uses				
Agricultural operations	C	C	C	
Accessory Uses				
Not otherwise listed	P	P	P	6-3
Amateur radio tower and antenna	P	P	P	6-3(d)
Day care home, adult	C	C	P	
Day care home, child, large	C	C	P	
Day care home, child, small	P	P	P	
Dumpster	P	P	P	6-3(e)
Garage or carport, detached	P	P	P	6-3(f)
Home occupation	P	P	P	6-8
Portable storage container	T	T	T	6-14(d)
Satellite dish antenna	P	P	P	6-13
Swimming pool or tennis court	P	P	P	6-3(j)
Temporary family health care structure	P	P	P	6-3 (k)
<p>Interpretation of Table 4-21-1. "P" indicates a use permitted as of right. "C" indicates a use permitted only by conditional use permit. "T" indicates a use permitted only as a temporary use. A blank cell indicates the use is not permitted. "GFA" means gross floor area.</p>				

4-22. Dimensional Regulations for Residential Districts

The dimensional regulations of the Residential Districts are as set forth in [Table 4-22-1](#).

TABLE 4-22-1. DIMENSIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS				
		R-1	R-2	R-3
<i>Minimum lot area per dwelling unit (square feet)</i>				
Single-family dwelling, detached	Public water and sewer	10,000	7,500	7,500
	Individual sewage disposal system	APP	APP	APP
Two-family dwelling	Public water and sewer	X	6,000	6,000
	Individual sewage disposal system	X	APP	APP
Townhouse	Public water and sewer	X	3,750	2,500
Multifamily dwelling, with public water and sewer	Efficiency unit	X	X	6,000 plus 800/unit
	1-bedroom unit	X	X	6,000 plus 1,100/unit
	2-bedroom unit	X	X	6,000 plus 1,600/unit
	3-bedroom unit	X	X	6,000 plus 1,800/unit
	4- or more bedroom unit	X	X	6,000 plus 2,000/unit
<i>Lot area, minimum (square feet)</i>	Public water and sewer	10,000	7,500	7,500
	Individual sewage disposal system	APP	APP	APP
<i>Lot width, minimum (feet)</i>		80	60	50
<i>Building setback line, minimum (feet)</i>	Street width of 40 or more feet, measured from street right-of-way	30	30	20
	Street width of less than 40 feet, measured from centerline of street right-of-way	50	50	50
<i>Side street yard, minimum depth (feet)</i>		25	25	25
<i>Side yard, minimum depth (feet)</i>	Multifamily dwelling	X	X	25
	Single-family/ Two-family dwelling	10	5; total 15	5; total 15
	Other uses	10	5; total 15	15; 25 if abutting R-1 or R-2
<i>Rear yard, minimum depth (feet)</i>	Multifamily dwelling	X	X	25
	Single-family/ Two-family dwelling	35	25	25
	Other uses	35	25	15; 25 if abutting R-1 or R-2
<i>Height maximum (feet)</i>		35*	35*	35**
<i>Lot coverage maximum</i>	Townhouse or Multifamily	X	None	35%
	Other uses	None	None	None
Interpretation of Table 4-22-1.				
A numeric entry means the dimension shall apply based on the unit of measurement indicated.				
"APP" means the minimum lot area shall be as determined by the health official.				
"None" means there is no requirement.				
"X" means it is not applicable.				
* Height of public or semi-public building, such as school, church, or library, may be increased to 60 feet, provided each required yard shall be increased one (1) foot for each foot in height over 35 feet.				
** Height of dwelling may be increased to 45 feet, provided each required side yard shall be increased by one (1) foot for each additional foot in height over 35 feet.				

4-23. Other Regulations for Residential Districts

The applicability of minimum parking and screening and landscaping requirements and the regulation of outdoor storage in Residential Districts (R-1, R-2, and R-3) are as set forth in [Table 4-23-1](#).

TABLE 4-23-1. OTHER REGULATIONS FOR RESIDENTIAL DISTRICTS				
	R-1 District	R-2 District	R-3 District	Section Reference
Minimum parking requirement	Applies	Applies	Applies	7-22
Screening and landscaping requirements	Applies	Applies	Applies	Article 7, Division 1
Outdoor storage	Not permitted	Not permitted	Not permitted	6-10

DIVISION 3 – BUSINESS DISTRICTS

4-30. Purposes of the Business Districts

(a) *BG General Business District.* The purpose of the BG General Business District is to accommodate a wide range of commercial uses which provide convenient goods, services, and amenities to the Town as a whole, which uses are dependent on the motor vehicle, generate significant amounts of traffic, and generate only minimal noise, odors or fumes, smoke, fire or explosion hazards, lighting glare, heat, or vibration. The district is intended to be applied along primary traffic routes and to areas having direct access to such routes, in order to avoid the routing of traffic through residential areas. The BG District is intended to accommodate truck traffic for the stocking and delivery of light retail goods, but not heavy trucking. The district regulations are intended to afford flexibility in permitted uses on individual sites in order to promote business and employment opportunities and provide services while mitigating conflict with adjacent residential areas. Permitted uses include general retail establishments, offices, service establishments, motor vehicle related sales and service, restaurants, and entertainment establishments.

(b) *BD Downtown Business District.* The purpose of the BD Downtown Business District is to provide for the specialty shopping, entertainment, cultural, and service needs of the community, and to encourage development in a manner consistent with historic development patterns, including preserving the predominant scale of the downtown business district, promoting the retention and appropriate use of existing structures, and encouraging new development that is compatible with the area. The district is the business, cultural, and historical center of the Town and is characterized by small-town architecture, scale, and feel. The permitted uses and regulations are intended to promote a compact, densely developed, clearly defined pedestrian-oriented area, with storefronts close to the street, pedestrian walkways, and limited off-street parking, and minimal disruption from vehicle-oriented land uses that detract from a safe and convenient pedestrian environment. In order to protect and enhance the business and cultural center of the Town, the district is intended to accomplish the following:

- (1) Protect and enhance the public interest in downtown as a source of economic vitality, desirable employment, and tax revenue;
- (2) Facilitate pedestrian ways and create a convenient and harmonious development of buildings, streets, and open space;
- (3) Protect existing investment in downtown, protect against the demolition of downtown’s historic buildings, promote activity on public streets, and protect amenities provided through public investment; and

- (4) Provide for a mix of high density residential, commercial, retail, government services, entertainment and cultural facilities, and live/work space.

4-31. Use Table for Business Districts

The uses permitted as of right or by conditional use in the Business Districts are as set forth in [Table 4-31-1](#), subject to all other applicable requirements contained in this appendix.

TABLE 4-31-1. USE TABLE FOR BUSINESS DISTRICTS			
USE	DISTRICTS		SUPPLEMENTAL REGULATION SECTION
	BG	BD	
<i>Residential Uses</i>			
Multifamily dwelling	P	P	6-9
Dwelling unit above ground floor in mixed use building	P	P	
<i>Accommodations and Group Living</i>			
Bed and breakfast	P	P	6-5
Boarding house	P		
<i>Group care facility:</i>			
Congregate home, elderly	P	C	6-7
Congregate home, not otherwise listed	P		6-7
Group care home	P		6-7
Halfway house	C		6-7
Nursing home	P		6-7
Transitional living shelter	P		6-7
Hotel/motel	P	P	
<i>Commercial Uses: Office and Related Uses</i>			
Clinic	P	P	
Communications services	P	P	
Financial institution	P	P	
Laboratory	P	C	
Office, general	P	P	
Office, medical	P	P	
Outpatient mental health and substance abuse clinic	C	C	
<i>Commercial Uses: Miscellaneous</i>			
Adult use	C		
Caterer, commercial	P	P	
Community market	P	P	
Drive-through facility	P	C	
Flea market	C		
Funeral home	P		
Kennel, no outdoor pens or runs	P		
Live-work unit	P	P	
Mini-warehouse	C		
Veterinary hospital/clinic, no outdoor pens or runs	C		

USE	BG	BD	SUPPLEMENTAL REGULATION SECTION
Commercial Uses: Sales and Service			
Automobile dealership	C		
Automotive parts/supply, retail	P		
Bakery, confectionary, or similar food production, retail	P	P	
Building maintenance services	C		
Business support services	P	P	
Car wash	P		
Construction sales and services	P		
Consumer repair service establishment, not otherwise listed	P	P	
Contractor or tradesman shop, general or special trade	P	C	
Garden center	P		
Gasoline station	P		
Laundry	C		
Monument sales, retail	P		
Motor vehicle rental/leasing	C		
Motor vehicle rental, self-moving	C		
Motor vehicle repair services, minor	C		
Personal improvement services, not otherwise listed	P	P	
Personal services, not otherwise listed	P	P	
Pet grooming	P	P	
Printing/publishing facility	P	P	
Recreational vehicle sales and service	C		
Retail sales, general, not otherwise listed	P	P	
Retail sales, large furnishings	P	C	
Storage building sales	C		
Studio, fine arts	P	P	
Commercial Uses: Assembly and Entertainment			
Amusement, indoor, commercial	C	C	
Assembly hall	P	P	
Entertainment establishment	P	P	
Gaming establishment	C		
Restaurant	P	P	
Sports and recreation, indoor, commercial	C	C	
Sports and recreation, outdoor, commercial	C		
Theater, movie or performing arts	P	P	
Industrial Uses			
Bakery, confectionary, or similar food production, wholesale	C		
Beverage or food processing, excluding poultry and animal slaughtering and dressing	C		
Construction yard	C		
Fueling station, commercial or wholesale	P		

USE	BG	BD	SUPPLEMENTAL REGULATION SECTION
Manufacturing: Pottery, figurines and similar products, using only previously pulverized clay and kilns fired only by electricity or gas	C		
Manufacturing: Stone and cut stone products	C		
Manufacturing: Structural clay products	C		
Manufacturing: Wood products	C		
Research and development	C	C	
Warehousing and distribution	C		
Workshop	C	C	
Public, Institutional, and Community Facilities			
<i>ASSEMBLY</i>			
Amphitheater		P	
Club	P	P	
Religious assembly	P	P	
<i>COMMUNITY SERVICES</i>			
Cultural services	P	P	
Community food operation	P		
Day care center, child	P	P	
Day care center, adult	P		
Government administrative services	P	P	
Hospital	P	P	
Public safety services	P	P	
Supply pantry	P		
<i>PARKS AND OPEN AREAS</i>			
Botanical garden		P	
Community garden	P	P	
Public park or recreational area	P	P	
<i>SCHOOLS</i>			
Business or nonindustrial trade school	P	P	
Educational facilities, college/university		C	
Educational facilities, primary/secondary	P		
Industrial trade school	C		
School for the arts	P	P	
<i>SPORTS AND RECREATION FACILITIES</i>			
Public recreation assembly	P	P	
Transportation Uses			
Parking lot facility	P	P	
Transportation terminal	C	C	
Utility Uses			
Telecommunications facility	C	C	
Telecommunications facility, stealth	P	P	
Utility distribution or collection, basic	P	P	

USE	BG	BD	SUPPLEMENTAL REGULATION SECTION
Utility distribution or collection, transitional	C	C	
<i>Agricultural Uses</i>			
Agricultural operations	C		
<i>Accessory Uses</i>			
Not otherwise listed	P	P	6-3
Amateur radio tower and antenna	P	P	6-3(d)
Dumpster	P	P	6-3(e)
Day care home, child	P	P	
Home occupation	P	P	6-8
Outdoor storage	C		6-10
Portable storage container	T	T	6-14(d)
Recycling drop-off station	P		
Resident security or manager apartment	C		
Satellite dish antenna	P	P	6-13
Interpretation of Table 4-31-1. “P” indicates a use permitted as of right; “C” indicates a use permitted only by conditional use permit; “T” indicates a use permitted only as a temporary use; A blank cell indicates the use is not permitted.			

4-32. Dimensional Regulations for Business Districts

The dimensional regulations of the Business Districts are as set forth in [Table 4-32-1](#).

TABLE 4-32-1. DIMENSIONAL REGULATIONS FOR BUSINESS DISTRICTS			
		BG	BD
<i>Minimum lot area per residential unit (square feet)</i>		None	None
<i>Lot area, minimum (square feet)</i>	Public water and sewer	None	None
	Individual sewage disposal system	APP	APP
<i>Lot frontage, minimum (feet)</i>		0	None
<i>Building setback line, minimum (feet)</i>	Street width of 40 or more feet, measured from street right-of-way	10	None
	Street width of less than 40 feet, measured from centerline of street right-of-way	25	None
<i>Side street yard, minimum depth (feet)</i>		10	None
<i>Side yard, minimum depth (feet)</i>		0; 10 if abutting residential district	None
<i>Rear yard, minimum depth (feet)</i>		None	None
<i>Height maximum (feet)</i>		35*	35
<i>Lot coverage maximum</i>		None	None
<p>Interpretation of Table 4-32-1. A numeric entry means the dimension shall apply based on the unit of measurement indicated. “APP” means the minimum lot area shall be as determined by the health official. “None” means there is no requirement. * Height of public or semi-public building, such as a school, church, or library, may be increased up to maximum of 60 feet, provided each required yard shall be increased one (1) foot for each foot in height over 35 feet.</p>			

4-33. Other Regulations for Business Districts

The applicability of minimum parking and screening and landscaping requirements in Business Districts (BG and BD) are as set forth in [Table 4-33-1](#).

TABLE 4-33-1. OTHER REGULATIONS FOR BUSINESS DISTRICTS			
	BG District	BD District	Section Reference
Minimum parking requirement	Applies	Applies	7-22
Screening and landscaping requirements	Applies	Applies	Article 7, Division 1

DIVISION 4 – HISTORIC COMMERCIAL AREA OVERLAY DISTRICT (H-1)

4-40. Purpose

The purpose of the H-1 Historic Commercial Area Overlay District is to identify, preserve, enhance, and maintain architectural and historic landmarks, structures, and districts that are listed, or are eligible for listing, on the Virginia Landmarks Register or the National Register of Historic Places, or which have local significance. Moreover, the H-1 Overlay District is intended to develop and maintain appropriate settings and environments for such landmarks, structures, and districts by encouraging construction that is compatible with the historic character of the district.

4-41. Applicability

- (a) The Town Council may, pursuant to Section 15.2-2306 of the Code of Virginia (1950), as amended, and in the manner provided for amending this appendix, pursuant to the procedures set forth in [Section 9-50](#), designate as a H-1 Historic Commercial Area Overlay District appropriate areas which:
- (1) Contain landmarks or structures that are listed, or are eligible for listing, on the Virginia Landmarks Register or the National Register of Historic Places, or which have local significance;
 - (2) Are adjacent to landmarks designated as historic by the Virginia Department of Historic Resources;
 - (3) Are adjacent to any other structures within the Town having important historic, architectural, or cultural interest; or
 - (4) Contain buildings or sites having special public value because of notable architecture, historic events, or other worthy features relating to the social, cultural, or artistic heritage of the community, which are of such significance as to warrant conservation and preservation.
- (b) Any H-1 Historic Commercial Area Overlay District designated by the Town Council as provided for in subsection (a), above, shall be shown as an overlay to the existing underlying district on the Official Zoning Map. As such, the provisions in this division shall serve as a supplement to the underlying base zoning district regulations. Where a conflict exists between the regulations relating to the H-1 Overlay District and those of any underlying base zoning district, the more restrictive provisions shall apply.

4-42. Certificate of Appropriateness

A Certificate of Appropriateness (see [Article 9, Division 4](#)) shall be required for the demolition, moving, erection, reconstruction, alteration, or restoration of any structure or historic landmark in the H-1 Historic Commercial Area Overlay District. A Certificate of Appropriateness shall not be required for ordinary maintenance as defined in [Section 9-41\(d\)](#). The Zoning Administrator shall determine whether an activity requires a Certificate of Appropriateness.

4-43. Review Standards for New Construction or Exterior Modifications

The following standards shall be applied by the Board of Architectural Review in considering a request for a Certificate of Appropriateness for new construction or exterior modifications to an existing structure in the H-1 Overlay District.

(a) *Generally:*

- (1) The relationship of the changes to the historic, architectural, or cultural significance of the structure and the surrounding district; and

- (2) The appropriateness of the change in terms of architectural compatibility with the distinguishing historic and architectural features of the structure and the district. Architectural compatibility shall be judged in terms of a proposed structure's mass, dimensions, materials, color, ornamentation, architectural style, lighting, and other criteria deemed pertinent.
- (b) *Renovations:* For renovations, the ten (10) following basic standards, set forth by the Secretary of the Interior's Standards for Rehabilitation, shall apply:
- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (c) *New construction:* For new construction, the following standards shall apply:
- (1) The design for new construction shall be sensitive to and take into account the special characteristics that the district is established to protect. Such consideration may include building scale, height, and orientation, site coverage, spatial separation from other buildings, facade and window patterns, entrance and porch size and general design, materials, textures, color, architectural details, roof forms, emphasis of horizontal or vertical elements, walls, fences, and any other features deemed appropriate; and
 - (2) The design of the new construction shall recognize the relationships among buildings in the immediate setting rather than specific styles or details since architectural styles and details may vary from one (1) section of the district to another.

- (d) *Signage*: For signage, the following standards shall apply:
- (1) Signs shall be compatible with and relate to the design elements of the building with which they are associated or to which they are attached, rather than obscure or disrupt such design features;
 - (2) Signs shall be compatible with other signs and buildings in the district and adjacent to the property; and
 - (3) Compatibility shall be judged in terms of dimensions, materials, color, letter style and placement, lighting, and overall general effect on the building and district.
- (e) *Architectural design guidelines*: In addition to the standards set forth in subsections (a) through (d), above, the Board of Architectural Review may adopt specific Architectural Design Guidelines for the H-1 Overlay District, or a portion of the H-1 Overlay District. The Board of Architectural Review shall consider the applicable guidelines in its decisions to issue or deny Certificates of Appropriateness.

4-44. Review Standards for Demolition

The following standards shall be applied by the Board of Architectural Review in considering a request for a Certificate of Appropriateness for demolition of a structure or historic landmark within the H-1 Overlay District:

- (a) The purpose and necessity of the demolition are in accordance with the intent of the H-1 Historic Commercial Area Overlay District;
- (b) Loss of the structure would not be adverse to the district or the public interest by virtue of its uniqueness or its contribution to the district; and
- (c) Demolition would not have an adverse effect on the character and surrounding environment of the district.

ARTICLE 5. FLOODPLAIN OVERLAY DISTRICT

5-1. Statutory Authorization and Purpose

5-2. Applicability

DIVISION 1 - GENERAL PROVISIONS

5-10. Compliance and Liability

5-11. Abrogation and Greater Restrictions

5-12. Severability

5-13. Penalty for Violations

DIVISION 2 - DEFINITIONS

5-20. Definitions

DIVISION 3 - ESTABLISHMENT OF FLOODPLAIN AREAS

5-30. Description of Floodplain Areas

5-31. Floodplain Boundary Changes

5-32. Interpretation of Boundaries

5-33. Submitting Technical Data

DIVISION 4 – FLOODPLAIN DEVELOPMENT REGULATIONS

5-40. Permit Requirements

5-41. General Standards

5-42. Floodway

5-43. Special Floodplain

[5-44. Approximated Floodplain](#)

[DIVISION 5 – PERMITTED USES IN FLOODWAY](#)

[5-50. Uses Permitted as of Right in Floodway](#)

[5-51. Conditional Uses Permitted in Floodway](#)

[DIVISION 6 - SITE DESIGN REQUIREMENTS](#)

[5-60. Compliance](#)

[5-61. Site Plan and Subdivision Proposal Criteria](#)

[5-62. Design Criteria for Utilities and Facilities](#)

[DIVISION 7 - EXISTING STRUCTURES IN FLOODPLAIN AREAS](#)

[5-70. Existing Structures in Floodplain Areas](#)

[DIVISION 8 - VARIANCES](#)

[5-80. Variances; Consideration Factors](#)

[5-81. Application Requirements for Variances in Floodways](#)

[DIVISION 9 - REAL ESTATE SALES](#)

[5-90. Real Estate Sales](#)

5-1. Statutory Authorization and Purpose

This article is adopted pursuant to the authority granted to localities by Section 15.2-2280 of the Code of Virginia (1950), as amended. The purpose of the Floodplain Overlay District (F) is to provide mandatory restrictions for FEMA compliance, along with additional standards to restrict impervious surfaces in the floodplain. The intent of the provisions of this article is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (a) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (b) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (c) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
- (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

5-2. Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the Town and identified as being flood prone.

DIVISION 1 – GENERAL PROVISIONS

5-10. Compliance and Liability

- (a) No land shall be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered, except in full compliance with the terms and provisions of this article and any other

applicable ordinances and regulations which apply to uses within the Town.

- (b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the Floodplain Overlay District (F) or land uses permitted within such district will be free from flooding or flood damages.
- (c) Records of actions associated with administering this article shall be kept on file and maintained by the Zoning Administrator.
- (d) This article shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.

5-11. Abrogation and Greater Restrictions

- (a) The provisions of this article supersede any regulations in effect in floodplain areas. However, any underlying regulations or restrictions shall remain in full force and effect to the extent that their provisions are more restrictive than the regulations as set forth in this article.
- (b) Wherever any regulation in this article imposes higher or more restrictive standards than are required in any other statute, ordinance, or regulation, the provisions of this article shall govern. Whenever the provisions of any other statute, ordinance, or regulation impose higher or more restrictive standards than are required in this article, the provisions of such other statute, ordinance, or regulation shall govern.

5-12. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article or appendix. The remaining portions shall remain in full force and effect, and for this purpose, the provisions of this article and appendix are hereby declared to be severable.

5-13. Penalty for Violations

- (a) Violating, causing, or permitting the violation of, or failure to comply with any of the requirements of, this article by any person, firm, or corporation, whether as principal, agent, owner, lessee, employee, or other similar position, shall be unlawful. Any such violation shall be a misdemeanor punishable, upon conviction, as provided in Section 15.2-2286.A.5 of the Code of Virginia (1950), as amended.
- (b) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a penalty for any violation of, or noncompliance with, the provisions of this article shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the Town Council or its agent to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

DIVISION 2 - DEFINITIONS

5-20. Definitions

Certain terms and words used in this article shall be defined as set forth below. Where any conflict exists between the definitions below and those set forth in [Article 11](#) of this appendix, the definitions of this subsection shall govern for the purposes of the regulations of this article.

Base flood/ 100-year flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation: The Federal Emergency Management Agency designated 100-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the Town's Flood Insurance Rate Map. For the purposes of this article, the one hundred (100) -year flood or one (1) percent annual chance flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Beginning of construction or use: For the purpose of zoning requirements, the filing of required documentation with the state agencies or the Town such as a building permit application, structural drawings, erosion and sedimentation control plans, or the start of excavation or site preparation work. This shall also include proof of filing documentation with other agencies or utility companies that is required for the development of the site or for the use of the site that has been approved.

Channel: A perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

Conditional letter of map revision (CLOMR): A letter from FEMA commenting on whether a proposed project, if built as proposed, would justify a National Flood Insurance Program (NFIP) map revision to modify the existing regulatory floodway or effective base flood elevation.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

FEMA: Federal Emergency Management Agency.

Flood or flooding:

- (a) A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland waters; or
 - (2) The unusual and rapid accumulation of runoff of surface waters from any source.
 - (3) Mudflows which are proximately caused by flooding as defined in subsection (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- (b) The collapse or subsistence of land along the shore of a body of water as a result of erosion or undermining caused by currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (a)(1) of this definition.

Flood elevation: A determination by the Federal Insurance Administration of the water surface elevations of the base flood, which is the flood level that has a one (1) percent or greater chance of occurrence in any given year.

Flood Insurance Rate Map (FIRM): An official map of the Town, on which the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the Town. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source.

Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums will be significantly less.

Historic structure: For the purpose of this article only, any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on the Virginia Landmarks Register or determined eligible by the Virginia Department of Historic Resources for such register; or
- (d) Individually listed on the Town inventory of historic places or as determined eligible for such inventory by the Board of Architectural Review.

Letter of map revision (LOMR): A letter from FEMA officially revising the current National Flood Insurance Program (NFIP) map to show changes to floodplains, floodways, or flood elevations.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the

structure in violation of the applicable non-elevation design requirements of this article and as set forth in Federal Code 44CFR, Section 60.3.

Manufactured home: See “Dwelling, manufactured home” in [Article 11](#). For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include recreational vehicles as defined in this article.

Manufactured home park: A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

New construction: For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of the Town’s initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the Town and includes any subsequent improvements to such structures.

Recreational vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Special flood hazard area or district: The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as determined in [Section 5-30](#).

Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For purposes of this article only, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Violation: The failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

DIVISION 3 – ESTABLISHMENT OF FLOODPLAIN AREAS

5-30. Description of Floodplain Areas

(a) *Basis of floodplain areas.* For the purposes of the regulations prescribed in this article, there are hereby created various special flood hazard areas subject to inundation by waters of the 100-year flood. The basis for delineation of, and the boundaries of, the floodway, special floodplain, and approximated floodplain shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for the Town of Clifton Forge prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 17, 2010, and any subsequent revisions or amendments thereto. A copy of the Flood Insurance Study and accompanying Flood Insurance Rate Maps shall be filed in the offices of the Town Clerk and Director of Community Development and are hereby declared to be a part of these regulations. The floodplain areas shall consist of the following:

- (1) *Floodway.* The floodway is delineated, for purposes of the regulations of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These floodways are specifically defined in Table 6 of the Flood Insurance Study and as shown on the accompanying Flood Insurance Rate Map.
- (2) *Special floodplain.* The special floodplain shall be that area of the 100-year floodplain not included in the floodway and identified as Zone AE on the Flood Insurance Rate Map accompanying the Flood Insurance Study for which 100-year flood elevations have been provided. The basis for the outermost boundary of the special floodplain shall be the 100-year flood elevations contained in the flood profiles of the Flood Insurance Study and as shown on the accompanying Flood Insurance Rate Map.
- (3) *Approximated floodplain.* The approximated floodplain shall be that floodplain area for which no detailed flood profiles or elevations are provided but where a 100-year floodplain boundary has been approximated. Such areas are identified as Zone A on the Flood Insurance Rate Map. For these areas, the 100-year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Flood Plain Information Reports and U. S. Geological Survey Flood-Prone Quadrangles, the applicant for the proposed use, development, or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. When a Zone A area is located between two (2)

numbered zones, 100-year flood elevations shall be linearly interpolated between known elevations, along the centerline of the channel. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, and computations shall be submitted in sufficient detail to allow a thorough review by the Town.

(b) *Overlay concept.*

- (1) The floodplain areas described in [Section 5-30\(a\)\(1\)](#), (2), and (3) shall constitute the Floodplain Overlay District (F) and, as such, shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Map. As such, the provisions of the Floodplain Overlay District (F) shall serve as a supplement to the underlying zoning district provisions.
- (2) With any conflict between the provisions or requirements of the Floodplain Overlay District (F) and those of any underlying base zoning district, the more restrictive provisions and/or those pertaining to the Floodplain Overlay District (F) shall apply.
- (3) If any provision concerning the Floodplain Overlay District (F) is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying zoning district provisions shall remain applicable.

5-31. Floodplain Boundary Changes

The delineation of any of the floodplain areas described in [Section 5-30](#) may be revised by the Town where natural or manmade changes have occurred or when more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual, documents the need for such change. However, prior to any such change, approval shall be obtained from the Federal Insurance Administration.

5-32. Interpretation of Boundaries

Interpretations of the boundaries of the floodplain areas described in [Section 5-30\(a\)\(1\)](#), (2), and (3) shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of these areas, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the boundary shall be given a reasonable opportunity to present his case to the Board of Zoning Appeals and to submit his own technical evidence if he so desires.

5-33. Submitting Technical Data

The Town's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the Town shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

DIVISION 4 – FLOODPLAIN DEVELOPMENT REGULATIONS

5-40. Permit Requirements

- (a) *Permit requirement.* All uses, activities, and development occurring within any floodplain area shall be undertaken only upon the issuance of a zoning permit by the Zoning Administrator. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes

and ordinances, as amended, such as the Building Code and the Town's Subdivision Regulations. The Zoning Administrator shall monitor all applications for building permits within the Floodplain Overlay District (F) to ensure compliance with this article. Prior to the issuance of any such permit, the Director of Community Development shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(b) *Alteration or relocation of watercourse.*

- (1) Prior to any proposed alteration or relocation of any channel within a regulatory floodplain within the Town, a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Dam Safety and Floodplain Management Division of the Virginia Department of Conservation and Recreation, and the Federal Insurance Administrator. If the channel to be altered or relocated contains a regulatory floodplain, a conditional letter of map revision shall be secured from FEMA, prior to construction.
- (2) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(c) *Zoning permits.* All applications for zoning permits for structures in the floodplain as defined for purposes of this article shall include a standard FEMA elevation certificate completed by a licensed surveyor or engineer. For all such permits, all applications shall incorporate, and the Zoning Administrator shall maintain a record of, the following information:

- (1) The elevation of the 100-year flood;
- (2) Topographic information showing existing and proposed ground elevation;
- (3) For structures to be elevated, the elevation (in relation to mean sea level) of the lowest floor (including basement) of any proposed new or substantially improved structures;
- (4) For nonresidential structures to be flood-proofed, the elevation (in relation to mean sea level) to which the structure will be flood-proofed;
- (5) Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the Virginia Uniform Statewide Building Code; and
- (6) Prior to the issuance of a Certificate of Occupancy, an elevation certificate of the as-built construction.

5-41. General Standards

The following provisions shall apply to all permits issued in any floodplain area of the Floodplain Overlay District:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This

standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

5-42. Floodway

In addition to other applicable regulations of this article, the following provisions shall apply specifically within the floodway, as described in [Section 5-30\(a\)\(1\)](#):

- (a) *Encroachments.* Encroachments, including fill, new construction, substantial improvements, and other development, shall be prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers, or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, and computations shall be submitted in sufficient detail to allow a thorough review by the Director of Community Development or any authorized employee of the Town.
- (b) *Increase of base flood elevation.* Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with the Town's endorsement, for a conditional letter of map revision, and receives the approval of the Federal Emergency Management Agency.
- (c) *Flood hazard reduction.* Any new construction and substantial improvements as may be permitted within the floodway by this article shall comply with all applicable flood hazard reduction provisions of this article.
- (d) *Manufactured homes.* The placement of manufactured homes or mobile homes shall be prohibited.

5-43. Special Floodplain

In the special floodplain, as described in [Section 5-30\(a\)\(2\)](#), the development or use of land shall be permitted in accordance with the regulations of the underlying base zoning district, provided that all such uses, activities, or development shall be undertaken in strict compliance with the other applicable regulations of this article and the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances, and provided further that:

- (a) *Increase of base flood elevation.* Until a regulatory floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within the areas of the special

floodplain designated as Zone AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town.

- (b) *Conditional letter of map revision (CLOMR).* Development activities in Zone AE as designated on the Flood Insurance Rate Map, which increase the water surface elevation of the base flood by more than one (1) foot, may be allowed, provided that the developer or applicant first applies, with the Town's endorsement, for a conditional letter of map revision and receives the approval of the Federal Emergency Management Agency.
- (c) *Flood-proofing and lowest floor.* In the special floodplain, the development or use of land shall be permitted in accordance with the regulations of the underlying base zoning district, provided that all such uses, activities, or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances; and provided further that the lowest floor of any structure shall be elevated above the base flood elevation as set forth in subsections (1) and (2) below.
 - (1) *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the determined base flood elevation.
 - (2) *Non-residential construction.* New construction or substantial improvements of any commercial, industrial, or non-residential building, or manufactured home, shall have the lowest floor, including basements, elevated to one (1) foot above the determined base flood elevation. Buildings located in Zone AE may be flood-proofed in lieu of being elevated provided that all areas of the building components below the base flood elevation plus one (1) foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation in relation to mean sea level to which such structures are flood-proofed, shall be maintained by the Director of Community Development and shall be stated on the building permit.
- (d) *Elevated buildings.* Fully enclosed areas of new construction or substantial improvements of structures that have areas below the established base flood elevation shall:
 - (1) Not be designed or used for human habitation, but shall be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
 - (2) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and
 - (3) Include, in structures located in Zones A or AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings shall either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (A) Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding;
 - (B) The total net area of all openings shall be at least one (1) square inch for each square foot of enclosed area subject to flooding;

- (C) If a building has more than one (1) enclosed area, each area shall have openings to allow floodwaters to automatically enter and exit;
- (D) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade;
- (E) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (F) Foundation enclosures made of flexible skirting shall not be considered enclosures for regulatory purposes and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, shall be considered an enclosure and shall require openings as outlined above.

(e) *Manufactured Homes and Recreational Vehicles.*

- (1) All manufactured homes or mobile homes to be placed or substantially improved within the special floodplain area, as described in [Section 5-30\(a\)\(2\)](#), shall be placed on a permanent foundation and anchored in accordance with the Virginia Uniform Statewide Building Code.
- (2) All recreational vehicles placed on sites shall either:
 - (A) Be on the site fewer than 180 consecutive days, be fully licensed, and be ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (B) Meet all the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as set forth in the Virginia Uniform Statewide Building Code.

5-44. Approximated Floodplain

In the approximated floodplain, as described in [Section 5-30\(a\)\(3\)](#), the development or use of land shall be permitted in accordance with the regulations of the underlying base zoning district, provided that all such uses, activities, or development shall be undertaken in strict compliance with the other applicable regulations of this article and the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances, and provided further that:

Pursuant to [Section 5-30\(a\)\(3\)](#), the Director of Community Development or any authorized employee of the Town of Clifton Forge reserves the right to require a hydrologic and hydraulic analyses for any development in the approximated floodplain. When such base elevation has been determined, the lowest first finished floor shall be elevated to or above the base flood elevation and meet the flood-proofing requirements for elevated structures as set forth in [Section 5-43\(c\)](#) and (d).

DIVISION 5 – PERMITTED USES IN FLOODWAY

5-50. Uses Permitted as of Right in Floodway

The following uses shall be permitted as of right in the floodway to the extent that they are otherwise permitted in the underlying base zoning district and are not prohibited by any other ordinance, and provided they do not employ structures, fill, or storage of materials and equipment within the floodway which may cause any increase in 100-year flood height and velocity:

- (a) Agricultural operations, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
- (b) Public and private recreational uses such as parks, picnic grounds, golf courses, boat launching or swimming areas, hiking or horseback riding trails, wildlife and nature preserves, fishing areas, and trap and skeet game ranges;
- (c) Botanical gardens; and
- (d) Accessory residential uses such as yard areas, gardens, and play areas.

5-51. Conditional Uses Permitted in Floodway

The following uses shall be permitted in the floodway by conditional use permit granted by the Town Council, pursuant to the procedures set forth in [Article 9, Division 6](#), provided such uses are permitted in the underlying base zoning district:

- (a) Structures accessory to the uses set forth in [Section 5-50](#);
- (b) Utilities distribution: gas/electric compressor station or substation, or water pump/lift station;
- (c) Sewage treatment facility or water treatment facility;
- (d) Quarry and mining operations, including excavation of sand, gravel, or clay, provided no increase in the level of flooding or velocity is caused; and
- (e) Storage of materials and equipment provided that they are not buoyant, flammable, or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, or can be readily removed from the area within the time available after flood warning.

DIVISION 6 – SITE DESIGN REQUIREMENTS

5-60. Compliance

Every subdivision proposal and other new development, including utilities and drainage, any part of which is located within a floodplain district, shall be located and designed to be consistent with the purposes and regulations of this article and to minimize flood damage.

5-61. Site Plan and Subdivision Proposal Criteria

The owner or developer of any proposed subdivision or other new development within a floodplain district shall include the following information on the subdivision plat or site plan:

- (a) The name of the engineer, surveyor or other qualified person responsible for providing the information required by this article;
- (b) The location of the proposed subdivision or new development with respect to the Town's flood-prone areas, proposed lots and sites, fills, flood or erosion protection facilities and areas subject to special deed restriction. In addition, it is required that all subdivision proposals and other proposed development proposals, including manufactured home parks and subdivisions, that exceed five (5) acres or fifty (50) lots shall include base flood elevation data;
- (c) Where the subdivision or other new development lie partially or completely in the flood-prone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and

building sites. All such maps shall show contours at intervals of two (2) or five (5) feet, depending upon the slope of the land, and shall identify accurately the boundaries of the flood-prone areas; and

- (d) The location of water and sewer systems, including on-site systems.

5-62. Design Criteria for Utilities and Facilities

All subdivision proposals or other new development within a floodplain area, as established in [Section 5-30](#), shall meet the following design criteria for public utilities and facilities:

- (a) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.
- (b) *Water facilities.* All new or replacement potable water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and shall be located and constructed to minimize or eliminate flood damages.
- (c) *Drainage facilities.* A detail erosion and sedimentation and/or storm water management plan shall be submitted to the Town for review and approval. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (d) *Utilities.* All other utilities, such as gas lines and electrical, telephone, and cable television systems, being placed in flood-prone areas shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood occurrence.
- (e) *Streets and sidewalks.* Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

DIVISION 7 – EXISTING STRUCTURES IN FLOODPLAIN AREAS

5-70. Existing Structures in Floodplain Areas

A structure or use of a structure or premises which lawfully existed before November 1, 1988, but which is not in conformity with these provisions, or any subsequent amendments, may be continued subject to the following conditions:

- (a) Existing structures and uses located in the floodway district shall not be expanded or enlarged, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion or enlargement would not result in any increase in the base flood elevation.
- (b) For the purpose of this article, any modifications, alterations, repairs, reconstructions, or improvements of any kind to a structure or use located in any floodplain area to an extent or amount of less than fifty (50) percent of its market value shall be elevated or flood-proofed in accordance with the Virginia Uniform Statewide Building Code to the greatest extent possible.

- (c) For the purpose of this article, the modification, alteration, repair, reconstruction, or improvement of any kind to a structure or use located in a floodplain, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this article and shall require the entire structure to conform to the Virginia Uniform Statewide Building Code.

DIVISION 8 - VARIANCES

5-80. Variances; Consideration Factors

- (a) When an application for a variance from the regulations of this article has been made, the procedure for processing the variance request shall be as set forth in [Section 9-70](#).
- (b) In considering an application for a variance from the terms of this article, the Board of Zoning Appeals shall satisfy all standards and findings set forth in [Section 9-70\(d\)](#) and (f)(5) and shall consider the following additional factors:
 - (1) The danger to life and property due to increased flood heights or velocities caused by encroachment. No variance shall be granted for any proposed use, development, or activity within any floodway that will cause any increase in the 100-year flood elevation without approval of a conditional letter of map revision (CLOMR);
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - (5) The importance of the services provided by the proposed facility to the community;
 - (6) The requirements of the facility for a waterfront location;
 - (7) The availability of alternative locations not subject to flooding for the proposed use;
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (9) The relationship of the proposed use to the Town's Comprehensive Plan and floodplain management program for the area;
 - (10) The safety of access by ordinary and emergency vehicles to the property in time of flood;
 - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
 - (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; and
 - (13) Such other factors which are relevant to the purposes of this article.
- (c) Variances shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- (d) The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for protection and other related matters.

- (e) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense, and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.
- (f) The Board of Zoning Appeals shall notify the applicant for a variance, in writing and signed by the Zoning Administrator, within ten (10) business days of the public hearing, that the issuance of a variance to construct a structure below the 100-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
- (g) A record of any notification pursuant to subsection (f) above, as well as all variance actions, including justification for their issuance, shall be maintained by the Zoning Administrator. Any variances which are issued shall be noted in the annual or biennial report of the Town submitted to the Federal Insurance Administrator.

5-81. Application Requirements for Variances in Floodways

All applications for a variance in any floodway, as defined herein, shall include the following:

- (a) Plans in triplicate, drawn to scale not less than one (1) inch to one hundred (100) feet horizontally, showing the location, dimensions, and contours (at two-foot intervals) of the lot, existing and proposed structures, fill, storage areas, water supply, sanitary facilities, and relationship of the floodway to the proposal;
- (b) A typical valley cross-section as necessary to adequately show the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, floodway limits, and 100-year flood elevation;
- (c) A profile showing the slope of the bottom of the channel or flow line of the stream;
- (d) A summary report, prepared by professional engineers or others of demonstrated qualifications, evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, and other pertinent technical matters;
- (e) A list of names, addresses, and official tax numbers of adjoining property owners and owners of property within three hundred (300) feet of the subject property; and
- (f) A conditional letter of map revision (CLOMR) prior to the issuance of any such variance in the floodway.

DIVISION 9 – REAL ESTATE SALES

5-90. Real Estate Sales

Any owner or partial owner of real estate or his agent and any real estate broker or his agent who sells or contracts to sell real estate subject to a floodplain regulation without first notifying in writing the buyer or his agent that such real estate is subject to floodplain regulations shall be subject to the penalties set forth in [Section 5-13](#).

ARTICLE 6. SUPPLEMENTAL REGULATIONS

[6-1. Purpose](#)

[6-2. Applicability](#)

[6-3. Accessory Uses and Structures](#)

[6-4. Adult Uses](#)

[6-5. Bed and Breakfast](#)

[6-6. Fences, Walls, and Hedges](#)

[6-7. Group Care Facilities](#)

[6-8. Home Occupations](#)

[6-9. Multifamily Dwellings](#)

[6-10. Outdoor Storage](#)

[6-11. Parking of Commercial Motor Vehicles in Residential Districts](#)

[6-12. Parking or Storage of Recreational Vehicles in Residential Districts](#)

[6-13. Satellite Dish Antennas](#)

[6-14. Temporary Uses](#)

[6-15. Townhouses](#)

6-1. Purpose

The regulations of this article are intended to supplement the applicable zoning district regulations and the other development standards of this appendix in a manner that specifically addresses the unique development challenges of certain uses, facilities, and structures.

6-2. Applicability

The supplementary regulations of this article shall apply to the uses, structures, and facilities as set forth in this article, shall apply in all zoning districts unless otherwise stated herein, and shall supplement the requirements of the applicable zoning district regulations and the other applicable standards of this appendix. The supplementary regulations are applicable to new development, redevelopment, or a change of use.

- (a) The standards listed as general standards shall apply in all zoning districts in which the use, structure, or facility is permitted by right or by conditional use.
- (b) Where a specific zoning district is indicated, the standards listed shall apply to that zoning district, in addition to any general standards listed for the use, structure, or facility.

6-3. Accessory Uses and Structures

- (a) *Applicability.* Principal uses which are allowed by right or by conditional use may include accessory uses and structures as defined in this appendix, provided such uses and structures are directly associated with and incidental to the principal permitted use located on the same lot, and provided they are designed and located in accordance with the provisions of this appendix. The supplemental regulations of this section shall apply, both generally and as specifically delineated within this section, to accessory uses and structures.
- (b) *General standards.*
 - (1) An accessory use shall not include the conduct of trade unless permitted in conjunction with a permitted use.
 - (2) An accessory use shall be located on the same lot as the principal use which it serves.

- (3) An accessory structure shall not be used for human habitation unless otherwise specifically permitted in this appendix.
 - (4) An accessory use shall be subject to the same screening and buffering requirements of this appendix as may apply to the principal use.
 - (5) Accessory buildings shall be subject to the following maximum size and height standards:
 - (A) The cumulative square footage of all accessory structures, excluding outdoor tennis courts and in-ground swimming pools, shall not exceed forty (40) percent of the gross floor area of the principal structure, provided that for purposes of such calculation, basement areas which are not considered a story above grade plane, as defined and determined by the Building Code, and unfinished attics shall not be included in the gross floor area of the principal structure.
 - (B) The maximum height of any accessory building shall be less than the height of the principal building.
 - (6) In any residential zoning district, a manufactured home, mobile home, trailer, camper, or motor vehicle, or portion thereof, shall not be used as an accessory structure for the purpose of storage or for any other accessory use.
- (c) *Setbacks and spacing standards, general.* Except for fences, walls, or outdoor light support structures, or as otherwise provided in this section, the following setback and spacing requirements shall apply to accessory structures:
- (1) Accessory structures shall be located no closer than five (5) feet to a rear or side lot line, except as provided in subsection (f) below.
 - (2) Accessory structures shall be located no closer to any street than the principal building, except as set forth in subsections (A) and (B) below, provided such exceptions set forth in (A) and (B) below shall not apply to refuse dumpster enclosures.
 - (A) In the case of any corner lot with more than two (2) street frontages or any through lot, such requirement shall apply to only one (1) street, provided no accessory structure shall be located closer than five (5) feet to any such lot line abutting a street; or
 - (B) In the case of any corner lot with two (2) street frontages, such requirement shall not apply to a side street yard, provided no accessory structure shall be located closer than five (5) feet to such side street lot line.
 - (3) Accessory structures shall be located no closer than six (6) feet to a principal structure or another accessory structure.
- (d) *Amateur radio towers and antennas.* Amateur radio towers and antennas, as permitted by right as accessory structures as set forth in the Use Tables of [Article 4](#), shall be subject to the following supplemental regulations:
- (1) Amateur radio towers and antennas shall not be subject to the maximum height regulations of the applicable zoning district, provided that in no case shall they exceed a height of seventy-five (75) feet above ground level;
 - (2) Amateur radio towers and antennas shall comply with the yard requirements of the principal building; and such yard requirements shall apply to any guy wire supports as well as the radio tower and antenna;
 - (3) Amateur radio towers and antennas, including any guy wires, shall be located no closer to the street on which the principal building fronts than the principal building; and

- (4) Amateur radio towers and antennas shall be dismantled and removed from the site within one hundred eighty (180) calendar days of the tower no longer being used.
- (e) *Dumpsters or refuse containers.* Dumpsters or refuse containers shall be subject to the following supplemental regulations:
- (1) Dumpsters and refuse containers shall be screened with an enclosure, pursuant to the screening regulations of [Section 7-17](#), at a minimum height of one (1) foot above the height of the dumpster or other similar receptacle. For the purposes of satisfying the requirement of this section, slats inserted in a chain link fence shall not constitute a visually opaque screen and shall not be an acceptable screening material for an enclosure for a refuse dumpster or other refuse container.
 - (2) Where dumpsters or refuse containers for nonresidential uses are located on a lot which abuts a residentially zoned lot, such containers shall be located no closer than fifteen (15) feet to the abutting residentially zoned lot.
- (f) *Garages or carports, detached.* Minimum setbacks for detached garages or carports shall conform to subsection (c), above, except that the minimum setback requirement from a lot line abutting an improved alley shall be three (3) feet.
- (g) *Parking structures.* Parking structures may be located closer to the street than the principal building, but shall not be located in the required front yard.
- (h) *Portable storage containers.* Portable storage containers located on and necessary for an approved construction project are regulated in [Section 6-14\(b\)](#), and portable storage containers permitted and approved as temporary accessory uses are regulated in [Section 6-14\(d\)](#).
- (i) *Recycling drop-off stations.* Recycling drop-off stations, where permitted as accessory uses by this appendix, shall be subject to the following supplemental regulations:
- (1) Where receptacles for recyclable materials are located outside of a building, they shall be located so as not to disrupt or interfere with on-site traffic circulation, required fire lanes, required parking, or required loading or stacking spaces.
 - (2) A specific circulation pattern shall be established to provide safe and easy access to recycling receptacles. Adequate space shall be provided for the unloading of recyclable materials.
- (j) *Swimming pools and tennis courts.* Swimming pools and tennis courts shall comply with the setbacks and spacing requirements for accessory structures as set forth in subsection (c), above.
- (k) *Temporary family health care structures.* For purposes of this section, a “caregiver” shall mean an adult who provides care for a mentally or physically impaired person within the Commonwealth of Virginia; such caregiver shall be either related by blood, marriage, or adoption to, or be the legally appointed guardian of, the mentally or physically impaired person for whom he/she is caring. Temporary family health care structures shall be subject to the following supplemental regulations:
- (1) Occupancy of the structure shall be limited to one (1) occupant who is a resident of Virginia and who shall be the mentally or physically impaired person or, in the case of a married couple, two (2) occupants, who are residents of Virginia, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Section 63.2-2200 of the Code of Virginia (1950), as amended, as certified in writing by a physician licensed by the Commonwealth of Virginia;
 - (2) The structure shall be located on the same lot as a single-family detached dwelling and on property owned or occupied by the caregiver as his residence;

- (3) The structure shall not exceed three hundred (300) square feet in gross floor area;
- (4) Placement of the structure on a permanent foundation shall not be permitted;
- (5) The structure shall comply with all setback requirements that apply to the principal residential dwelling on the lot and with any maximum floor area ratio limitations that may apply to the principal residential dwelling;
- (6) The structure shall be required to connect to any water, sewer, and electric utilities that are serving the principal residential dwelling on the property and shall comply with all applicable requirements of the Virginia Department of Health;
- (7) The structure shall comply with applicable provisions of the Industrialized Building Safety Law, pursuant to Sections 36-70 et seq. of the Code of Virginia (1950), as amended, and the Virginia Uniform Statewide Building Code;
- (8) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the structure or elsewhere on the property;
- (9) Only one (1) such structure shall be permitted on a lot;
- (10) Any such structure installed pursuant to this section shall be removed within sixty (60) days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section; and
- (11) As long as the structure remains on the property, a letter of certification, written by a licensed physician, shall be provided to the Zoning Administrator on an annual basis to ensure continued compliance with this section. The Zoning Administrator may inspect the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance inspection.

6-4. Adult Uses

- (a) *Applicability.* In any district in which an adult use is permitted, if such use constitutes an "adult use" as defined in this section, the minimum requirements and standards set out in this section shall apply to such use.
- (b) *Definitions.* In this section, unless the context otherwise requires, the following words and terms are defined as set out herein.
 - (1) *Adult bookstore.* An establishment that devotes more than fifteen (15) percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following:
 - (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - (B) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than fifteen (15) percent of the total floor area of the establishment to the sale of books and periodicals.
 - (2) *Adult drive-in theatre.* An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and

presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.

- (3) *Adult mini-motion picture theatre.* An establishment, with a capacity of more than five (5) but less than fifty (50) persons, where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.
- (4) *Adult model studio.* Any establishment open to the public where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution which meets the requirements established in the Code of Virginia (1950), as amended, for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.
- (5) *Adult motion picture arcade.* Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons.
- (6) *Adult motion picture theatre.* An establishment, with a capacity of fifty (50) or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction of "specified sexual activities" or "specified anatomical areas" for observation of patrons.
- (7) *Adult use.* Any adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, adult motion picture arcade, adult model studio, adult drive-in theatre, or massage parlor, as defined in this subsection.
- (8) *Massage.* A method of treating the external parts of the human body for comfort or the general well-being of the body or for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- (9) *Massage parlor.* Any establishment or place where massages are administered or where any person engages in, conducts or carries on, or permits to be engaged in, conducted or carried on, any business of giving Turkish, Swedish, vapor, sweat, electric, salt, magnetic or any other kind or character of massage, baths, alcohol rub, fomentation, manipulation of the body or other similar procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, or osteopath, or to barber shops or beauty shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- (10) *Specified anatomical areas:*
 - (A) Less than completely and opaquely covered:
 - (i) Human genitals, pubic region;
 - (ii) Buttocks; and
 - (iii) Female breast below a point immediately above the top of the areola; and
 - (B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(11) *Specified sexual activities:*

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy; and
- (C) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

(c) *Requirements and standards.*

- (1) No adult use may be established within two thousand (2,000) feet of any other such adult use in any zoning district.
- (2) No adult use may be established within two thousand (2,000) feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield or day care center.
- (3) The "establishment" of an adult use as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or in part, of any existing business to any adult use.

6-5. Bed and Breakfast

- (a) *Purpose.* The purpose of this section is to permit, under certain established criteria, the establishment of bed and breakfast facilities within owner-occupied, single-family dwellings, in order to enable owners to maintain large residential structures in a manner which keeps them primarily in residential uses and to provide an alternative form of lodging for visitors who prefer a residential setting. The intent of the regulations is to allow for a more efficient use of large, older houses in residential areas, while preserving the character of the residential neighborhood.
- (b) *Applicability.* The supplemental regulations set out in this section shall apply to bed and breakfast establishments permitted by this appendix as of right or by conditional use.
- (c) *Location.* In any zoning district in which bed and breakfast establishments are permitted, such establishments shall be located within a single-family detached dwelling.
- (d) *General standards.*
 - (1) Any building erected, enlarged, or modified to accommodate a bed and breakfast establishment shall maintain the appearance of a single-family residence. No rooms shall have direct entrance or exit to the outside of the building, except that emergency exits may be provided for emergency purposes when required by the Fire Marshal.
 - (2) The owner or owner's family shall reside at the same site occupied by the bed and breakfast establishment.
 - (3) No more than six (6) guest sleeping rooms shall be utilized for a bed and breakfast establishment, and the number of guest occupants shall not exceed twelve (12).
 - (4) No cooking shall be permitted in guest rooms.
 - (5) Guests may stay no more than thirty (30) nights in any twelve-month period. The operator of the bed and breakfast shall maintain a log of all guests, including name, address, license plate number, and length of stay, and shall make such log available to the Zoning Administrator upon request.
 - (6) Required parking for guests and employees shall be provided on-site and shall be located behind the front line of the building.

- (7) One (1) sign of no more than four (4) square feet, identifying the bed and breakfast establishment, shall be permitted. Such sign may be attached to the building or may be freestanding. If freestanding, such sign shall not exceed four (4) feet in height.
- (8) Only accessory uses or structures which are incidental and subordinate to a single-family detached dwelling shall be permitted in conjunction with a bed and breakfast establishment.

6-6. Fences, Walls, and Hedges

(a) *Applicability.* Fences, walls, and hedges shall be subject to the supplemental regulations of this section.

- (1) For the purpose of this section, fences or walls shall be deemed to be physical or visual barriers enclosing or separating properties or portions of properties. Any such barrier which is made up solely of shrubbery or similar vegetation shall be deemed to be a hedge.
- (2) For the purpose of this section, "walls" shall include decorative walls and walls intended as a buffer or screen. The supplemental regulations of this section shall not apply to retaining walls.
- (3) Unless the context clearly indicates otherwise, use of the term "fence" in this section shall be deemed to include walls and hedges.
- (4) The grouping of living trees on a property, even when planted or maintained for the purpose of creating a physical or visual barrier within or between properties, shall not be deemed a fence and therefore shall not be subject to the requirements of this section.
- (5) Grass, weeds and other similar vegetation shall not be deemed to constitute a hedge and shall be subject to the requirements of chapter 90 of the Town Code, entitled "Vegetation."
- (6) Maximum height standards for fences and walls shall include all caps or other extensions, except as provided in subsection (b)(1), below.

(b) *Exemptions from maximum height regulations for fences and walls.* In all zoning districts, the following are exempt from the maximum height regulations for fences and walls set forth in subsections (c) and (d), below.

- (1) *Decorative fence posts, wall columns, and gateposts.* Decorative fence posts, wall columns, and gateposts may exceed the maximum heights for fences and walls, provided:
 - (A) The widths of such posts or columns do not exceed 18 inches;
 - (B) Such posts or columns are separated from each other by an average distance of five (5) feet when measured from center to center; and
 - (C) Such post or column does not exceed the fence or wall height by more than eighteen (18) inches.
- (2) *Public facility installations.* Electrical, telephone and other public facility installations which are otherwise in compliance with this appendix, and for which specific fencing requirements are imposed by recognized national safety codes, may have such protective fencing as is required by such codes, up to a maximum height of ten (10) feet. Whenever such installations are located on property in a residential zoning district or are within two hundred (200) feet of a residential structure, the issuance of any permit for the installation of such protective fencing shall require a landscape plan for the site reviewed and approved by the Zoning Administrator which shall meet the planting requirements of [Section 7-15\(d\)\(2\)](#) in order to mitigate conflict with the character of the surrounding neighborhood.
- (3) *Recreational courts.* Fences immediately surrounding any tennis court, volleyball court, basketball court or any area used for any similar purpose shall be permitted up to a maximum height of twelve (12) feet.

(c) *Standards for fences, walls, and hedges in the CN, R-1, R-2, and R-3 Districts.*

- (1) *Maximum height.* Except as set forth in [Section 2-9](#) for sight distances triangles, and as exempted in subsection (b), above, the maximum height for all fences, walls, and hedges located on any property in the CN, R-1, R-2, or R-3 Districts shall be subject to the standards of [Table 6-6-1](#):

TABLE 6-6-1. FENCE, WALL, HEDGE HEIGHTS IN CN, R-1, R-2, R-3			
Location on Lot	Maximum Height (feet)		
	Fence	Wall	Hedge
Within the established front yard	4	4	4
Along or behind the interior edge of the established front yard	6	6	No requirement
For corner and through lots, in front of the interior edge of the required front yard of the adjoining lot	4	4	4 feet

- (2) *Specialty fences.* The use of barbed wire, razor wire, electrified wire and similar wire types shall be prohibited in any residential zoning district.

(d) *Standards for fences, walls, and hedges in the BG and BD Districts.* Except as set forth in [Section 2-9](#) for sight distance triangles, and as exempted in subsection (b), above, the maximum height for all fences, walls, and hedges located on any property in the BG and BD Districts shall be subject to the standards of [Table 6-6-2](#):

TABLE 6-6-2. FENCE, WALL, HEDGE HEIGHTS IN BG AND BD			
Location on Lot	Maximum Height (feet)		
	Fence	Wall	Hedge
Within the established front yard	4	4	6
Along or behind the interior edge of the established front yard	6	6	6

6-7. Group Care Facilities

(a) *Purpose.* The intent of the regulations of this section is to permit the development of group care facilities in appropriate locations throughout the Town, to ensure compatibility of these uses within the neighborhoods in which they are located, and to establish standards to encourage an adequate quality of service to the users of such facilities.

(b) *Applicability.* The supplemental regulations of this section shall apply to any group care facility permitted by this appendix.

(c) *Standards.*

- (1) No group care facility shall be located closer than one thousand five hundred (1,500) feet to another group care facility. This spacing requirement shall apply to any group care facility on a separate lot, regardless of whether or not the group care facilities are under common ownership. The applicant shall provide a scaled map of the lot lines for the subject property and the lot lines for the nearest group care facility as part of any application for a conditional use, site plan approval, or a zoning permit.

- (2) The maximum number of occupants of a group care facility, including supervisory personnel and family members living on the premises, shall be based on the following schedule:

Zoning District	Square Footage of Facility Required Per Occupant
R-2	800
R-3	500

- (3) A group care facility shall provide one hundred (100) square feet of usable open space per occupant.
- (4) On-site parking and exterior activity areas for a group care facility shall be screened from adjoining properties by a minimum of six-foot high screening pursuant to [Section 7-17](#) or a 5-foot wide buffer yard planted with one (1) row of evergreen trees at a minimum rate of one (1) tree per eight (8) linear feet, or portion thereof.

6-8. Home Occupations

- (a) *Purpose.* The intent of the regulations of this section is to permit, under certain established criteria, a small-scaled business activity within, and accessory to, a residential dwelling, whether owner or renter-occupied. The purposes of the regulations and performance standards for establishing such uses are:

- (1) To limit the scope and nature of such uses and ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- (2) To ensure that public and private services such as streets, sewer, water, or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- (3) To allow residents of the community to use their residences as places to enhance or fulfill personal economic goals under certain specified standards, conditions, and criteria;
- (4) To enable the fair and consistent enforcement of these home occupation regulations; and
- (5) To promote and protect the public health, safety, and general welfare.

- (b) *Applicability.* Regulations of this section shall apply to all home occupations in any zoning district in which they are permitted as of right or by conditional use. No home occupation, unless otherwise provided in this section, may be initiated, established, or maintained except in conformance with the regulations and performance standards set forth in this section.

- (c) *Prohibited home occupations.* The following uses shall be specifically excluded as home occupations: machine shop, welding shop, escort service, furniture refinishing or upholstery, sign making, and special trade contractors who are engaged in metalworking or cabinetmaking.

- (d) *General standards for all home occupations.* Any home occupation shall be subject to the following standards:

- (1) A home occupation shall be subordinate and clearly incidental in both character and scale to the use of a dwelling unit for residential purposes and shall not change the residential character of the dwelling. Any change to the outside residential appearance of the dwelling or premises for the purpose of the establishment of, or for calling attention to, any home occupation shall be prohibited.
- (2) No more than one (1) person other than family members residing on the premises shall be engaged in or employed by any home occupation.
- (3) A home occupation shall be conducted entirely within the interior of the principal residential building or within the interior of an accessory building located on the same lot. If located within an accessory building, such structure shall be a garage or other accessory structure typically associated with a dwelling.

- (4) A home occupation shall not occupy more than a cumulative total of twenty-five (25) percent of the finished floor area of any dwelling unit or accessory structure in which the home occupation is located. Storage of goods or products shall not exceed 5% of the finished floor area.
- (5) There shall be no outdoor storage or visible evidence of goods, products, equipment, or materials associated with the home occupation. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, sold, or stored on the site.
- (6) There shall be no display of goods, merchandise, or products visible from the street or any adjoining property.
- (7) No business identification or advertising sign shall be permitted on the property, identifying or advertising the home occupation.
- (8) No traffic shall be generated by such home occupation in type or volume than would normally be expected in a residential neighborhood.
- (9) There shall be no addition of parking spaces to accommodate the home occupation.
- (10) No commercial motor vehicle shall be used, parked, or stored on the site in connection with the home occupation.
- (11) No equipment or processes not normally associated with a dwelling unit or which cannot be accommodated on existing utility or standard electrical services shall be permitted. Furthermore, a home occupation shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and home occupation is significantly more than is normal to the use of the property for residential purposes.
- (12) A home occupation shall not utilize mechanical, electrical, or other equipment or process which generates noise, electrical or magnetic interference, vibration, heat, glare, dust, odors, or fumes outside the dwelling or accessory structure housing the home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.
- (13) Mechanized equipment shall be used only in a completely enclosed building.
- (14) Deliveries related to a home occupation shall be limited to the United States Postal Service, parcel delivery services, and messenger services. A home occupation shall not involve the commercial delivery by tractor trailer of materials or products to or from the premises.
- (15) A home occupation shall comply with all local, state, or federal regulations pertinent to the activity pursued, and the requirements of or authorization granted by this appendix shall not be construed as an exemption from such regulations.

(e) *Specific standards for certain types of home occupations.*

- (1) Home occupations relating to landscaping or lawn services may operate as a home occupation if the home occupation is used only for office functions.
- (2) Home occupations relating to repair and service on motor vehicles, appliances, or similar goods may operate as a home occupation if the home occupation is used only for office functions.

6-9. Multifamily Dwellings

- (a) *Purpose.* The intent of this section is to establish standards that will allow for multifamily dwellings to be appropriately located with other compatible types of housing and intermingled with non-residential uses. The purpose of the following standards is to ensure the efficient, economical, comfortable, and convenient use of

land and open space and serve the public purposes of zoning by providing an alternative to the conventional arrangement of yards, buildings, and densities.

- (b) *Applicability.* The regulations contained in this section shall be applicable in any zoning district in which multifamily dwellings are permitted as of right or by conditional use permit.
- (c) *Standards.* In accordance with the general purpose set out in this section, multifamily dwellings shall be subject to the following supplemental regulations:
 - (1) *Separation.* Each building shall be separated by a minimum of sixty (60) feet between facing living areas and a minimum of thirty (30) feet between windowless walls or corners of buildings placed at right angles (90 degrees) to one another.
 - (2) *Interior yards.* All interior yards shall be increased one (1) foot for each additional foot of height over thirty-five (35) feet.
 - (3) *Public water and sewer.* Multifamily dwellings shall be required to be served by public water and sewer.

6-10. Outdoor Storage

- (a) *Purpose.* The intent of this section is to provide regulations for outdoor storage on properties, where permitted by this appendix, to ensure that such storage is not a hazard to the public health and safety and does not have a depreciating effect upon adjacent property values, does not impair scenic views, or does not constitute a nuisance.
- (b) *Applicability.* The regulations contained in this section shall be applicable in any zoning district in which outdoor storage is permitted as of right or by conditional use permit.
- (c) *Standards.* In accordance with the general purpose set out in this section, and where permitted by this appendix, outdoor storage shall comply with the following requirements:
 - (1) Outdoor storage areas shall not be located in any required yard, in any area included in the calculation of required open space, or in any required off-street parking spaces, vehicular or pedestrian access, or landscaped areas.
 - (2) Outdoor storage areas shall not be located closer to a public street than the primary building facade on the lot.
 - (3) Outdoor storage areas that are visible from a street or that abut residential zoning district boundaries shall be screened from view by providing a minimum of six-foot high screening pursuant to [Section 7-17](#).

6-11. Parking of Commercial Motor Vehicles in Residential Districts

No motor vehicle intended or designed to transport caustic, flammable, explosive, or otherwise dangerous materials, and no commercial motor vehicle or panel truck, shall be parked or left standing in a Residential R-1, R-2, or R-3 District for more than two (2) hours at any time except for:

- (a) School buses and emergency vehicles;
- (b) Vehicles being loaded or unloaded;
- (c) Vehicles belonging to or used by the occupant of a business premises, when the business premises constitute a legally nonconforming use;
- (d) Vehicles, the occupants of which are actually engaged in work on the premises; and

- (e) Vehicles being used in connection with utility or street work.

6-12. Parking or Storage of Recreational Vehicles in Residential Districts

- (a) A recreational vehicle, travel trailer, truck camper, camping trailer, motor coach home, tent trailer, converted inhabitable truck or bus, boat, boat trailer, utility trailer, or other trailer may be parked or stored on a lot, but not inhabited for a period exceeding twenty-four (24) hours, in a Residential R-1, R-2, or R-3 District, provided that such motor vehicle or equipment shall be:
 - (1) Licensed for the current year;
 - (2) Located no closer to any street than the principal building or parked or stored in a completely enclosed garage on the property; and
 - (3) Not over thirty-two (32) feet in length or nine (9) feet in height.
- (b) No recreational vehicle, travel trailer, truck camper, camping trailer, motor coach home, tent trailer, converted inhabitable truck or bus, boat, boat trailer, utility trailer, or other trailer shall be parked, stored, or left standing on any street or alley located in a Residential R-1, R-2, or R-3 District, except for motor coach homes, recreational vehicles, or travel trailers which may be parked or left standing on such street or alley for up to but not exceeding ten (10) calendar days within any three (3) month period.

6-13. Satellite Dish Antennas

- (a) *Applicability.* This section applies to any satellite dish antenna, except as follows:
 - (1) An antenna that is used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, and is one (1) meter (3.28 feet) or less in diameter;
 - (2) An antenna that:
 - (A) Is used to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite; and
 - (B) Is one (1) meter (3.28 feet) or less in diameter or diagonal measurement;
 - (3) An antenna that is used to receive television broadcast signals;
 - (4) A mast supporting an antenna described in subsections (a)(1), (a)(2), and (a)(3), above;
 - (5) A satellite earth station antenna that is two (2) meters (6.56 feet) or less in diameter and is located or proposed to be located in any business zoning district; or
 - (6) A satellite earth station antenna that is one (1) meter (3.28 feet) or less in diameter in any area, regardless of land use or zoning category.
- (b) *Generally.* A satellite dish antenna shall not be used for any commercial or advertising purposes; otherwise, it shall be deemed a sign and shall be subject to the sign regulations set forth in [Article 7, Division 3](#).
- (c) *Location.* A satellite dish antenna shall not be located or mounted:
 - (1) In any front or side yard as may be required in any residential or business zoning district; or
 - (2) On the roof or wall of a building which faces a public right-of-way.
- (d) *Plan approval.* A satellite dish antenna shall require scale drawing plan approval, pursuant to [Section 9-22](#).

- (e) *Screening.* Without restricting its operation, a satellite dish antenna located on the ground or on the top of a building shall be screened from view from streets.
- (f) *Height and setbacks.* In addition to the location requirements of subsection (c) above, satellite dish antennas shall be subject to the height and setback regulations set forth in Tables [6-13-1](#) and [6-13-2](#).

TABLE 6-13-1. SATELLITE DISH ANTENNA - ROOF-MOUNTED: HEIGHT AND SETBACK	
Zoning District	Maximum Height
CN, BG, BD	Up to 10 feet above the maximum height of the applicable zoning district

TABLE 6-13-2. SATELLITE DISH ANTENNA – FREESTANDING: HEIGHT AND SETBACK	
Zoning District	Maximum Height and Minimum Setback
CN	35 feet in height, but in no case greater than 45 feet above the ground, provided it is located to the rear of the principal building
R-1, R-2, R-3	35 feet in height, but in no case greater than 45 feet above the ground, provided it is located to the rear of the principal residential dwelling; Antenna and any guy anchorages - minimum of 10 feet from any property line
BG, BD	45 feet above the ground; located no closer than 15 feet to any public right-of-way

6-14. Temporary Uses

- (a) *Applicability.* Authorized temporary uses, including permitted locations, duration, and maximum number per calendar year, and whether or not a zoning permit is required, shall be as set forth in [Table 6-14-1](#).

TABLE 6-14-1. TEMPORARY USES

Activity	Zoning Districts Where Permitted	Maximum Duration	Maximum Number Per Lot Per Calendar Year	Zoning Permit Requirement
Auction	Any district	3 calendar days	1	No
Christmas tree sales	CN, BG, BD	60 calendar days	1	Yes
Construction-related activities or model home office, subject to subsection (b), below	Any district	Duration of construction activity, as evidenced by a valid building permit	Not applicable	Yes
Fireworks stand	BG	30 calendar days	1	Yes
Outdoor retail sales, subject to subsection (c), below	BG	10 calendar days	4	Yes
Portable storage containers, subject to subsection (d), below	Any district	R-1, R-2, R-3: 30 calendar days per year per lot; CN, BG, BD: 4 consecutive months, limited to one (1) permit per calendar year per lot	See maximum duration	Yes
Produce stand (not applicable to community markets)	CN, BG	90 calendar days, limited to one (1) permit per any 90-calendar day period per lot	Not applicable	Yes
Public events, subject to subsection (e), below	CN, BG, BD	14 calendar days	Not applicable	Yes
Garage or yard sales, subject to subsection (f), below	Any residential district or dwelling unit	3 consecutive calendar days, limited to the daylight hours	12, with limit of 1 per month	No

(b) *Construction-related activities.*

- (1) Temporary structures are permitted in connection with the site of building and land development or redevelopment, as set forth in [Table 6-14-1](#). Such building and land development or redevelopment shall include grading, paving, installation of utilities, building construction, and the like, and such structures may include offices, model home offices, construction trailers, and storage buildings, as well as portable storage containers and construction refuse containers.
- (2) Refuse containers on construction sites shall be subject to the following requirements:
 - (A) No construction refuse container may impede pedestrian or vehicular access to and from adjoining properties or otherwise create an unsafe condition for pedestrian and vehicular traffic;
 - (B) Every construction refuse container shall clearly identify the owner of such dumpster and telephone number and shall be clearly labeled for the purpose of containment of construction materials only; and

- (C) Every construction refuse container shall be emptied when full so as not to create an unsightly or dangerous condition on the property resulting from the deposit, existence, and accumulation of construction materials.

(c) *Outdoor retail sales.*

- (1) This subsection shall apply to any temporary outdoor retail sales activity, except for the following uses which shall be exempt from the regulations of this subsection: mobile food or ice cream vendors; the sale of goods as part of a neighborhood fair or other special event which has an approved zoning permit; and produce stands, Christmas tree sales, fireworks stands, or temporary uses regulated elsewhere in this section.
- (2) A temporary outdoor retail sales display shall be permitted as set forth in [Table 6-14-1](#), provided that:
 - (A) The sales activity is incidental to the principal use of the property;
 - (B) The sales activity is conducted or sponsored by an on-site tenant;
 - (C) The temporary outdoor retail sales display area shall not encroach into a public right-of-way and shall not utilize required parking or loading spaces; and
 - (D) Temporary retail sales activities shall be prohibited on vacant property.

(d) *Portable storage containers.* The supplemental regulations of this subsection shall apply, both generally and as specifically delineated within this subsection, to the placement, location, erection, or relocation of any portable storage container, except containers related to construction activities as provided in subsection (b), above. Portable storage containers shall be permitted as temporary accessory uses as set forth in [Article 4](#) and in [Table 6-14-1](#), subject to the following additional standards:

- (1) The following general standards shall apply to any portable storage container permitted as a temporary use by this appendix:
 - (A) The temporary placement of any portable storage container on a lot shall be permitted only upon issuance of a zoning permit;
 - (B) The zoning permit shall be displayed on the outside of the portable storage container;
 - (C) The temporary placement of a portable storage container shall not be permitted on any lot that does not contain a principal structure;
 - (D) The temporary placement of portable storage containers shall be permitted only for temporary storage for the principal use of the lot on which such container is located;
 - (E) Portable storage containers shall not be connected to any utilities;
 - (F) No more than two (2) signs may be displayed on any portable storage container, and such signs shall be limited to identification of the supplier of the container and the supplier's phone number; and
 - (G) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any portable storage container shall be prohibited.
- (2) In addition to the general standards set forth in subsection(d)(1), above, portable storage containers permitted as a temporary use by this appendix in the residential districts (R-1, R-2, and R-3) shall be subject to the following regulations:
 - (A) No more than one (1) portable storage container shall be allowed on a lot, and such container shall be permitted only in connection with a construction, rehabilitation, or restoration activity on the lot, or a relocation to or from the property; and

- (B) No portable storage container shall have dimensions greater than sixteen (16) feet in length, eight (8) feet in width, and eight and one-half (8½) feet in height.
- (3) In addition to the general standards set forth in subsection (d)(1), above, portable storage containers permitted as a temporary use by this appendix in the CN, BG, and BD Districts shall be subject to the following regulations:
 - (A) One (1) or more portable storage containers may be permitted per zoning lot per zoning permit, except that no more than three (3) containers shall be permitted simultaneously per lot;
 - (B) No portable storage container shall be located closer to a street than the principal building;
 - (C) No portable storage container shall be placed or located on, or block access to, a required parking space, circulation aisle, or fire access lane, or cause a visual obstruction to pedestrians or motor vehicles leaving or entering the property; and
 - (D) No portable storage container shall be located closer than five (5) feet to any side or rear lot line, but in no case shall such container be located within a required buffer yard.
- (e) *Public events.* For purposes of this section, a "public event" means an event, series of events, or organized activities for a historical, social, educational, cultural, or special theme, held for a limited period of time and open to the public. Temporary public events shall include, without limitation, carnivals, festivals, exhibits, outdoor dances, fundraisers, fairs, and concerts. Public events, including associated temporary structures such as tents, shall be permitted as set forth in [Table 6-14-1](#), provided that:
 - (1) The following public events shall be exempt from the requirements of a zoning permit:
 - (A) Events that use no tents or air-supported structures that cover an area greater than nine hundred (900) square feet or have an occupant load greater than fifty (50) persons;
 - (B) Events that use no temporary structures greater than one hundred twenty (120) square feet in area;
 - (C) Events that are accessory in nature to the principal use of the property on which the event is being held;
 - (D) Events that do not use amusement devices requiring a building permit; and
 - (E) Events lasting four (4) days or less.
 - (2) A temporary structure, including any tent, may be permitted to remain on site for a period of not more than two (2) calendar days following the time period for which the zoning permit for the temporary public event is issued;
 - (3) Adequate provision shall be made for utility services; and
 - (4) Such public event shall not occur between the hours of 10:00 p.m. and 6:00 a.m.
- (f) *Garage or yard sales.* For purposes of this section, a "garage or yard sale" means any public sale operated out of a single-family, two-family, multifamily, or townhouse dwelling at which personal items belonging to the residents of the dwelling are sold, and being of two (2) hours' duration or more. Garage or yard sales shall be permitted as set forth in [Table 6-14-1](#), provided that:
 - (1) Items purchased elsewhere expressly for resale at a yard or garage sale shall be prohibited;
 - (2) Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale; and
 - (3) No signs advertising the sale or giving directions to its location shall be used, erected, or allowed on any right-of-way, publicly owned land, or utility poles.

6-15. Townhouses

- (a) *Purpose.* The intent of this section is to establish standards that will allow for townhouses to be appropriately intermingled with other compatible types of housing. The purpose of the following standards is to ensure the efficient, economical, comfortable, and convenient use of land and open space and serve the public purposes of zoning by providing an alternative to the conventional arrangement of yards and buildings.
- (b) *Applicability.* The regulations contained in this section shall be applicable in any zoning district in which townhouses are permitted as of right or by conditional use permit.
- (c) *Standards.* In accordance with the general purpose set out in this section, townhouses shall be subject to the following supplemental regulations:
- (1) *Public water and sewer.* Townhouses shall be required to be served by public water and sewer.
 - (2) *Contiguous units.* A maximum of ten (10) dwelling units shall be permitted to be constructed in a contiguous series of townhouses.
 - (3) *Minimum width.* The minimum width of an individual townhouse lot shall be eighteen (18) feet measured from center of wall to center of wall for interior lots and from center of wall to outside face of the end wall for end lots.
 - (4) *Lot area and lot frontage.* The minimum lot area and lot frontage requirements for any building housing townhouse units shall be as set forth in [Article 4](#) in the dimensional regulations of the zoning district in which it is located.
 - (5) *Density.* The permitted density of residential development shall be governed by the density regulations set forth in [Article 4](#) for the zoning district in which the townhouse units are located.
 - (6) *Height.* The maximum height shall be governed by the maximum height regulations set forth in [Article 4](#) in the dimensional regulations of the zoning district in which the townhouse units are located.
 - (7) *Separation.* The minimum separation between any buildings containing contiguous townhouse dwelling units shall be twenty (20) feet. The minimum separation between any building containing contiguous townhouse dwelling units and any other adjacent principal structure shall be forty (40) feet.
 - (8) *Right-of-way setback.* No townhouse unit shall be located closer than twenty-five (25) feet to any adjacent public right-of-way or within fifteen (15) feet of any adjacent common vehicular drives, access roads, or parking areas.
 - (9) *Side yards.* Where the lot on which a building housing townhouse units adjoins a different zoning district or use, a minimum side yard of thirty (30) feet in width shall be provided for any applicable end townhouse unit. Where a building containing townhouse units adjoins a private drive, parking area, or walkway intended for the common use of the townhouse occupants, a minimum side yard of fifteen (15) feet in width shall be provided. Half the width of such private drive, parking area, or walkway may be counted as a portion of the required fifteen (15) feet, provided that in no case shall a side yard of less than ten (10) feet be provided for each end dwelling unit in any building containing townhouses.
 - (10) *Rear yards.* Each townhouse unit shall have a minimum rear yard of twenty-five (25) feet, except when the rear yard abuts a different zoning district or use, a minimum rear yard of forty (40) feet shall be provided.
 - (11) *Usable open space.* For any development of five (5) or more townhouses, a minimum of twenty (20) percent of the gross land area shall be reserved as usable open space.

- (d) *Subdivision.* Nothing in this appendix shall prevent the creation of a subdivided unit lot for individual townhouse dwelling units within a townhouse zoning lot, provided that, where individual attached units are to be constructed on individual lots, a subdivision plat shall be required. Such subdivision plat shall meet the standards of the Town’s subdivision regulations (Appendix A of the Town Code).

ARTICLE 7. DEVELOPMENT STANDARDS

7-1. Applicability

DIVISION 1 - LANDSCAPING AND SCREENING

7-10. Purpose

7-11. Applicability

7-12. Installation, Maintenance, and Replacement

7-13. Relationship to Certificates of Occupancy

7-14. General Landscaping and Screening Standards

7-15. Buffer Yards

7-16. Parking Lots – Perimeter Landscaping

7-17. Screening

DIVISION 2 – OFF-STREET PARKING, STACKING, AND LOADING

7-20. Purpose

7-21. Applicability

7-22. Minimum Parking Required

7-23. Parking Area Standards

7-24. Stacking Spaces for Drive-Through Facilities

7-25. Off-Street Loading Areas

DIVISION 3 - SIGNS

7-30. Purpose

7-31. Applicability

7-32. Zoning Permit for Signs

7-33. Calculating Sign Area and Number of Signs

7-34. Uniform On-Premises Sign Regulations

7-35. Permitted On-Premises Signs

7-36. Temporary On-Premises Signs

7-37. Exempt Signs

7-38. Prohibited Signs

7-39. Sign Definitions

7-1. Applicability

The provisions of this article shall apply to any application for a zoning permit or site plan approval, unless otherwise noted specifically within this article.

DIVISION 1 – LANDSCAPING AND SCREENING

7-10. Purpose

The purpose of this division is to protect the public health, safety, and general welfare by incorporating landscaping and screening into the development process, excluding the development of single-family and two-family dwellings. The purpose and intent of these regulations is to establish minimum requirements for the installation and maintenance of planting and screening materials intended to:

- (a) Ensure development consistent with the goals of the Town’s Comprehensive Plan;
- (b) Reduce the hazards of flooding;
- (c) Better control soil erosion;
- (d) Replenish ground water supplies;
- (e) Screen noise, dust, and glare;
- (f) Increase infiltration in permeable land areas to improve storm water management;
- (g) Reduce public costs to taxpayers for storm water management and related infrastructure;
- (h) Enhance property values; and
- (i) Mitigate the impacts of intense development on less intensive uses.

7-11. Applicability

- (a) Unless expressly exempted, the landscaping, screening, and buffering standards of this division shall apply to all new townhouse and multifamily residential development and all new non-residential development.
- (b) When a site plan is submitted to expand an existing building or site improvements, or to accommodate a change in land use, which building, site, or change in use involves a townhouse development, multifamily development, or non-residential development, the requirements of this division shall apply only to those portions of the site that are directly affected by the proposed improvements or change in land use, as determined by the Zoning Administrator.

7-12. Installation, Maintenance, and Replacement

The property owner shall be responsible for the ongoing protection and maintenance of all required landscaping and screening in a manner that complies with the requirements of this appendix and in conformance with the approved site plan.

7-13. Relationship to Certificates of Occupancy

No permanent Certificate of Occupancy shall be issued until all required landscaping and screening is completed in accordance with an approved site plan.

7-14. General Landscaping and Screening Standards

- (a) *General areas to be landscaped.* All portions of a lot which are not covered by buildings, walkways, and parking areas shall be landscaped. Landscaping shall include plant materials as may be required by this division as well as open areas covered with vegetative groundcover. Acceptable vegetative groundcover shall consist of shrubs and ground cover including grass.

- (b) *Sight distance triangle.* Landscaping within a sight distance triangle shall be subject to the requirements of [Section 2-9](#).
- (c) *Calculations.* When a determination of the number of required trees or shrubs, as set forth in this division, results in a fraction, any fraction shall be counted as one (1) tree or shrub.
- (d) *Existing vegetation.* Where landscaping is required by this division, existing vegetation which meets the standards prescribed by this division, as determined by the Zoning Administrator, may be preserved and may be used to meet some or all of the landscaping requirements.

7-15. Buffer Yards

- (a) *Purpose.* The purpose of buffer yards is to visually and spatially separate distinct land uses from one another through the use of vegetation, screening, and distance. The provisions for buffer yards are intended to shield, obstruct, or minimize views, noise, illumination, and other nuisances between abutting incompatible uses, mitigate the effects of a higher intensity use on a lower intensity use or district, and ease the transition from one zoning district to another.
- (b) *General standards.*
 - (1) Buffer yards may be included within setback and other yard requirements specified in this appendix for each zoning district.
 - (2) Buffer yards shall be reserved solely for screening and landscaping. No building, building addition, structure, parking area, loading or storage area, display or servicing of materials, products, equipment or supplies, or area for collection of trash, or any other type of physical land improvement, shall be located in a buffer yard. However, a driveway may cross a buffer yard if it is necessary for safe and convenient access to the development site and provided further that such driveway shall run substantially perpendicular to the buffer yard.
 - (3) Where a combination of screening and planting materials is utilized to achieve the effective visual screening intent of the buffer yard, required landscaping shall be located on the exterior side of the screening material.
 - (4) Any buffer yard shall be located entirely within the higher intensity zoning district and abutting the zoning district line or adjacent alley right-of-way if such right-of-way separates the lot from the zoning district line.
 - (5) When property lines abut an adjacent jurisdiction, the Zoning Administrator shall determine the specific screening and buffering requirements along that property line after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated and/or zoned property within the Town.
- (c) *Modification of buffer yard requirement.* Where the Zoning Administrator finds that the difference in topography of the subject property and the abutting property would make adherence to the buffer yard requirement ineffective in meeting the purpose of the buffer yard, the Zoning Administrator may approve, in writing, an alternative buffer and screening plan.
- (d) *Buffer yard requirements.* Any required buffer yard shall substantively screen the site from view from the adjoining property and shall meet the following requirements in order to achieve the effective visual and spatial screening intent of the buffer yard set forth in subsection (a), above.
 - (1) Any required buffer yard shall be a minimum of ten (10) feet in width and shall incorporate the elements as set forth in subsections (2), (3), and (4), below.
 - (2) Plantings shall meet the requirements set forth in [Table 7-15-1](#).

TABLE 7-15-1. BUFFER YARD PLANTING STANDARDS			
Acceptable Species	Minimum Height at Planting	Spacing of Trees	Spacing of Bushes and Shrubbery
Evergreen trees and shrubs	4 feet	Every 10 – 15 feet	Continuous, spaced no greater than 5 feet on center

- (3) Screening used in buffer yards to achieve effective visual screening shall meet the requirements set forth in [Section 7-17](#) and shall be between six (6) and ten (10) feet in height. In order to achieve effective visual screening, screening may be used alone or in combination with plantings as set forth in subsection (2), above.
 - (4) The balance of the buffer yard shall be planted in grass or other ground cover.
- (e) *Where buffer yards are required.* Buffer yards shall be provided along side and rear lot lines, where the lot of a higher intensity zoning district, or use in a higher intensity district in certain circumstances, abuts the lot of a lower intensity zoning district as set forth in [Table 7-15-2](#). For purposes of this subsection, abutting lots shall not include lots separated by a street, stream, or railroad track. Lots that would abut if not for their separation by an alley shall be considered abutting lots for purposes of this subsection and shall be subject to the requirements for buffer yards. The buffer yard shall be provided on the lot in the higher intensity zoning district and shall meet width, planting, and screening requirements set forth in subsection (d), above.

TABLE 7-15-2. REQUIRED BUFFER YARDS					
Abutting District (where development is occurring and where buffer yard is to be located)	Abutted District				
	CN	R-1, R-2	R-3	BD	BG
CN	-	-	-	-	-
R-1, R-2	-	-	-	-	-
R-3 (single-family or 2-family dwelling)	-	-	-	-	-
R-3 (multifamily or townhouse use)	-	YES	-	-	-
R-3 (nonresidential use)	-	YES	-	-	-
BD	-	YES	-	-	-
BG	-	YES	-	-	-
Interpretation of Table 7-15-2. “-” means a buffer yard is not required; “Yes” means a buffer yard is required.					

7-16. Parking Lots - Perimeter Landscaping

The development of any new or expanded impervious surfaces in existing parking lots with five (5) or more parking spaces shall be subject to the following landscaping requirements:

- (a) *Multifamily or townhouse use in R-3 District.* A perimeter landscape area, at least six (6) feet in width, shall be provided between parking areas of a multifamily or townhouse use in the R-3 District and any street right-of-way line or any lot zoned R-1 or R-2 in accordance with the following:
 - (1) Along any street right-of-way, such landscape area shall include a continuous landscape element of evergreen shrubs, planted five (5) feet on center and at a minimum height of three (3) feet at time of

planting. All portions of the perimeter landscape area not planted with shrubs or trees shall be planted in grass or other vegetative ground cover, or covered with mulch or landscaping gravel.

- (2) Along any lot zoned R-1 or R-2, such landscape area shall screen the parking area from the adjacent property in R-1 or R-2 by the provision of plantings as set forth in [Table 7-15-1](#), and the balance of the landscape area shall be planted with grass or other vegetative ground cover. For purposes of this requirement, an adjacent property shall be construed to be a property which abuts or is situated directly across a public alley from the parking area.

(b) *Non-residential use in R-3 District.*

- (1) A perimeter landscape area, at least six (6) feet in width, shall be provided between parking areas of a non-residential use in the R-3 District and any street right-of-way line. Such landscape area shall include a continuous landscape element of evergreen shrubs, planted five (5) feet on center and at a minimum height of three (3) feet at time of planting. All portions of the perimeter landscape area not planted with shrubs or trees shall be planted in grass or other vegetative ground cover, or covered with mulch or landscaping gravel.
- (2) A perimeter landscape area, at least six (6) feet in width, shall be provided between parking areas of a non-residential use in the R-3 District and any adjacent property zoned R-1 or R-2. In order to screen such parking areas from adjacent properties zoned R-1 or R-2, plantings shall be provided as set forth in [Table 7-15-1](#), and the balance of the landscaped area shall be planted with grass or other vegetative ground cover. For purposes of this requirement, an adjacent property shall be construed to be a property which abuts or is situated directly across a public alley from the parking area.

- (c) *Landscape protection.* Curbing or wheel stops shall be provided to prevent damage by motor vehicles to landscaping required in subsections (a) and (b), above.

7-17. Screening

Where screening is required by this division, the following standards shall apply:

- (a) Screening shall be continuous, visually opaque, constructed of a durable material, and uniform in nature and construction.
- (b) Acceptable screening materials shall include stockade fences, decorative masonry walls, brick walls, and earth berms and other like materials, where the Zoning Administrator determines that the characteristics and design of the alternative material meets the intent and standards of this division.

DIVISION 2 – OFF-STREET PARKING, STACKING, AND LOADING

7-20. Purpose

The purpose of this division is to provide off-street parking, stacking, and loading areas that are appropriate for each permitted and conditional land use. The intent of these regulations is to support transportation in a functional and efficient manner and to minimize negative impacts on adjacent land uses. To further the purpose of this division, these regulations are intended to:

- (a) Reduce traffic hazards and excessive levels of congestion on surrounding streets;
- (b) Address motor vehicle parking, loading, and access issues; and
- (c) Provide options for the provision of adequate parking.

7-21. Applicability

The off-street parking, stacking, and loading requirements of this division shall apply to any new structure or use, any increase in intensity of use including an addition to or enlargement of an existing structure, or a change of existing use, except as may otherwise be specifically provided in this division. No Certificate of Occupancy shall be issued until required off-street parking, stacking, and loading spaces have been provided in accordance with the requirements of this division.

7-22. Minimum Parking Required

(a) Applicability.

- (1) Except in the Downtown Business District (BD), which district shall be exempt from any minimum parking requirement, the minimum off-street parking requirements shall apply to the development of a land use, or expansion of a land use, or a change of use which may or may not involve the erection or enlargement of a building.
- (2) Where minimum off-street parking is required pursuant to subsection (1) above, the required minimum number of off-street parking spaces shall be provided as set forth in [Table 7-22-1](#) except for allowable reductions as noted in subsections (c) and (d), below.
- (3) In the case of any enlargement, expansion, or change in an existing building or use that is nonconforming with regard to the minimum parking requirements of this section, the required number of spaces shall be the sum of the spaces provided prior to the enlargement, expansion, or change and any additional spaces required by [Table 7-22-1](#) as a result of the enlargement, expansion or change.
- (4) All required off-street parking spaces shall be located on the same zoning lot as the use or structure to be served, except as provided in subsection (e), below.
- (5) Spaces allocated to a fleet or accessory vehicles necessary for and directly associated with the operation of a business or service establishment shall not, while so allocated, be used to meet the minimum requirements for off-street parking or portions thereof. For purposes of this section, a "fleet" shall mean a group of motor vehicles, such as taxicabs, vans, or trucks, operated as a unit in association with a business or service establishment.

(b) Rules for calculating required spaces.

- (1) *Fractions.* When computation of the required minimum number of off-street parking spaces, as set forth in [Table 7-22-1](#), results in a fractional number, the required number of spaces shall be the next whole number.
- (2) *Multiple uses.* When computing required minimum off-street parking spaces, the total number of required spaces shall be based on the use(s) of the zoning lot, or portion thereof. In those instances where there are clearly identified multiple uses on a zoning lot, the minimum parking space requirements of [Table 7-22-1](#) shall apply to each use, and the total number of spaces required shall be the sum of the spaces required for each use.
- (3) *Accessible (handicapped) parking.* Off-street parking spaces accessible to persons with disabilities shall be provided in accordance with the requirements of the Building Code. Handicapped accessible parking spaces shall count toward the number of off-street parking spaces provided to satisfy the minimum parking space requirements of [Table 7-22-1](#).
- (4) *Basic calculations.* First, a baseline number of required parking spaces shall be calculated in accordance with the parking schedule set forth in [Table 7-22-1](#). Second, the number of off-street parking spaces required pursuant to [Table 7-22-1](#) may be reduced, where applicable, through one (1) individually or both techniques in combination as set forth in subsections (c) and (d), below.

- (c) *Reduction for on-street parking.* The total number of required off-street parking spaces as set forth in [Table 7-22-1](#) may be reduced by one (1) space for every twenty (20) feet of lot frontage on a street to the extent that on-street parking is permitted along the same frontage.
- (d) *Reduction for first 4,000 square feet of non-residential use.* Where the off-street parking requirement for a non-residential use is based on square footage, as set forth in [Table 7-22-1](#), the total number of required off-street parking spaces, for the first four thousand (4,000) square feet of net floor area of the use, may be reduced to two (2) spaces.
- (e) *Off-site parking to meet minimum parking requirement.* Except in residential districts, the minimum off-street parking requirements of a non-residential use may be met with off-site, off-street parking spaces when, and if, all of the following requirements are met. For the purposes of this appendix, off-site, off-street parking provided in accordance with this section shall not be subject to the definition of, or supplementary regulations for, accessory uses or structures.
- (1) The parking area within which such parking spaces are provided shall comply with the use regulations and all other requirements of the district in which it is located;
 - (2) The off-site parking area may be located in a different zoning district than the structure or use it serves, provided the off-site parking area is not located in a residential district;
 - (3) Off-site, off-street parking shall be located within six hundred (600) feet of the lot of the use or structure served. For the purpose of this requirement, the distance from off-street parking spaces to the lot served shall be measured in a straight line from the nearest parking space to the lot of the use served; and
 - (4) Off-site, off-street parking shall be designated for the purpose of the off-site use it serves and shall not be used to meet the minimum off-street parking requirements of another use.

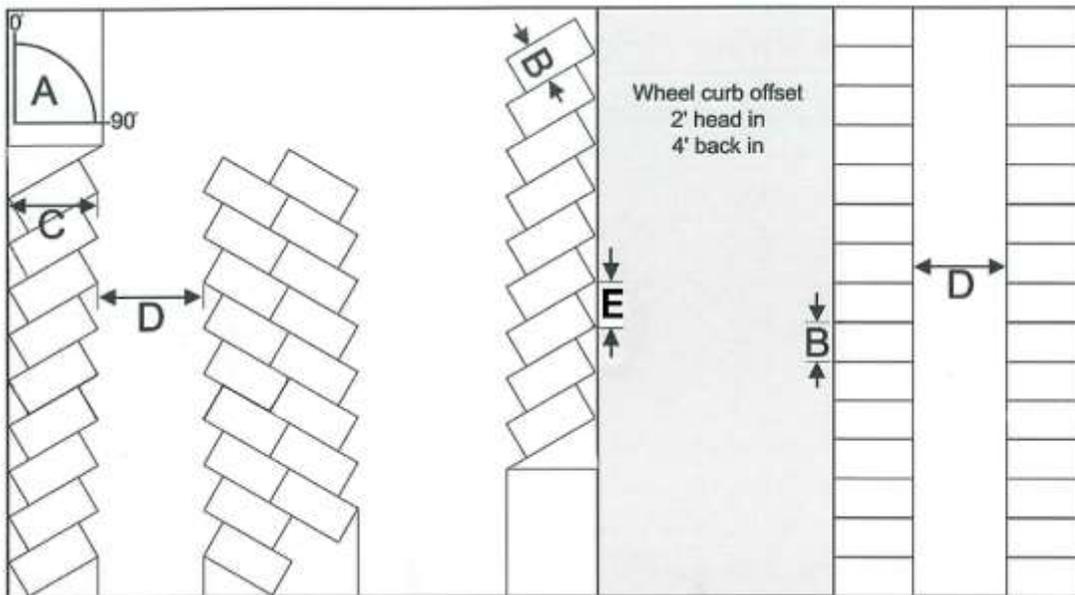
TABLE 7-22-1. REQUIRED OFF-STREET PARKING SPACES	
USE CATEGORY	MINIMUM NUMBER OF SPACES REQUIRED
Residential Uses	1 per dwelling unit
Accommodations and Group Living	
	1 per guest bedroom or suite, except as noted below
Group care facility	1 per 3 resident beds, rooms, or dwelling units
Commercial Uses	
	1 per 500 sq. ft. of commercial use, except as noted below
Miscellaneous	
Community market	None
Drive-through facility	None
Funeral home	1 per 4 seats in largest chapel or viewing room
Kennel	1 per 1,000 sq. ft.
Sales and Service	
Gasoline station	None
Retail sales, large furnishings	1 per 1,000 sq. ft. retail showroom area
Industrial Uses	
	1 per 1,000 sq. ft. of industrial use, except as noted below
Construction yard	None
Warehousing and distribution	0.25 per 1,000 sq. ft. of warehousing/distribution use
Public, Institutional, and Community Facilities	
	1 per 500 sq. ft., except as noted below
Assembly	
Religious assembly	1 per 4 seats or 6 linear feet of seating in the portion of the building to be used for services or the largest assembly room, whichever is greater
Community services	
Community food operation	1 per 1,000 sq. ft.
Parks and open areas – ALL	
	None
Schools	
Educational facilities, primary/secondary – Elementary or junior high	0.5 per classroom
Educational facilities, primary/secondary – high school	1 per 7 students
Transportation Uses	
	1 per 1,000 sq. ft., except as noted below
Parking lot facility	None
Utility Uses	
	None
Agricultural Uses	
	None
Accessory Uses	
	None
<p>Interpretation of Table 7-22-1. “sq. ft.” means square feet. When the activity is enclosed in a building, sq. ft. means Net Floor Area; When the use is conducted outside, sq. ft. means the activity area, excluding storage yards.</p>	

7-23. Parking Area Standards

- (a) *General standards.* All off-street parking areas required by this appendix, or otherwise provided, shall be subject to the following general requirements:
- (1) Unobstructed access shall be provided to and from a street or an alley.
 - (2) Off-street parking areas shall be designed so as not to require or permit the parking of any motor vehicle across a sidewalk.
 - (3) All off-street parking spaces shall be located so that maneuvering to and from a street shall not be required to access or exit an off-street parking space, except for single-family detached and two-family dwellings, where maneuvering to and from a street shall be permitted.
 - (4) Any lights used to illuminate parking areas shall be arranged to direct light away from adjoining properties in a residential district.
 - (5) Screening and landscaping of off-street parking areas shall be provided pursuant to the requirements of [Section 7-16](#).
- (b) *Design and construction standards.* Off-street parking areas shall comply with the following design and construction standards:
- (1) *Surface.* All off-street parking areas and all related entrances, exits, and driveways shall be surfaced with asphalt, concrete, brick or stone unit pavers, crushed stone, or gravel.
 - (2) *Curbs and wheel stops.* Curbs, wheel stops, bumper guards, walls, or fences shall be provided, located, and arranged so that no part of any parked motor vehicle will extend beyond the boundaries of the parking area, encroaching onto adjacent properties or into public streets and alleys, required yards, or public walkways.
 - (3) *Access.* Each required off-street parking space shall be provided with a driveway or common access aisle directly serving such space. In order to enable vehicles to maneuver into and out of parking spaces without encroaching into another parking space or extending beyond the designated driveway or access aisle area, access aisles serving off-street parking spaces for uses other than single-family detached and two-family dwellings shall meet the minimum dimensions set forth in [Table 7-23-1](#) and [Diagram 7-23-1](#), below.
 - (4) *Minimum parking space dimensions.* Each required off-street parking space shall meet the minimum dimensions set forth in [Table 7-23-1](#) and [Diagram 7-23-1](#), below.

TABLE 7-23-1. MINIMUM PARKING SPACE AND AISLE DIMENSIONS					
A	B	C	D		E
Parking Space Angle in Degrees	Parking Space Width	Parking Space Length	Aisle Width		Curb Length per Space
			1-Way Traffic	2-Way Traffic	
Parallel 0	9' 0"	23' 0"	12' 0"	20' 0"	23' 0"
30	9' 0"	16' 10"	9' 0"	20' 0"	18' 0"
45	9' 0"	19' 0"	11' 0"	20' 0"	12' 9"
60	9' 0"	19' 6"	17' 0"	20' 0"	10' 5"
Perpendicular 90	9' 0"	18' 0"	20' 0"	24' 0"; may be reduced to 20' 0" for single tier of parking	9' 0"

DIAGRAM 7-23-1. PARKING SPACES AND AISLES



7-24. Stacking Spaces for Drive-Through Facilities

(a) *Purpose.* The following standards for drive-through facilities are intended to allow for such facilities in a manner that promotes public safety and efficient operation by addressing their unique challenges, such as high volumes of traffic, vehicular access, and on-site circulation. The specific purposes of this section are to:

- (1) Minimize the negative impact of drive-through facilities created by additional traffic hazards from motor vehicles entering and exiting the site;
- (2) Promote safer and more efficient on-site vehicular and pedestrian circulation;

- (3) Reduce conflicts between queued motor vehicles and traffic on adjacent streets; and
 - (4) Minimize the negative impacts drive-through facilities create on abutting residential properties.
- (b) *Applicability.* The regulations of this section shall apply to any drive-through facility as permitted by this appendix.
- (c) *Standards.* Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas. The following general standards shall apply to all stacking spaces and drive-through facilities:
- (1) Stacking spaces and lanes for drive-through stations shall not impede on any off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
 - (2) Drive-through lanes shall be separated from off-street parking areas and shall be striped, marked, or otherwise distinctly delineated.
 - (3) Alleys in residentially zoned areas which are adjacent to drive-through facilities shall not be used for circulation of customer traffic.
 - (4) All drive-through facilities shall be provided with a bypass lane, approach lanes, and stacking spaces which shall comply with the minimum requirements set forth in [Table 7-24-1](#), below.

TABLE 7-24-1. DRIVE-THROUGH FACILITY: MINIMUM DIMENSIONAL REQUIREMENTS			
Bypass Lane Minimum Width	Approach Lanes – Minimum Width		Stacking Space Minimum Width and Length
	1 Lane	2 or more Lanes	
10' 0"	12'	10' per lane	10' by 20'

- (5) Drive-through facilities shall provide a minimum number of stacking spaces on site in accordance with the standards set forth in [Table 7-24-2](#), below:

TABLE 7-24-2. DRIVE-THROUGH FACILITY: MINIMUM STACKING SPACES	
USE WITH WHICH DRIVE-THROUGH FACILITY IS ASSOCIATED	MINIMUM NUMBER OF STACKING SPACES
Car wash, automated	5 per bay/stall
Car wash, self-service	4 per bay/stall
Drive-through kiosk	2 per drive-through window
Financial institution	4 for first drive-through window, and 2 for each additional window
Restaurant	3 per drive-through window, measured from the order board or station
Others not specifically listed	3 per drive-through window

7-25. Off-Street Loading Areas

Whenever the normal operation of any commercial or industrial use requires that goods, merchandise, equipment, or refuse shall be routinely delivered to or shipped from the site, space for the loading and unloading of trucks and other vehicles shall be provided in accordance with the following regulations:

- (a) Loading areas shall be located on the same zoning lot as the use served.
- (b) Loading areas shall be so located on the site and of such dimensions as not to require maneuvering, loading, or unloading in, projecting into, or obstructing a street, sidewalk, or alley.
- (c) Loading areas shall be so located on the site and of such dimensions as not to occupy or obstruct required off-street parking spaces or to obstruct any fire lane or emergency access route during the loading or unloading of vehicles.
- (d) The off-street loading area requirement shall not apply in the Downtown Business District (BD).

DIVISION 3 - SIGNS

7-30. Purpose

The purpose of this division is to define, permit, and equitably control the use of publicly visible signs in a manner that protects the public health, safety, and welfare. It is not the intent of this division to suppress any activities protected under the First Amendment, but to enact a content-neutral ordinance which will address the secondary effects of signs. The objective of this division is to establish effective, consistent, and equitable controls pertaining to the time, location, and manner in which signs which are legible from the public right-of-way may be erected and maintained, intended to achieve the following goals and objectives:

- (a) Promote the health, safety, and welfare of the public;
- (b) Equitably distribute the privilege of, and opportunity for, using the public environs to communicate private information;
- (c) Minimize distractions and obstructions of drivers' views of pedestrians, obstacles, other vehicles, or traffic signs that contribute to traffic hazards and endanger public safety;
- (d) Provide for the reasonable advertising of business and civic products and services, while recognizing the effects of signage on the character of the community;
- (e) Promote economic vitality by creating a community image that is conducive to meeting the visibility and legibility needs of business and industrial development while promoting appropriately placed and sized signage;
- (f) Preserve the residential character of residential neighborhoods;
- (g) Protect and enhance the visual environment of the Town;
- (h) Protect property values by eliminating nuisances to the use of other properties because of sign size, height, movement, or glare; and
- (i) Establish clear procedures for the administration and enforcement of this division.

7-31. Applicability

- (a) The provisions of this division shall apply to any new sign or sign structure and to the modification or alteration of any existing sign which is visible from any street, sidewalk, or public or private outdoor common

space, except those listed in [Section 7-37](#). For the purposes of this division, changing the message of an approved marquee or other approved changeable copy sign or electronic readerboard shall not constitute an alteration or modification of such sign.

- (b) The content of message, commercial or non-commercial, shall not be regulated by this division. Any sign that can be displayed under the provisions of this division may contain a non-commercial message. This subsection supersedes any other requirement of this division to the extent of any inconsistency.
- (c) Signs permitted by the provisions of this division and as specifically allowed in [Table 7-35-1](#) are intended, and shall be required, to be on-premises signs.

7-32. Zoning Permit for Signs

- (a) *Applicability.* It shall be unlawful for any person to erect, install, structurally alter, modify, relocate, or replace any sign or sign structure, except for those signs specifically exempted in [Section 7-37](#), without first obtaining a zoning permit pursuant to this section. The refacing of a sign shall not require a zoning permit. The issuance of a zoning permit for a sign shall be required prior to the issuance of any permit required for a sign pursuant to the Building Code.
- (b) *Application.* An application for a zoning permit for a sign, accompanied by the required application fee, shall be submitted to the Zoning Administrator prior to the issuance or consideration of issuance of any permit. All applications for a zoning permit for a sign shall be accompanied by the following information:
 - (1) A sketch of the property indicating the lot frontage;
 - (2) A list of all existing signs on the property, including their dimensions and their location;
 - (3) For any proposed sign, specifications regarding the type of sign to be constructed, sign height, sign face dimensions, source of illumination, the location of such sign on any wall or property, the official tax map number of the lot on which the sign is to be located, and the zoning district of the subject lot;
 - (4) For building-mounted signs, a recent photo of the façade where the sign is to be placed;
 - (5) For building-mounted signs, the linear footage of the building wall and appurtenance, where applicable, on which the sign is to be affixed, and the dimensions and location of the proposed building-mounted sign;
 - (6) For freestanding signs, a scaled drawing showing the location of any proposed freestanding sign, the relationship of the proposed sign to sight distance triangles, as defined in [Section 2-9](#), if applicable, and the relationship of the proposed sign to any other freestanding sign on the lot or to the lot line; and
 - (7) Any other information that the Zoning Administrator may require to determine full compliance with the regulations of this division.
- (c) *Certificate of appropriateness.* In addition to the requirements of subsection (b) above, an application for a zoning permit for any sign located in the Historic Commercial Area Overlay District (H-1), excluding temporary signs, shall include a copy of a Certificate of Appropriateness issued by the Board of Architectural Review for the proposed sign, accompanied by renderings.
- (d) *Encroachment.* In addition to the requirements of subsections (b) and (c), above, an application for a zoning permit for any sign to be placed on, or project over, any sidewalk, street, alley, or other public property shall include documentation of meeting, and having received approval for, the requirements of the Town Code regarding encroachments.

- (e) *Zoning Administrator action.* A zoning permit for a sign shall be issued only upon determination by the Zoning Administrator that the proposed sign is in full compliance with the provisions of this division.
- (f) *Scope of approval.* A zoning permit for a sign shall become null and void if the work described in such permit has not begun within six (6) months from the date it was issued. Upon written request and for good cause shown, the Zoning Administrator may grant one (1) six-month extension.

7-33. Calculating Sign Area and Number of Signs

- (a) *Basis for calculating sign area, number of signs, and placement.* The calculation of the number of on-premises signs and sign area allotment, as permitted in [Table 7-35-1](#), shall be based on the applicable lot frontage for freestanding signs and the applicable building frontage or storefront for building-mounted signs.
 - (1) Any freestanding sign permitted on a “per lot frontage” basis shall be allocated to and located along the specific lot frontage from which the allotment for the freestanding sign is computed.
 - (2) Any building-mounted sign permitted on a “per building face or storefront” shall be allocated to and located on the building façade or storefront from which the allotment for the building-mounted sign is computed. For purposes of a building-mounted sign which is attached to an appurtenance of the building, such sign shall be located between the building line of the facade from which the building-mounted sign allotment is computed and the public right-of-way which it faces.
- (b) *Determining sign area.* For purposes of this division, the following methods shall be utilized to calculate sign area.
 - (1) Sign area for freestanding signs and building-mounted signs shall be calculated separately.
 - (2) Each sign face shall count in calculating total sign area, except that in the case of a double-faced sign, only one (1) sign face shall be counted in the calculated sign area (see [Figure 7-33-1](#)).
 - (3) Sign area shall be calculated using simple geometric shapes (see [Figure 7-33-2](#)).
 - (4) For building-mounted signs enclosed by a frame or border or encased by a cabinet, the sign area shall be determined by computing the entire area within a continuous perimeter, enclosing the limits of writing, representation, emblem, or any figure or similar character, together with any cabinet, frame, or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see [Figure 7-33-3](#)).
 - (5) For building-mounted signs composed of individually attached, or painted on, letters, numerals, pictures, logos, symbols, or figures, the sign area shall be determined by computing the entire area within a single, continuous geometric form that encloses the limits of all lettering, numerals, figures, designs, symbols, fixtures, logos, emblems, insignias, or other drawings or images (see [Figures 7-33-3](#) and [7-33-4](#)).
 - (6) For freestanding signs, the sign area shall be the total area of all surfaces, excluding poles or other support structures. Sign area shall be calculated by the area defined by the constructed or fabricated cabinet, panel, or frame. If the sign does not have a defined cabinet, panel, or frame, or the cabinet, panel, or frame is of an irregular shape, the sign area shall be calculated by using up to a simple eight-sided geometric figure around the advertising message and shall include any framing or border. (See [Figures 7-33-4](#), [7-33-5](#), [7-33-6](#) and [7-33-7](#))
 - (7) The sign area of a monument sign shall be determined by the size of the copy area, visual breaks in the structural components of the sign, and/or variation in the monument’s color scheme.

FIGURE 7-33-1. SIGN FACES AND TOTAL SIGN AREA

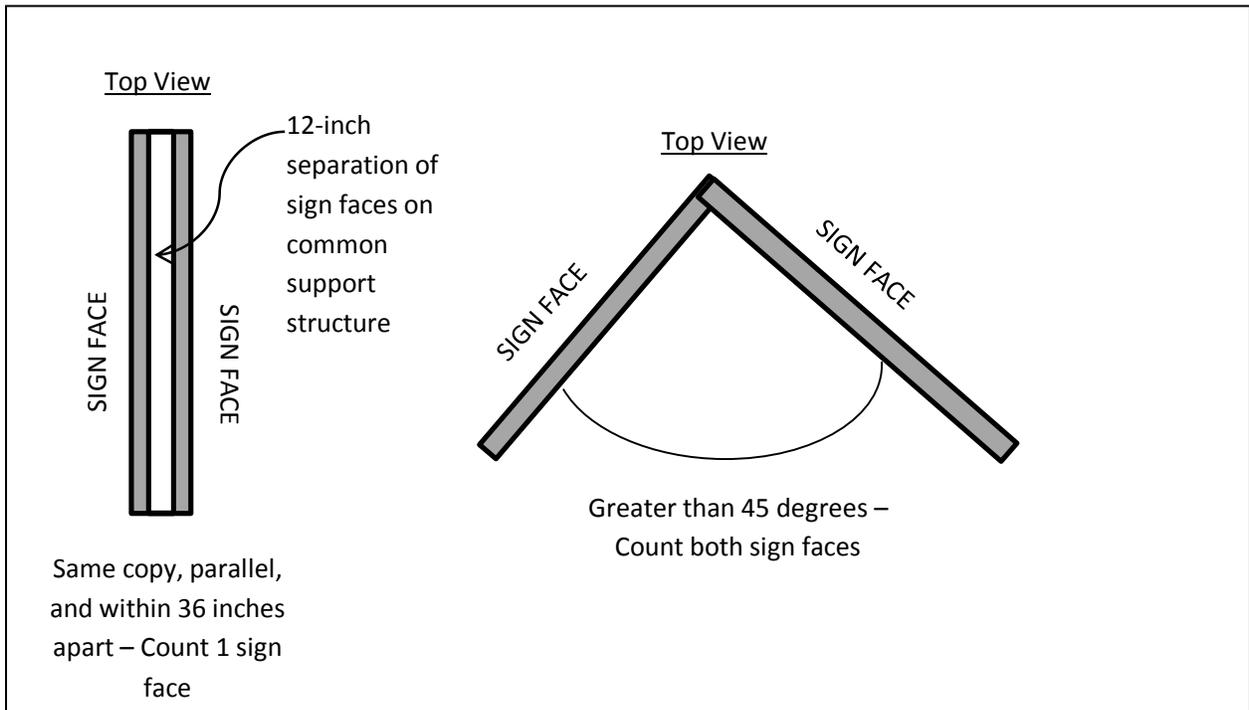


FIGURE 7-33-2. SIMPLE GEOMETRIC FIGURES

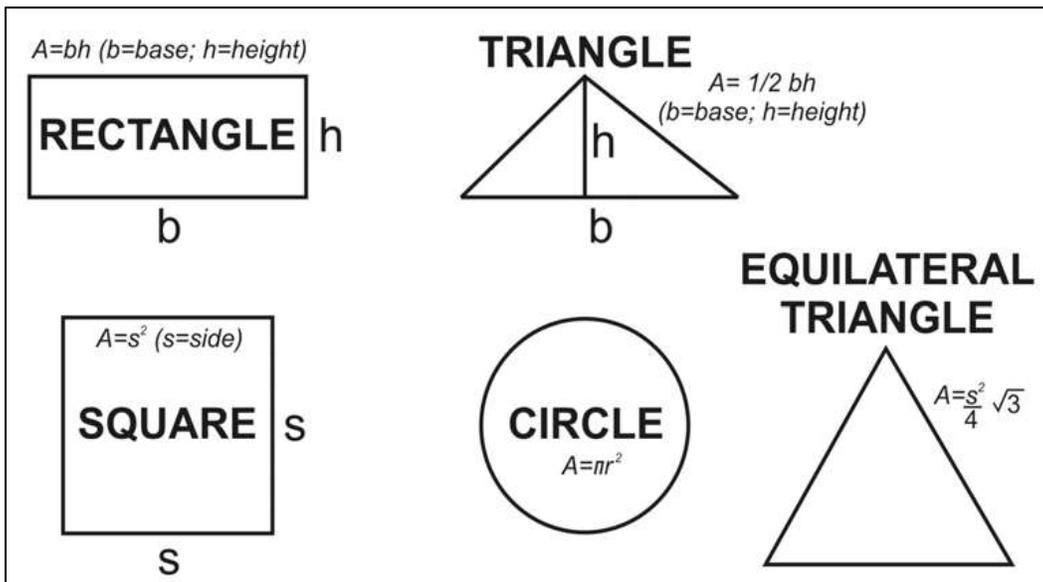


FIGURE 7-33-3. CALCULATING AREA OF A WALL SIGN

SIGN WITH A CABINET OR PANEL -

Calculate the shaded area.

SIGN MADE UP OF INDIVIDUAL LETTERS MOUNTED ON A WALL -

Calculate the area around the perimeter enclosing the extreme limit of each word, group of words, symbol, numeral, groups of symbols, or groups of numerals, where the symbols or numbers are meant to be read as a unit.

SIGN PAINTED ON A WALL -

Calculate the painted area including the painted background.



FIGURE 7-33-4. CALCULATION OF SIGN FACE AREA

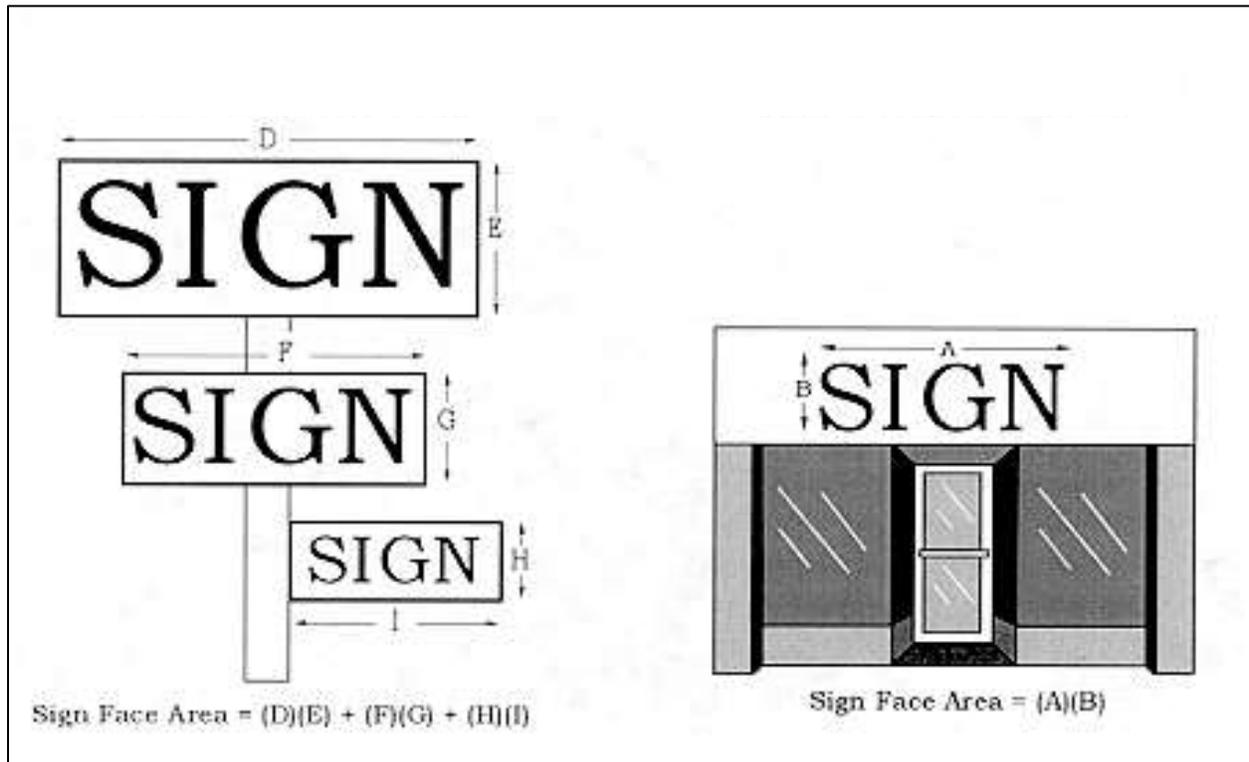


FIGURE 7-33-5. CALCULATION OF SIGN FACE AREA

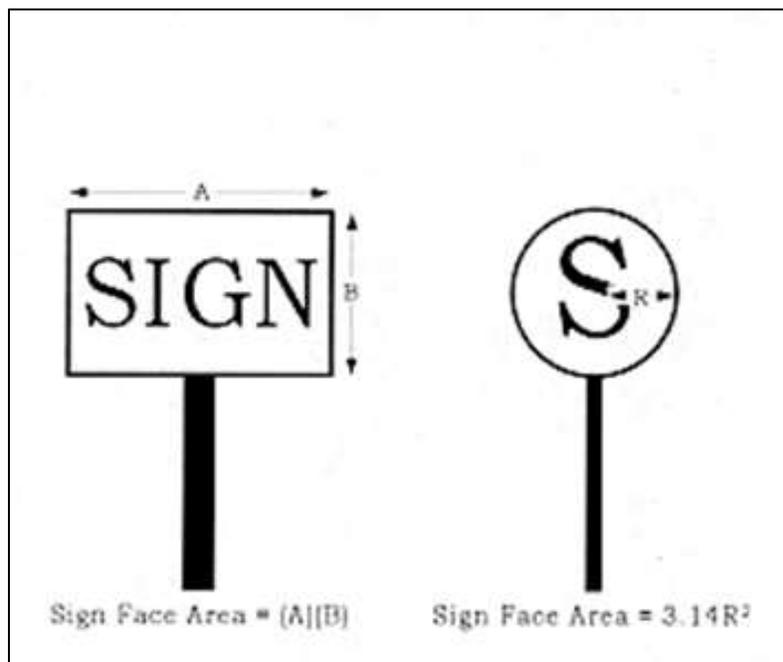


FIGURE 7-33-6. CALCULATING SIGN AREA: SIGN CONSTRUCTED WITH PANELS OR CABINETS

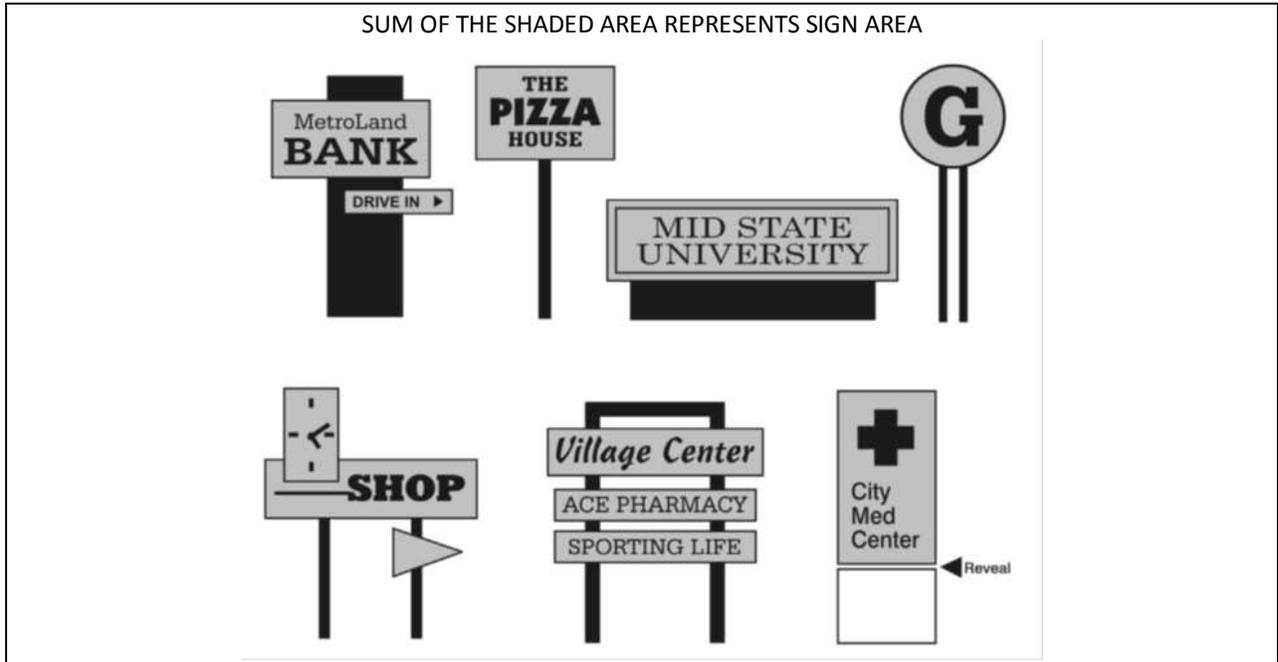
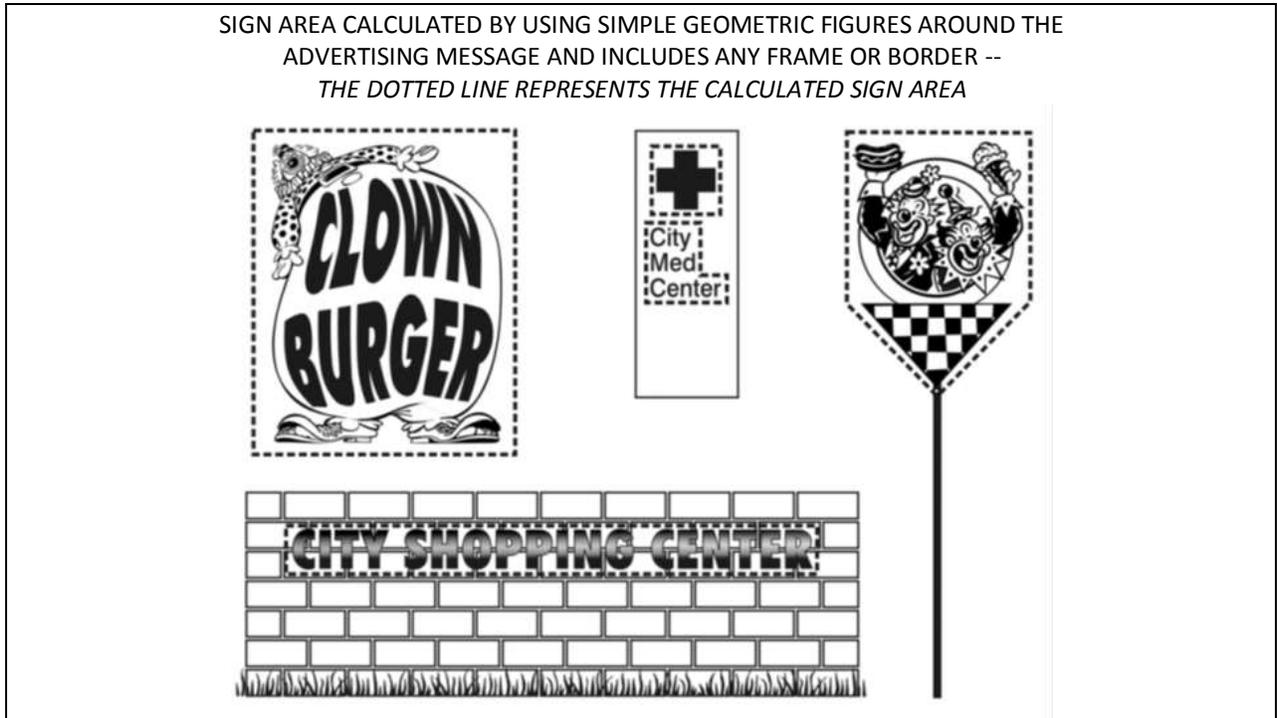


FIGURE 7-33-7. CALCULATING SIGN AREA: WITHOUT DEFINED PANEL OR IRREGULAR SHAPE



7-34. Uniform On-Premises Sign Regulations

The following sign regulations shall apply to on-premises signs, regardless of zoning district, unless specifically provided otherwise herein, and as permitted in [Table 7-35-1](#).

(a) *Building-mounted signs, generally.*

- (1) Building-mounted signs shall be permitted only on the building facades or appurtenances of buildings or accessory structures which face upon an abutting street or which contain a public entrance.
- (2) No building-mounted sign, except for a projecting sign, shall cover, cross, or otherwise hide any cornice, column, belt course, window, or balcony of a building, or any portion of such feature.
- (3) Any building-mounted sign shall be attached to provide a minimum clearance of ten (10) feet above the adjoining sidewalk or ground. See [Figure 7-39-3](#) for illustration of sign clearance.

(b) *Building-mounted signs – Awning or canopy signs.* No part of any awning or canopy containing a sign shall extend above the height of the bottom sill of any second story window of the building facade to which it is attached. All lettering and images comprising any portion of an awning or canopy sign shall be located on the face of the awning or canopy and shall not project above or below the face or in any way beyond the physical dimensions of the awning or canopy.

(c) *Building-mounted signs - Projecting signs.* Any projecting sign shall not extend more than three (3) feet, in whole or in part, from the building face or wall to which it is attached.

(d) *Building-mounted signs - Window signs.* Where building-mounted signs are permitted by this division, window signs are allowed, subject to the following provisions:

- (1) *Location.* Window signs shall be permitted only on the ground level of facades of buildings which face upon an abutting street or which contain a public entrance.
- (2) *Permitted numbers and sign area.* Window signs shall not be counted in the allowable number and permitted total sign area of building-mounted signs.
- (3) *Sign area.* To ensure that visibility both in and out of the window is not obscured, the surface area of window signs, whether temporary or permanent, shall not exceed fifty percent (50%) of the window or door surface area to which they are applied or attached, from which they are suspended, or through which they are displayed. Window surface area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window or door glass area. (See [Figure 7-34-1](#))
- (4) *Illumination.* Window signs may be illuminated only in those districts where illuminated signs are permitted by this division, and shall be permitted only on the interior of the storefront. Illuminated window signs shall be subject to the provisions of subsection (h), below.
- (5) *Prohibited sign characteristics.* Window signs are subject to the prohibited signs and sign characteristics as set forth in [Section 7-38](#).
- (6) *Historic Commercial Area Overlay District.* Any window sign that is to be located in the Historic Commercial Area Overlay District (H-1) shall be subject to the requirement of a Certificate of Appropriateness pursuant to [Article 9, Division 4](#).
- (7) *Permits.* Where building-mounted signs are permitted by this division, window signs located on the interior of the window or door are allowed without a permit, subject to the provisions of this section, except in the case of any internally illuminated sign including any made of neon tubes which shall require a permit as set forth in [Section 7-32](#).

FIGURE 7-34-1. WINDOW SIGNS



(e) *A-frame or easel signs.*

- (1) Any A-frame or easel sign shall be of durable construction, and when displayed shall be anchored in a manner approved by the Zoning Administrator.
- (2) Any A-frame or easel sign shall be located within three (3) feet of the entry door.
- (3) No A-frame or easel sign shall interfere with pedestrian or vehicular circulation.
- (4) Any A-frame or easel sign shall leave a sidewalk clearance of at least five (5) feet.

(f) *Changeable copy signs.* Any changeable copy sign shall abut or connect with a static sign face, and the changeable copy portion of the sign shall not exceed eighty (80) percent of the overall sign of which it is a part.

(g) *Electronic readerboard signs.* Electronic readerboard signs shall be subject to the following requirements:

- (1) An electronic readerboard shall be integrated with a static sign face. For purposes of this provision, integrated shall mean the readerboard is contiguous to the static sign face and is bounded by the same or similar framework.
- (2) The electronic readerboard portion of a sign shall not exceed forty (40) percent of the total sign area of the sign of which it is an integral part, provided that under no circumstance shall the readerboard exceed twenty-five (25) square feet in sign area.
- (3) All electronic messages shall be static, with the frequency of change of electronic message being such that each message display remains static for at least six (6) seconds before changing to a new electronic message.
- (4) Transition between messages is permitted, but such transition may only dissolve or fade and the transition between messages shall not exceed one (1) second in time.
- (5) An electronic readerboard shall not contain animation, rolling or running letters or message, flashing lights, or scrolling displays.
- (6) An electronic readerboard shall not use flashing or blinking characters or streaming video.

- (7) No electronic readerboard shall create glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.
 - (8) Audio speakers or any form of pyrotechnics shall be prohibited in conjunction with an electronic readerboard.
 - (9) Only one (1) electronic readerboard shall be permitted on a lot.
 - (10) No electronic readerboard shall be permitted within 200 feet of a residential district.
 - (11) An electronic readerboard sign shall be permitted only as an on-premises sign and therefore shall not be used to display commercial messages relating to products or services that are not offered on the premises.
- (h) *Illuminated signs.* Where illumination is permitted by this division, signs may be illuminated either through the use of backlighting or direct lighting, provided that no light from any illuminated sign shall cause direct glare into or upon any adjoining property or adjoining right-of-way, and provided further that the following standards are met:
- (1) Information on any illumination proposed as part of a sign must be provided by the applicant on the zoning permit application.
 - (2) Any sign containing electrical components shall conform to current UL, ETL, CSA, or ULC standards and display a label from one of these recognized testing labs.
 - (3) When any sign is illuminated, such lights shall be enclosed in the sign, or if external, such external light source shall be located, shielded, or directed so as to concentrate the illumination upon the area of the sign face and so that the point source of the light is not visible from any adjacent street or lot.
 - (4) If ground lighting is used to illuminate a sign, and the point source of the light is not equipped with shielding to prevent its visibility from any adjacent street or lot, such ground lighting shall be fully screened from view by landscaping material.
- (i) *Rights-of-way.* No sign shall be located or hung over the right-of-way of any street, sidewalk, driveway, walkway, or access way, except that, in the Downtown Business District (BD), a sign attached to a wall of a building may project thirty-six (36) inches from the wall and into such right-of-way, provided that projection does not occur within ten (10) feet vertical clearance of the ground. No sign shall extend closer than one (1) foot to the curb line.
- (j) *Setbacks for freestanding signs.* Freestanding signs shall be required to meet the setbacks of [Table 7-34-2](#), unless otherwise specifically provided by this division.

TABLE 7-34-2. FREESTANDING SIGN SETBACK REQUIREMENTS			
Zoning District in which Sign is Located	Minimum Setback (feet)		
	Front	Side or Rear	Property Line of Residentially Zoned Property
CN	10	5	10
R-1, R-2, R-3	10	5	10
BG	n/a	n/a	15
BD	n/a	n/a	10
Interpretation of Table 7-34-2.			
"n/a" means not applicable			

7-35. Permitted On-Premises Signs

The type, number, and size of on-premises signs permitted in each zoning district are set forth in [Table 7-35-1](#), subject to all other applicable requirements contained in this division.

TABLE 7-35-1. PERMITTED ON-PREMISES SIGNS: TYPE, NUMBER, SIGN AREA, HEIGHT, CHARACTERISTICS

ZONING DISTRICT	TYPE PERMITTED	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	MAXIMUM SIGN FACE	MAXIMUM HEIGHT	PERMITTED CHARACTERISTICS	
Conservation District							
CN	Freestanding	1 per lot frontage	0.5 sq. ft. per lf of lot frontage	32 sf	5 ft	Changeable copy	
	Building-mounted	1 per building face or storefront	32 sf plus 0.5 sf per lf of building frontage or storefront over 32 sf	None	n/a		
Residential Districts							
R-1, R-2	Residential Use	n/a	n/a	n/a	n/a	n/a	
	Residential Neighborhood	Neighborhood identification sign, Freestanding, monument only	1	8 sf	8 sf	5 ft	
	Nonresidential Use	Freestanding, monument only	1 per lot frontage	20 sf	20 sf	5 ft	Identification sign; Changeable copy
		Building-mounted, except for projecting	1 per building face or storefront	20 sf	20 sf	n/a	Identification sign only
R-3	Residential Use	n/a	n/a	n/a	n/a	n/a	
	Residential Neighborhood	Neighborhood identification sign, Freestanding, monument only	1	8 sf	8 sf	5 ft	
	Nonresidential Use	Freestanding	1 per lot frontage	25 sf	25 sf	6 ft	Identification sign; Changeable copy
		Building-mounted, but not projecting sign	1 per building face or storefront	25 sf	25 sf	n/a	Identification sign only
		Wall sign at rear service entrance	1	3 sf	3 sf	n/a	Identification sign only

ZONING DISTRICT	TYPE PERMITTED	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	MAXIMUM SIGN FACE	MAXIMUM HEIGHT	PERMITTED CHARACTERISTICS
Business Districts						
BG	Freestanding	1 per lot frontage	1 sf per lf of lot frontage	125 sf	25 ft	Illuminated; Changeable copy; Electronic readerboard
	Building-mounted	1 per building face or storefront	32 sf plus 1 sf per lf of building frontage or storefront over 32 lf	None	n/a	
BD	Freestanding	1 per lot frontage	0.5 sf per lf of lot frontage	32 sf	6 ft	Illuminated; Changeable copy
	Building-mounted	1 per building face or storefront	32 sf plus 1 sf per lf of building frontage or storefront over 32 lf	None	n/a	Illuminated; Changeable copy
	A-frame or easel sign	1 per storefront	10 sf	10 sf and 2.5 ft maximum width	4 ft	
<p>Interpretation of Table 7-35-1.</p> <p>“sf” means square feet. “lf” means linear feet. “ft” means feet. “n/a” means not applicable.</p> <p>For purposes of this table, the following applies:</p> <p>“Building face” means an eligible building face which, pursuant to Section 7-34(a)(1), is any building façade or appurtenance of a building or accessory structure which faces upon an abutting street or which contains a public entrance.</p> <p>“Building frontage” means the horizontal linear dimension of the applicable exterior wall of a building that faces upon a public street or which building wall contains the public entrance.</p>						

7-36. Temporary On-Premises Signs

- (a) No temporary sign shall be erected or posted until a zoning permit has been issued pursuant to [Section 7-32](#). Zoning permits for temporary signs shall be limited to four (4) such permits per 365-day period per establishment located on the lot and shall be issued only for the premises of the business, product, commodity, activity, event, or service which the sign identifies or to which the sign directs attention.
- (b) Temporary signs shall not be included in the computation of permitted sign area for any lot or structure.
- (c) Except as otherwise provided in this section, no temporary sign shall be erected or placed for a period exceeding thirty (30) calendar days.
- (d) Only one (1) temporary sign per lot frontage shall be erected or posted at any given time on any lot, except when such lot contains multiple establishments or uses, one (1) temporary sign shall be permitted for each separately identifiable use or establishment located thereon.
- (e) A temporary sign shall not be illuminated.
- (f) Except as otherwise provided in this section, temporary on-premises signs shall be securely attached to a building or building appendage or securely attached to posts, stakes, or other supports that shall be removed at the time the sign is removed.
- (g) Except as otherwise provided in this section, temporary signs shall be permitted in accordance with [Table 7-36-1](#).

TABLE 7-36-1. TEMPORARY SIGNS: SIGN AREA AND HEIGHT					
ZONING DISTRICT	CN	R-1, R-2, R-3 Residential Uses	R-1, R-2 Non-Residential Uses	R-3 Non-Residential Uses	BG, BD
Maximum sign area per temporary sign	20 sf	Not permitted	4 sf	16 sf	32 sf
Maximum height for temporary freestanding sign	6 ft	Not permitted	6 ft	6 ft	6 ft
Interpretation of Table 7-36-1. “sf” means square feet; “ft” means feet.					

- (h) Pennants and streamers, without advertising, may be displayed simultaneously with a temporary grand opening sign, but at no other time, provided such pennants and streamers shall be permitted only in conjunction with the opening of a new business in a business district and shall be permitted only for a period of not more than fifteen (15) days after the opening of such new business.
- (i) In addition to the other requirements of this section, banners permitted as temporary signs shall be securely fastened in a manner to eliminate excessive movement and billowing. A banner shall be removed immediately if it is not securely fastened or if it becomes torn or damaged. Banners shall be erected at a minimum of seven (7) feet above grade, except where flush-mounted against the face of a building.
- (j) Inflatable signs shall be permitted only in conjunction with the opening of a new business in a business district and shall be permitted only for a period of not more than fifteen (15) days after the opening of such new business. Such inflatable signs shall meet the following additional requirements:

- (1) Only one (1) such sign per lot shall be permitted at any one (1) time; and
 - (2) Inflatable signs shall be securely fastened to the ground or other immovable object and shall be located a minimum of eight (8) feet from the lot line.
- (k) A temporary cover placed over an existing sign face because of change of ownership or the name of the business establishment shall be considered a temporary sign and shall be subject to the regulations of this section, except that such sign shall be permitted for a period of up to sixty (60) calendar days. Such temporary cover shall not exceed the sign area of the existing permanent sign face it is covering and shall not increase the height of the existing sign face. Upon written application by the original applicant to the Zoning Administrator, prior to the expiration of the original zoning permit for the temporary sign, the Zoning Administrator may extend the time period for the zoning permit up to thirty (30) calendar days if, in the opinion of the Zoning Administrator, the applicant is diligently pursuing a permanent sign replacement or reface. Failure of a person to apply for such extension within the timeframe set forth in this subsection, and the continued display of the temporary sign beyond the duration of the original zoning permit, shall constitute a violation of this appendix.

7-37. Exempt Signs

The provisions of this division, including the requirements for a zoning permit, shall not apply to the following signs, provided that no such sign shall be placed within the public right-of-way or any closer than five (5) feet from a street right-of-way (except for real estate signs which may be located up to the front property line) or any closer than five (5) feet from any side or rear property line, and provided further that such sign be located outside of any sight distance triangle as defined in [Section 2-9](#). It is intended that these exempt signs shall be on-premises signs. Any exempt sign shall not be included in the maximum permissible number of signs or sign area. Any exempt sign that is to be located in the Historic Commercial Area Overlay District (H-1) shall be subject to the requirement of a Certificate of Appropriateness pursuant to [Article 9, Division 4](#).

- (a) Legal notice, informational, traffic control, warning, regulatory, or directional signs erected by a government body or required to be erected by a government body, which signs are directly related to the health, safety, convenience or welfare of the community, but not including governmental signs for proprietary or identification purposes.
- (b) Commemorative plaques, historical markers, and signs which have special historical value or significance to the community, which are erected by a government body.
- (c) Flags of the Commonwealth of Virginia, United States of America, or other governmental flags flown for noncommercial purposes.
- (d) Decorative flags displaying strictly ornamental information, such as graphic depictions of flowers and the like.
- (e) Address identification signs.
- (f) Memorial plaques.
- (g) Nameplates.
- (h) Political signs, provided that such signs shall be removed within ten (10) calendar days after the election.
- (i) Signs displaying the hours of operation, or the word "open" or "closed," neon or otherwise, on the main entry or on a window next to the main entry, and not exceeding one (1) per lot or tenant and two (2) square feet in sign area.
- (j) On-premises directional signs.
- (k) Real estate signs, provided such signs shall not exceed one (1) per lot frontage, shall not be illuminated, shall be removed within seven (7) days after the sale is closed or the rent or lease transaction is finalized, and shall not exceed the square footages and heights set forth in [Table 7-37-1](#), below.

TABLE 7-37-1. EXEMPT REAL ESTATE SIGN: SIZE		
Zoning District in Which Real Estate Sign is Located	Maximum Square Footage of Sign Area	Maximum Height
R-1, R-2, R-3, CN	4 square feet	4 feet
BG, BD	16 square feet	4 feet

- (l) Construction signs erected on the wall of a construction trailer or construction shed or erected on the ground, provided such signs shall be located only on the property on which construction is underway or is proposed, shall not be illuminated by any means, shall be removed prior to the issuance of any Certificate of Occupancy, and shall not exceed the size or quantities as listed in [Table 7-37-2](#), below.

TABLE 7-37-2. EXEMPT CONSTRUCTION SIGN: SIZE AND QUANTITY		
Zoning District in which Sign is Located	Maximum Sign Area	Maximum Quantity per Development Site
R-1, R-2	6 square feet	1 per lot frontage
R-3	16 square feet	1 per lot frontage
BG, BD, CN	32 square feet	1 per lot frontage

- (m) Signs placed on temporary structures, fences, and barricades placed around excavations or building projects, whether on public or private property, which are related to safety considerations with the construction.
- (n) Signs located on the inside of an enclosed ball field, amphitheater, stadium or similar facility.
- (o) Murals.
- (p) Fuel pump accessory and fuel pump topper signs.
- (q) Signs displaying time, date, temperature, or a public service announcement, and containing no commercial advertisement, and located in a nonresidential zoning district.

7-38. Prohibited Signs

The following signs and sign characteristics shall be prohibited in all zoning districts:

- (a) Animated signs.
- (b) Flashing signs, provided that theatre marquees shall not be deemed a flashing sign for purposes of this prohibition.
- (c) Pennants, streamers, ribbons, spinners, inflatables, or other similar moving devices, except as provided in [Section 7-36](#) for temporary signs.
- (d) Laser light or image projection signs.
- (e) Off-premises signs.
- (f) Portable signs, except for A-frame or easel signs as expressly permitted in this appendix.
- (g) Projecting signs erected with their lowest portions above a height of twenty-five (25) feet above adjacent ground level.
- (h) Roof signs.
- (i) Searchlight or beacon signs.

- (j) Any electrical signs that do not display the UL, ETL, CSA, or ULC label.
- (k) Any sign, except an official public notice, which is nailed, tacked, stapled, pasted, painted, posted, or attached in any manner to any utility pole, or structure supporting wire, cable, or pipe; or to public property of any description.
- (l) Any sign which imitates or approximates an official traffic sign or signal and which contains the word "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," or similar words, any sign using traffic symbols or colors of red, amber, and green in such combination of shape or color as to be confused with traffic control devices, or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction.
- (m) Flashing or revolving lights, or beacons intended to direct attention to a location, building, or service, or any similar device otherwise displayed that imitates by its design or use emergency service vehicles or equipment.
- (n) Any sign displayed on a stationary motor vehicle or trailer when the vehicle or trailer is parked or oriented for the purpose of serving the function of a sign, except when such vehicle or trailer is parked in the operator's driveway or when the vehicle is parked to the side or rear of a commercial building and is not visible from adjacent public streets or is loading or unloading.
- (o) Any sign, other than a projecting sign, which projects horizontally or vertically beyond any part of the building to which it is attached.
- (p) Any sign which interferes with free passage from or obstructs any fire escape, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- (q) Exposed neon tubing which outlines buildings.
- (r) Any sign that produces sound, odor, or visible matter such as smoke or vapor.

7-39. Sign Definitions

Signs and their characteristics, as used in this division, shall be defined as set forth in this section and in [Article 11](#). For the purposes of this division, to the extent of any inconsistency between [Article 11](#) and this division, the definitions provided in this division shall control.

Address identification sign: A sign, attached to a building, measuring up to 1 square foot in area, displaying only the occupant's name or the assigned address of a property or building.

A-frame or easel sign: An upright sign with a rigid supporting frame either in the form of an inverted "V" or in the form of an easel. This sign is typically used to display a temporary or frequently changed message and is not permanently affixed to the ground. For the purposes of this division, an A-frame or easel sign is considered neither a freestanding nor a building-mounted sign.

Animated sign: Any sign or part of a sign that changes physical position by any movement, oscillation, or rotation by natural or artificial means or that imitates or gives the visual appearance of such movement. A flashing sign and a sign that indicates only time and temperature shall not be considered an animated or moving sign.

Awning: A structure made of fabric or similar non-rigid material supported by and projecting from the exterior wall of a building and designed to be raised, folded, retracted, or collapsed to a flat position against the face of the supporting building.

Awning sign: A sign that is painted on, printed on, or applied directly to the face of an awning. For the purposes of this division, an awning sign shall be considered a type of building-mounted sign. (See Figures [7-39-1](#) and [7-39-2](#))

Banner: A sign, intended to be hung, consisting of cloth, canvas, flexible plastic or fabric of any kind, with only such non-rigid material for backing, temporarily secured at one (1) or more edges flat against the façade of the building or to a pole or other structure. This definition shall not be interpreted to include national, state, and municipal flags and official flags of professional, institutional, or educational organizations.

Building-mounted sign: A sign erected on, attached to, or painted on the wall, window, or door of a building, or attached to, printed on, or painted on an appurtenance of a building such as a canopy or awning or other accessory structure not otherwise designed or constructed to support signage. For the purpose of calculating the permitted number of building-mounted signs and total maximum permitted sign area for building-mounted signs as provided in this division, building-mounted signs shall include awning signs, canopy signs, hanging canopy signs, marquee signs, projecting signs, and wall signs, but shall not include window signs.

Canopy sign: A sign that is painted on, printed on, or attached flat against the surface of a canopy. For the purposes of this division, a canopy sign shall be considered a type of building-mounted sign.

Changeable copy sign: A sign, or portion thereof, that is designed so that letters or numbers attached to the sign can be changed or rearranged manually, or mechanically, to display a different copy or message, without altering the surface of the sign display.

Construction sign: An on-premises temporary sign that notifies the public of a specific building or development under construction or reconstruction or proposed to be constructed or reconstructed, or announcing future use of the property, and which sign may identify the architect, engineer, contractor, subcontractor, or lending institution engaged in the project on the property on which the sign is located, or the suppliers of materials used thereon.

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Development identification sign: A sign used to display only the name, address, crest, or trademark of a business or organization, or to display the name of a subdivision, religious institution, school, park, or multifamily housing development.

Double-faced sign: A sign with two (2) sign faces attached to a common support structure and constructed to display the same copy or message on the outer surfaces of two (2) identical and opposite parallel planes not more than thirty-six (36) inches apart or not separated by an interior angle of more than forty-five (45) degrees.

Electronic readerboard: A computer generated sign which displays messages with letters, pictographic, or symbolic informational content which can be changed or altered on a fixed display screen by electrically illuminated segments. A sign on which the only copy that changes is an electronic indication of time or temperature shall be considered a “time and temperature” portion of a sign and not an electronic readerboard.

Flag: A single piece of canvas, plastic, cloth, or other durable fabric which has been attached along one (1) side or edge to a permanent support.

Flashing sign: A sign that uses intermittent or sequential flashing or running lights, or lights creating an illusion of movement, to attract attention. Electronic readerboards shall not be considered flashing signs.

Freestanding sign: A sign supported by one (1) or more upright poles, columns, or braces placed exclusively in or on the ground. The term “freestanding sign” shall include pole and monument signs. (See [Figure 7-39-1](#))

Fuel pump accessory sign: A sign attached to a gasoline pump or to the island in which the gasoline pump is located, not exceeding six (6) square feet in area, which identifies acceptable methods of payment or other important information related to the use of the pumps and sale of fuel. These signs contain no advertising matter for the gasoline station or its products.

Fuel pump topper sign: A sign located on the top of a gasoline pump, not exceeding two (2) square feet in area, which displays the price per gallon of gasoline or advertisements for products sold on the premises.

Graphic: Any logo, emblem, insignia, or text formed by writing, drawing, painting, or engraving.

Hanging canopy sign: A small, pedestrian-oriented sign that is suspended beneath a canopy by means of brackets, hooks or chains, and the like, and which face is generally perpendicular or parallel to the building element to which the canopy is attached. For the purposes of this division, hanging canopy sign shall be considered a type of building-mounted sign.

Historical marker: A memorial sign limited in content to the identification of a historical building or structure or the site of a historical event.

Identification sign: A sign which displays only the name, trademark or other readily recognized symbol, street address and number, or any combination thereof, of a building, institution, business, organization, or establishment and the activity carried on in the building, institution, business, or establishment on the premises where the sign is located, or announcing the name of a subdivision, shopping center, church, school, park, or multifamily housing development. Identification signs shall also include nameplates.

Illuminated sign: A sign with an artificial light source, incorporated internally or externally, for the purpose of illuminating the sign. A neon sign shall be considered an illuminated sign.

Inflatable sign: One (1) or more moored balloons, or any other type of tethered object that is capable of being expanded by air or other gas, water, or other means, that exceeds twenty-four (24) inches in diameter and is used as a means of directing attention to any business, profession, service, product, goods, promotion, activity, or special event.

Laser light or image projection sign: The projection of light or a laser beam onto a solid surface, or projected into the sky, in order to project an image.

Logo: Any emblem used as the symbol of an organization or residential or nonresidential community. A logo may include a graphic, text, or both.

Marquee: A fixed hood located at the main entrance of a building, constructed of metal or other permanent material, which is projecting from and supported only by the building to which it is attached and which includes a sign or advertising announcement.

Marquee sign: A sign attached to or painted on a marquee. For the purposes of this division, a marquee sign shall be considered a type of building-mounted sign.

Memorial plaque: A plaque or sign, measuring no more than two (2) square feet in display area, designating the name of a building or date of erection and other similar information such as the architect, contractor, or others involved in the building's creation, with such information carved into stone or cast in bronze or similar material and made an integral part of the structure.

Monument sign: A type of freestanding sign with the entire bottom of the sign mounted or affixed to a base or pedestal or directly to the ground, in which the sign and support structure are an integral part of one another and are mounted generally flush with the ground plane.

Mural: A picture painted on or affixed to the exterior wall or window of a building, generally for the purpose of decoration or artistic expression, and which includes no words, graphics, or logos that advertise existing products or services of any entity. A mural may contain words, graphics, or logos that depict products that are no longer available or services or entities that no longer exist.

Nameplate: A sign, not exceeding two (2) square feet in sign area, affixed to the wall of a building in such a manner as to become an integral part thereof, and which provides only the name or address, or both, of the owner or occupant of a building or premises.

Neighborhood identification sign: A sign which displays only the name of the neighborhood.

Off-premises sign: A sign which directs attention to a business, activity, commodity, service, product, entertainment, or attraction not conducted, sold, or offered on the lot where the sign is located. Off-premises signs include outdoor advertising signs, general advertising signs, and directional signs directing traffic to a site other than the lot on which the sign is located.

On-premises directional sign: An on-premises sign, measuring no more than two (2) square feet in sign area, and if freestanding, not exceeding four (4) feet in height, designed to guide pedestrian or vehicular traffic on the site by using words such as "Entrance," "Exit," "Parking," "One-Way," "Service Entrance," parking restrictions, or other similar directional language, which sign may contain the name of the establishment or its commercial logo in addition to the directional language.

On-premises sign: A sign which is accessory to a principal use on a development site and which directs attention to a business, commodity, activity, service, product, entertainment, or attraction conducted, sold, or offered on the lot on which the sign is located.

Outdoor advertising sign: An off-premises sign or sign structure, commonly referred to as a billboard or general advertising sign, with display space available for lease and designed so that the copy or poster on the sign can be changed frequently.

Pennant: Any lightweight plastic, fabric, or other similar material, whether or not containing a message or copy of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Pole sign: A type of freestanding sign which is mounted on and supported by one (1) or more freestanding stationary poles.

Political sign: A sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.

Portable sign: A self-supported sign which is movable without involving any structural or support changes, and which is not affixed to a building or building appendage, including but not limited to portable changeable message cabinets and A-frame or easel signs. Portable signs include signs with wheels or with wheels removed, signs with chassis or support constructed without wheels, and signs mounted on a motor vehicle, or portion thereof, for the express purpose of advertising a business establishment, product, service, or entertainment when that motor vehicle is parked so to attract the attention of vehicular or pedestrian traffic. Portable signs shall not include bumper stickers or identification signs directly applied to or painted on motor vehicles identifying the owner of the vehicle, business name, logo, or emblem.

Projecting sign: A sign which is attached to, supported by, and extending more than twelve (12) inches from a building face or wall, in whole or in part, at a ninety (90) degree angle to the building wall from which it projects and to which it is attached. An awning, canopy, or marquee sign shall not be considered a projecting sign. For the purposes of this division, a projecting sign shall be considered a type of building-mounted sign. (See Figures [7-39-1](#) and [7-39-2](#))

Real estate sign: A sign which advertises for sale, lease, or rent the lot or structure, or portion thereof, upon which the sign is located.

Refacing: The replacement of a sign face panel within a sign cabinet, regardless of change in copy, of equal size to the original, without altering the sign cabinet, sign frame, or sign support structure. The introduction of a different sign characteristic, such as illumination, electronic readerboard, or changeable copy, shall not be considered refacing.

Roof sign: A sign that is mounted on the roof of a building, or any appurtenances thereto, such as a parapet wall, mechanical penthouse, or elevator house, and extending vertically above any portion of the roof or appurtenances thereto. A sign that is mounted to or painted on a parapet wall that is an extension of the facade of the building shall not be considered a roof sign, provided such sign does not extend vertically above the parapet wall to which it is attached. (See [Figure 7-39-1](#))

Searchlight or beacon sign: A stationary or revolving light, not primarily illuminating a sign, which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention.

Sign cabinet: A structure that frames and supports the sign face(s). A sign cabinet may enclose internal illumination.

Sign face: The area or display surface that is used or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose. The term sign face shall not include the sign cabinet or sign structure.

Sign height: The vertical distance measured from and perpendicular to the average ground level on all sides of the sign support structure to the level of the highest point of the sign or sign structure, whichever is higher (see [Figure 7-39-3](#)).

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

Sign support structure: Any structure that supports or is capable of supporting a sign, including uprights on which the sign is placed or bracing or the decorative wall or fence to which a sign is attached. A decorative pole cover shall be considered part of the sign support structure.

Streamer: Any long, narrow strip of cloth, paper, plastic, or other material.

Temporary sign: A sign or other advertising device erected or posted for a specified period of time as delineated in [Section 7-36](#). Temporary signs are not permanently mounted to a building or into the ground and are designed to be readily relocated and displayed for temporary purposes such as the identification or announcement of seasonal or brief activities, including special commercial sales, holiday events, auctions, grand openings, under new management, going out of business, or a special event or activity. A temporary sign may be attached by rope, string, chain, tape, paste, and similar mechanisms, is not rigidly attached to a supporting structure, and may be made of paper, cardboard, cloth, or similar material. Signs that are pushed, hammered, or similarly put into the ground are considered temporary signs.

Wall sign: A sign painted directly on the outside wall of a building, or attached to and erected parallel to the face of a building and projecting no more than one (1) foot outward from the façade of the building to which it is attached, and supported throughout its length by such wall of the building. For the purposes of this division, a wall sign shall be considered a type of building-mounted sign. (See [Figures 7-39-1](#) and [7-39-2](#))

Window area: The total square footage of the glass area within a frame upon which a window sign is applied, attached, suspended from, or through which it is displayed. Such glass area may include glass windows, doors, sidelights, and transoms, fixed or operable.

Window sign: A sign that is applied or attached directly to the interior or exterior of a window or glass door, or that is suspended from or located within twelve (12) inches of a window or glass door, so that it is visible from any

street, sidewalk, or public or private outdoor common space. The display of merchandise shall not be construed as a window sign, nor shall any signs identifying or promoting merchandise or services, so long as the signs are located more than twelve (12) inches from the interior surface of the glass. (See [Figure 7-39-2](#))

Window sign area: The total area within the continuous perimeters contiguous to and enclosing the extreme limits of each word, picture, logo, logotype, symbol, banding, or graphic.

FIGURE 7-39-1. SIGN TYPES.

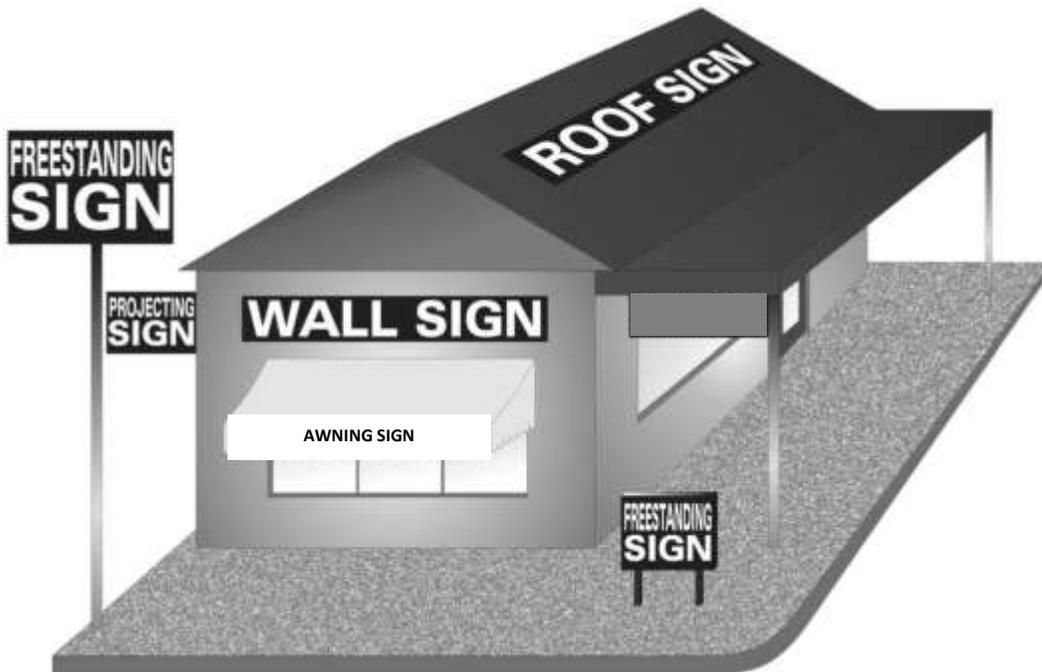


FIGURE 7-39-2. SIGN TYPES

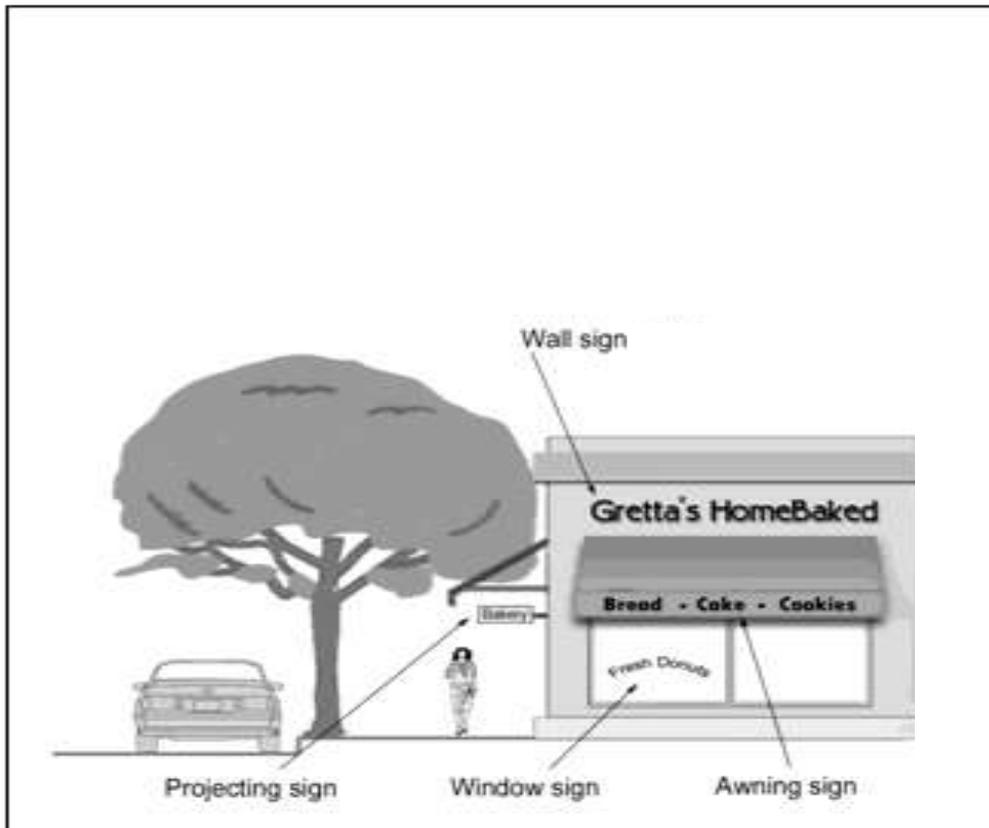
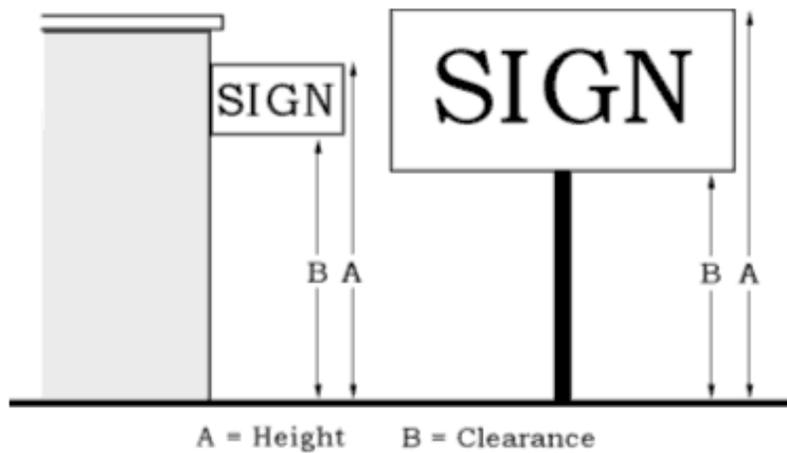


FIGURE 7-39-3. SIGN HEIGHT AND CLEARANCE



ARTICLE 8. NONCONFORMING USES, STRUCTURES, AND LOTS

[8-1. Purpose](#)

[8-2. Generally](#)

[8-3. Plans, Construction, or Designated Use Prior to Adoption or Amendment](#)

[8-4. Nonconforming Lots](#)

[8-5. Nonconforming Structures](#)

[8-6. Nonconforming Uses](#)

[8-7. Nonconforming Signs and Other Characteristics of Use](#)

[8-8. Nonconforming Mobile or Manufactured Home](#)

[8-9. Repairs and Maintenance](#)

[8-10. Change of Nonconforming Use](#)

[8-11. Certain Uses Deemed Conforming](#)

8-1. Purpose

The purpose of this article is to regulate nonconforming uses, structures, and lots, with the intent of these regulations being as follows:

- (a) To permit nonconforming uses, structures, and lots to remain until removed, discontinued, abandoned, or changed to conform to the regulations of this appendix;
- (b) To recognize that nonconforming uses, structures, and lots are generally incompatible with the character of the districts in which they occur and, as such, in certain circumstances, such continuances should not be indefinite and that the nonconforming uses should gradually be removed in favor of uses, structures, and lots that conform to this appendix and the Official Zoning Map; and
- (c) To recognize that nonconforming uses, structures, and lots need not be entirely unchanged, and that under certain circumstances may change according to law and the provisions of this appendix.

8-2. Generally

- (a) Within the districts established by this appendix or by amendments thereto, there exists or may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this appendix was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this appendix or future amendment. Some of such structures, lots, and uses are considered nonconforming. A nonconforming use, structure, or lot may continue, as it existed when it became nonconforming, until removed, discontinued, abandoned, or changed to conform to the regulations of this appendix.
- (b) Change in title of possession, or renewal of a lease of, any such nonconforming lot, structure, or use does not affect the nonconforming status of such lot, structure, or use.
- (c) Except as provided within this article, no nonconforming use, structure, or lot shall be changed, moved, increased, enlarged upon, expanded, extended, or resumed after removal, discontinuance, or abandonment, or used as grounds for adding other lots, structures, uses of land and structures, or characteristics of use not in keeping with the regulations for the district in which such nonconformity exists.
- (d) When the use of property becomes nonconforming as a result of the adoption or enforcement of the provisions of this appendix, the owner of such property shall obtain a zoning permit and a certificate of occupancy pursuant to Sections [9-22](#) and [9-23](#).

8-3. Plans, Construction, or Designated Use Prior to Adoption or Amendment

To avoid undue hardship, nothing in this appendix shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun or an affirmative governmental act has been obtained as set forth in [Section 1-8](#) prior to the effective date of adoption or amendment of this appendix and upon which actual construction has been diligently pursued. "Actual construction" is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing structure has been substantially begun preparatory to new construction, such demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved, within any time limit set by a zoning permit or building permit issued under regulations in effect before passage of this appendix.

8-4. Nonconforming Lots

Any lot, legally in existence at the time this appendix was adopted, which does not meet the minimum lot area or minimum lot width or lot frontage requirements of the district in which it is located, as set forth in [Article 4](#) of this appendix, may be developed or redeveloped for any principal use permitted in that district, provided that such lot is developed in conformance with all other requirements of this appendix. Except for minimum lot area, lot width, or lot frontage requirements, nothing contained in this section shall be construed to permit less than full compliance with any other requirements of this appendix.

8-5. Nonconforming Structures

- (a) *Continuation of nonconforming structure.* Where a lawful structure exists at the time of passage or amendment of this appendix, which structure could not be built under the terms of this appendix by reason of restrictions on area, bulk, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as the structure is maintained in its then structural condition and is not enlarged or altered in any way which increases any nonconforming characteristic of the structure or nonconforming characteristic of its location on the lot.
- (b) *Moving nonconforming structure.* Should such nonconforming structure be moved for any reason for any distance on the same lot or to any other lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, a nonconforming sign may be relocated on the same property if such sign was moved due to highway, utility, or other construction for public purposes.
- (c) *Repair or replacement of nonconforming structure after damage or destruction by accidental fire or natural disaster.* The owner of any nonconforming structure which is damaged or destroyed by an accidental fire, natural disaster or other act of God, or any other accidental means may repair, rebuild, or replace any such structure to its original nonconforming condition as long as the structure is not enlarged or altered in any way which increases its nonconforming characteristic. The owner shall apply for a building permit and any work done to repair, rebuild, or replace such building shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code, and any work done to repair, rebuild, or replace such structure shall be in compliance with the provisions of [Article 5](#), Floodplain Overlay District. Unless such structure is repaired, rebuilt, or replaced within two (2) years of the date of the accidental fire, natural disaster or other act of God, or other accidental means which directly caused its damage or destruction, except as set forth in subsection (1), below, such structure shall only be repaired, rebuilt, or replaced in accordance with the regulations for the zoning district in which it is located. However, if the nonconforming structure is in an area under a federal disaster declaration and the structure has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the structure to be repaired, rebuilt, or replaced as otherwise provided in this subsection. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, or fire caused by lightning or wildfire. Nothing herein shall be construed to enable the property owner to commit arson under Section 18.2-77 or 18.2-80, Code of Virginia (1950), as

amended, and obtain vested rights under this section. "Accidental means" shall not include any intentional act by the property owner to damage or destroy the structure.

- (1) Upon written application submitted by the owner of the damaged or destroyed structure, as of the date of the accidental means which directly caused the structure's damage or destruction as set forth in subsection (c), above, or his successors in title or under law, prior to the expiration of the two (2) years for repair, rebuild, or replacement as set forth in subsection (c), above, the Zoning Administrator may extend the time limit for repair, rebuild, or replacement in six (6) month increments, up to but not more than two (2) years beyond the original two-year time limit. Such determination by the Zoning Administrator shall be made only upon consideration of documentation presented by the applicant of a pending insurance claim.
- (2) Failure of a person to apply for an extension of the time limit for repair, rebuild, or replacement prior to expiration of the original timeline as set forth in subsection (c), above, shall cause the Zoning Administrator to determine that such structure shall only be repaired, rebuilt, or replaced in accordance with the regulations for the zoning district in which it is located.

8-6. Nonconforming Uses

- (a) *Continuation of nonconforming use.* Where, at the effective date of adoption or amendment of this appendix, a lawful use exists of a structure, individually or in combination with another structure, which use is made no longer permissible under the terms of this appendix as enacted or amended, such use may be permitted so long as it is not abandoned for more than two (2) years and so long as the structure in which such use is located is maintained in its then structural condition. Abandonment means the intentional stopped use of the property and that the property has been vacant for two (2) consecutive years. Should a structure in which such nonconforming use is located be enlarged, extended, reconstructed, or structurally altered, except as otherwise permitted by the provisions of this article, the use of such structure thereafter shall conform to the regulations of the district in which it is located.
- (b) *Expansion of nonconforming use.* No nonconforming use shall be enlarged, intensified, increased, or extended to occupy a larger square footage of building or lot area than was occupied on the effective date of the adoption of, or an amendment to, this appendix. Such intensification, increase, or extension shall include enlargement of the building or other structure, expansion of the use on the premises, or the erection of an additional principal or accessory structure associated with such nonconforming use on the property on which the nonconforming use is located.
- (c) *Moving nonconforming use.* No nonconforming use shall be moved on the same lot or to any other lot which is not properly zoned to permit such use.
- (d) *Replacing nonconforming use.* Any use which replaces, in whole or in part, a nonconforming use shall conform to the requirements of the district in which it is located, except as provided in [Section 8-10](#), and the nonconforming use shall not be resumed.
- (e) *Resumption or restoration of nonconforming use after damage or destruction by accidental fire or natural disaster.* Any nonconforming use may be resumed or restored after the structure in which the use is located is damaged or destroyed by an accidental fire, natural disaster or other act of God, or other accidental means without the need to obtain a variance as provided in [Section 9-70](#). The owner shall apply for a building permit and any work done to repair, rebuild, or replace the structure in which such use is located shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code, and any work done to repair, rebuild, or replace such use shall be in compliance with the provisions of [Article 5](#), Floodplain Overlay District. Unless such use is resumed or restored within two (2) years of the date of the natural disaster or replaced within two (2) years of the date of the accidental fire, natural disaster or other act of God, or other accidental means which directly caused its damage or destruction, such use shall only be restored or resumed in

accordance with the regulations for the zoning district in which it is located. However, if the nonconforming use is in an area under a federal disaster declaration and the use has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the use to be restored or resumed as otherwise provided in this subsection. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, or fire caused by lightning or wildfire. Nothing herein shall be construed to enable the property owner to commit arson under Section 18.2-77 or 18.2-80 of the Code of Virginia (1950), as amended, and obtain vested rights under this section. "Accidental means" shall not include any intentional act by the property owner to damage or destroy the structure in which the nonconforming use is located.

8-7. Nonconforming Signs and Other Characteristics of Use

- (a) *Generally.* If characteristics of use, such as signs, off-street parking or loading, landscaping, or other matters pertaining to the use of structures or lands, individually or in combination, are in lawful existence at the time of adoption or amendment of this appendix, and are not as required by this appendix as adopted or amended, such characteristics of use may be continued, unless otherwise specified in this appendix, but no change shall be made which increases nonconformity with the provisions of this appendix as adopted or amended.
- (b) *Nonconforming signs.* In addition to the general requirements of subsection (a), above, any nonconforming sign shall be subject to the following:
- (1) *Continuation of nonconforming sign.* Any sign which was lawfully in existence at the time of the effective date of this appendix which does not conform to the provisions herein, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign and may remain. No nonconforming sign shall be enlarged, extended, structurally reconstructed, or altered in any manner; however, such nonconforming sign may be repaired in accordance with the provisions of subsection (3), below.
 - (2) *Addition of illumination prohibited.* The addition of lighting or illumination to a nonconforming sign shall constitute an expansion of a nonconforming structure and shall not be permitted under these regulations.
 - (3) *Repair of nonconforming sign.* A nonconforming sign may be maintained, repainted, and repaired, provided that such sign shall not be moved, replaced, structurally altered, or modified as to size, shape, or height except in conformity with the provisions of this appendix. The face of a nonconforming sign or the copy thereon may be changed when all other provisions of this subsection are met.
 - (4) *Removal of abandoned nonconforming sign.* Pursuant to the provisions of Section 15.2-2307 of the Code of Virginia (1950), as amended, the Zoning Administrator may order the removal of any nonconforming sign that has been abandoned. For purposes of this subsection, a sign shall be considered abandoned if the business or use for which the sign was erected has not been in operation for a period of at least two (2) years. Such nonconforming sign(s) and its supporting structure shall be removed by the owner of the property on which the sign is located, or the agent for the property owner, or tenant or lessee of the property having beneficial use of the property upon which the sign(s) is located, within thirty (30) days of written notice by the Zoning Administrator.

8-8. Nonconforming Mobile or Manufactured Home

Nothing in this appendix shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home

may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

8-9. Repairs and Maintenance

- (a) *Ordinary maintenance and repairs.* On any structure devoted in whole or in part to any nonconforming use, ordinary maintenance work, or the repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, may be done, provided the cubic content of the building, as it existed at the time of passage or amendment of this appendix, shall not be increased.
- (b) *Restoring to safe condition.* Nothing in this appendix shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official; nor shall anything in this appendix be deemed to exempt any such building from any of the requirements and provisions of any other chapter of this Code or any other code or ordinance of the Town.

8-10. Change of Nonconforming Use

After public notice and subject to appropriate conditions and safeguards, and pursuant to the procedures set forth in [Article 9, Division 6](#), the Town Council may, as a conditional use permit, allow the change of a nonconforming use to another use not generally permitted in the district, provided the proposed use, as proposed to be conducted, shall be of a nature more in keeping with the character of the district than the use from which the change is proposed to be made. Failure to conduct the use in the manner approved by the Town Council shall be grounds for revocation of the conditional use permit, pursuant to the procedures set forth in [Section 9-69](#). Where such a conditional use permit has been revoked, the nonconforming status of the use, individually or in combination, shall no longer exist, and future use of the structure or premises, individually or in combination, shall thereafter conform to the regulations of the district in which it is located.

8-11. Certain Uses Deemed Conforming

Uses in existence in a district at the time of adoption of this appendix, for which a conditional use permit would be required if they were new uses, shall be deemed conforming uses so long as they continue in existence on the same lot. Once such use is abandoned for any continuous period longer than two (2) years, any new use of the premises must conform to the applicable district regulations.

ARTICLE 9. PROCEDURES

[9-1. Purpose](#)

[DIVISION 1 - GENERALLY](#)

[9-10. General Procedural Requirements](#)

[9-11. Post-Decision Proceedings](#)

[DIVISION 2 - ADMINISTRATIVE PERMITS](#)

[9-20. Purpose](#)

[9-21. General Applicability](#)

[9-22. Zoning Permit](#)

[9-23. Certificate of Occupancy](#)

[DIVISION 3 – SITE PLAN REVIEW](#)

- [9-30. Purpose](#)
- [9-31. Applicability](#)
- [9-32. Site Plan Requirements](#)
- [9-33. Site Plan Review and Approval](#)
- [9-34. Scope of Approval](#)
- [9-35. Amendment of Site Plan](#)
- [9-36. Compliance with Approved Site Plan](#)

DIVISION 4 - CERTIFICATE OF APROPRIATENESS

- [9-40. Purpose](#)
- [9-41. Applicability](#)
- [9-42. Filing Procedure](#)
- [9-43. Board Action](#)
- [9-44. Appeal of Decision of Board of Architectural Review](#)
- [9-45. Appeal of Town Council Decision](#)
- [9-46. Scope of Approval](#)
- [9-47. Consideration of Substantially Same Application](#)
- [9-48. Demolition; Offer to Sell](#)

DIVISION 5 – ZONING AMENDMENTS

- [9-50. Zoning Amendment](#)
- [9-51. Conditional Zoning](#)

DIVISION 6 – CONDITIONAL USE PERMITS

- [9-60. Purpose](#)
- [9-61. Applicability](#)
- [9-62. Filing Procedures](#)
- [9-63. Notice and public hearing requirements](#)
- [9-64. Approval Criteria; Imposing of Conditions](#)
- [9-65. Planning Commission Action](#)
- [9-66. Town Council Action](#)
- [9-67. Scope of Approval](#)
- [9-68. Consideration of Substantially Same Application](#)
- [9-69. Revocation](#)

DIVISION 7 – VARIANCES AND APPEALS

- [9-70. Variance](#)
- [9-71. Appeals to Board of Zoning Appeals](#)
- [9-72. Appeals of Board of Zoning Appeals](#)

DIVISION 8 – ENFORCEMENT

- [9-80. Purpose](#)
- [9-81. Applicability](#)
- [9-82. Procedures](#)
- [9-83. Penalties](#)
- [9-84. Revocation of Permit or Approval](#)

DIVISION 9 – PERMIT PROCESS FLOWCHARTS

- [9-90. Permit Process Flowcharts](#)

9-1. Purpose

In order to meet development needs while protecting the public welfare and safety, the purpose of this article is to set forth the procedures for obtaining permits pursuant to this appendix.

DIVISION 1 - GENERALLY

9-10. General Procedural Requirements

- (a) *Application process, generally.* The specific procedures required for reviewing various applications differ. Generally, the procedures for all applications have three (3) common elements: submittal of a complete application, including applicable information and payment of the required fee; review of the submittal by designated officials, commissions, and boards; and action to approve, approve with conditions, or deny the application. Submittal dates or filing deadlines are established by the requirements of the specific application.
- (b) *Application materials.* Current application materials shall be the responsibility of, and made available in, the Department of Community Development. Applications shall be accompanied by payment of all required fees and charges. Applications that require a public hearing or public meeting pursuant to this appendix or the Code of Virginia (1950), as amended, shall be filed by a deadline as established by the applicable commission or board.
- (c) *Completeness review.* The Zoning Administrator shall review for completeness any application filed pursuant to this appendix. Nonpayment of required fees shall deem an application to be incomplete.
- (d) *Fees.* Fees shall be collected to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto, pursuant to Section 15.2-2286.A.6 of the Code of Virginia (1950), as amended. All such fees and charges shall be set forth in an annual fee schedule established by the Town Council, and such schedule of fees shall be made available in the office of the Zoning Administrator. All applications for rezonings, conditional use permits, variances, reviews, approvals or other actions for which fees are specified by such annual fee schedule shall be accompanied by the required application fee.
- (e) *Decision-making bodies.* The bodies, officials, agents, and employees of the Town, as set forth in Column (C) of [Table 9-10-1](#), shall be designated as the body or official with authority to render a determination as to the approval, approval with conditions, or denial of the applications for development approval set forth in Column (A). The bodies, officials, agents, and employees of the Town, as set forth in Column (B) of [Table 9-10-1](#), are designated as the body or official with authority to submit a recommendation relating to the application for development approval to the body with final decision-making authority (the "Decision-Maker").

TABLE 9-10-1. RECOMMENDING AND DECISION-MAKING BODIES

(A) Action Requested	(B) Recommending Body or Official	(C) Decision-Maker
Zoning Permit	-	Zoning Administrator
Certificate of Occupancy	-	Zoning Administrator
Site Plan	-	Zoning Administrator
Certificate of Appropriateness	Zoning Administrator	Board of Architectural Review
Zoning Amendment	Planning Commission	Town Council
Conditional Zoning	Planning Commission	Town Council
Conditional Use Permit	Planning Commission	Town Council
Variance	Zoning Administrator	Board of Zoning Appeals
Appeal	-	Board of Zoning Appeals

(f) *Notice provisions.*

- (1) *Notice requirements generally per State Code.* Notice requirements shall be as prescribed in the Code of Virginia (1950), as amended, and as may be further prescribed in the individual subsections of this article.
- (2) *Action consistent with notice given.* The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, approval of the application as amended, or denial of the application. The reviewing body may allow amendments to the application if the effect of the amendments is to allow a lesser change than that requested on the original application or to reduce the impact of the development or to reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body shall not, in any case, permit a greater intensity of development, or a use falling in a different general use category, or a larger land area than indicated in the original application, or a greater variance than was indicated in the notice.

(g) *Public hearings.*

- (1) *Purpose.* The purpose of a public hearing is to allow the applicant and all other interested parties a meaningful and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.
- (2) *Conduct and rules of procedure.* All hearings under this article shall be open to the public and shall be conducted in an impartial manner. The conduct of a public hearing before the Planning Commission, the Board of Zoning Appeals, or the Town Council shall be as set forth in the Code of Virginia (1950), as amended, and other applicable sections of this article. Where appropriate, additional rules governing the public hearing may apply, including the provisions of other chapters of this Code applicable to the body conducting the hearing and any of the body's adopted rules or procedures. The body conducting the hearing may adopt rules of procedure to limit the time for each presentation or each speaker.
- (3) *Recording of minutes.* The body conducting the hearing shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with Virginia law.

9-11. Post-Decision Proceedings

Any person, including any officer or body of the Town, aggrieved by a final administrative determination on a development permit or administrative development approval by the Zoning Administrator or final decision-maker

may appeal such final determination to the appellate body designated by this article, if any, in the manner provided in this article. The applicable appellate bodies are designated in Column (C) of [Table 9-11-1](#).

TABLE 9-11-1. DECISION-MAKER AND APPELLATE BODIES

(A) Action	(B) Decision-Maker	(C) Appellate Body
Zoning Permit	Zoning Administrator	Board of Zoning Appeals
Certificate of Occupancy	Zoning Administrator	Board of Zoning Appeals
Site Plan	Zoning Administrator	Board of Zoning Appeals
Certificate of Appropriateness	Board of Architectural Review	Town Council
Certificate of Appropriateness Appeal from Board of Architectural Review	Town Council	Circuit Court
Zoning Amendment	Town Council	Circuit Court
Conditional Zoning	Town Council	Circuit Court
Enforcement of Proffered Conditions	Zoning Administrator	Town Council
Conditional Use Permit	Town Council	Circuit Court
Variance	Board of Zoning Appeals	Circuit Court
Appeal of Zoning Administrator or other administrative officer in administration or enforcement of this appendix	Board of Zoning Appeals	Circuit Court

DIVISION 2 – ADMINISTRATIVE PERMITS

9-20. Purpose

The purpose of this division is to establish procedures for permits which do not require administrative or legislative notice of a public hearing. A public hearing is not required for permits set forth in this division for one (1) or more of the following reasons:

- (a) Public hearings have already been conducted relating to the permit application, and the permit application procedure for a zoning permit or Certificate of Occupancy is designed to ensure that the proposed use complies with a previously approved subdivision plat, site plan, or conditional zoning; or
- (b) The proposed use is permitted as of right in the applicable zoning district.

9-21. General Applicability

No development may be undertaken unless all applicable permits are issued in accordance with this appendix. At a minimum, no development may occur until a zoning permit has been obtained from the Zoning Administrator and a building permit, where applicable, is obtained from the Department of Community Development.

9-22. Zoning Permit

(a) *Applicability.*

- (1) No structure shall be erected, constructed, reconstructed, moved, demolished, added to, or structurally altered until a zoning permit has been issued by the Zoning Administrator.

- (2) The use of a property shall not be changed, and clearing, grading, or excavating shall not be commenced, without a zoning permit issued by the Zoning Administrator.
- (3) A zoning permit shall not be issued by the Zoning Administrator except in strict compliance with this appendix. Where site plan review is required, no zoning permit shall be issued until such site plan has been approved.
- (4) Property owners whose use of property becomes nonconforming as a result of the enforcement of the provisions of this appendix shall obtain a zoning permit within sixty (60) days upon written notification of such nonconformity from the Zoning Administrator.

(b) *Filing procedure.*

- (1) *Application.* An application for a zoning permit shall be submitted to the Zoning Administrator prior to the issuance or consideration of issuance of any permit.
- (2) *Accompanying plans.* All applications for a zoning permit required pursuant to subsection (a) above shall be accompanied by a scale drawing or site plan as set forth in subsections (3) and (4) below.
- (3) *Scale drawing.*
 - (A) In those circumstances where one of the following activities is proposed, three (3) copies of a scale drawing shall be submitted with any zoning permit application:
 - (i) Construction, reconstruction, moving, or addition to a single-family detached dwelling or permitted accessory structure and including associated grading and clearing, when development is not in conjunction with the construction, reconstruction, moving, or addition to another single-family detached dwelling or permitted accessory structures on the same lot or on an adjacent lot under the same ownership at the time of application; or
 - (ii) Construction, reconstruction, moving, or addition to a two-family dwelling and including associated grading and clearing, when development is not in conjunction with the construction, reconstruction, moving, or addition to other two-family dwellings on the same lot or on an adjacent lot under the same ownership at the time of application; or
 - (iii) Additions to buildings or intensification of uses not exceeding ten (10) percent of the floor area of a building and where the number of required parking spaces is increased by no more than three (3); or
 - (iv) Additions of up to, but not more than, four (4) parking spaces; or
 - (v) Additions of less than two thousand (2,000) square feet of impervious surfaces other than rooftops or parking areas.
 - (B) The scale drawing shall show the following:
 - (i) The size and shape of the parcel of land on which the proposed structure is to be constructed;
 - (ii) The nature of the proposed use of the structure or land;
 - (iii) The location of such structure or use with respect to the property lines of said parcel of land to the right-of-way of any street or highway adjoining said parcel of land; and
 - (iv) Any other information which the Zoning Administrator deems pertinent for determining compliance with the provisions of this appendix.

- (4) *Site plan.* Except where a scale drawing is required pursuant to subsection (b)(3), above, a site plan shall be submitted with any zoning permit application. Any required site plan shall be submitted, reviewed, and considered pursuant to the procedures and requirements set forth in [Article 9, Division 3](#), Site Plan Review.

(c) *Zoning Administrator action.*

- (1) The Zoning Administrator, pursuant to the powers and duties set forth in Sections [10-40](#), [10-41](#), and [10-42](#), shall be responsible for determining compliance with this appendix of an application and accompanying plans for a zoning permit.
- (2) The Zoning Administrator shall act on any application for a zoning permit within twenty (20) business days of receiving the complete application; provided, if written notice is given to the applicant, the time for action may be extended for an additional twenty (20) business days. Failure of the Zoning Administrator to act on the application within the established timeframe shall be deemed to constitute approval of the application, except that where a site plan is required pursuant to subsection (b)(4) above, the timeframe for action on the site plan and issuance of the zoning permit shall be as set forth in [Sections 9-33\(d\)](#) and [9-34](#).
- (3) The Zoning Administrator shall return one (1) copy of the application and accompanying plans to the applicant, after marking such copy as either approved, approved subject to conditions, or disapproved, and attested to the same by signature. If a zoning permit is denied, the Zoning Administrator shall state in writing to the applicant the reasons for the denial.

(d) *Scope of approval.*

- (1) Zoning permits issued under the provisions of this appendix, on the basis of applications and plans approved by the Zoning Administrator, and other officials and bodies where additional approval is required, are deemed to authorize only the use, arrangement, location, and construction indicated in such approved plans and application, and no other. Any use, arrangement, location, or construction not in compliance with such authorization shall be deemed a violation of this appendix.
- (2) If the work described in any zoning permit has not begun within six (6) months from the date it was issued, or within the time limits established by a conditional use permit or variance, the permit shall expire.
 - (A) Upon written application submitted by the original applicant, or his successors in title or under law, within ninety (90) calendar days after the expiration of the original zoning permit, the Zoning Administrator may issue a new zoning permit for work other than that involving a variance or conditional use permit, using the original application and plans, if in the opinion of the Zoning Administrator such original application and plans are still adequate. The Zoning Administrator may not issue a zoning permit extending time limits set by the Board of Zoning Appeals or Town Council, except on specific order of the Board or Council as applicable.
 - (B) Failure of a person to apply for a new zoning permit within ninety (90) calendar days after expiration of the original zoning permit shall cause the Zoning Administrator to order such work on the premises involved as may be necessary to remedy conditions which would, in the opinion of the Zoning Administrator, cause imminent peril to life or property. The failure of any person who was the original applicant for a zoning permit, or who is the successor in title or under law to the original applicant, to do work ordered in such case shall be considered a violation of this appendix. In addition to other remedies and penalties, the Zoning Administrator may, in such cases, order such work done, with charges to be assessed, under procedures provided by law, against the property.

- (e) *Building permit; relation to zoning permit.* The Zoning Administrator shall be responsible for determining whether applications for building permits required by the Building Code are in accordance with the provisions of this appendix. No building permit shall be issued by the building official without certification from the Zoning Administrator that such plans are in strict compliance with the provisions of this appendix.
- (f) *Land disturbing permit; relation to zoning.* No land disturbing permit required by the erosion and sediment control ordinance applicable to the Town shall be issued until the Zoning Administrator has reviewed the application and certified that the proposed land disturbing activity, including the plans, specifications, and intended use of the property, conforms to the provisions of this appendix.
- (g) *Appeal of decision of Zoning Administrator.* Any person, including any officer or body of the Town, aggrieved by a final determination of the Zoning Administrator on the issuance of a zoning permit may appeal such final determination to the Board of Zoning Appeals, pursuant to [Section 9-71](#).

9-23. Certificate of Occupancy

(a) Applicability.

- (1) *New or altered uses.* It shall be unlawful to use or occupy any structure or land, individually or in combination, in whole or in part, in which or on which a new use is created or an existing use is changed, converted, enlarged, or moved, until a Certificate of Occupancy is issued.
- (2) *Nonconforming uses.*
 - (A) No person shall renew or resume after discontinuance or abandonment, or change, move, enlarge upon, expand, or extend, any nonconforming use of any land or structure, individually or in combination, in whole or in part, unless and until a Certificate of Occupancy for such use shall have been issued by the Zoning Administrator.
 - (B) Property owners whose use of property becomes nonconforming as a result of the enforcement of the provisions of this appendix shall obtain a Certificate of Occupancy within sixty (60) days upon written notification of such nonconformity from the Zoning Administrator.

(b) *Filing procedure.* A Certificate of Occupancy, for the whole or portion of a building, shall be applied for simultaneously with the application for a zoning permit.

(c) Zoning Administrator action.

- (1) The Zoning Administrator, pursuant to the powers and duties as set forth in Sections [10-40](#), [10-41](#), and [10-42](#), shall be responsible for determining compliance with this appendix of an application for a Certificate of Occupancy.
- (2) A Certificate of Occupancy shall be issued only upon completion of the work in conformity with the provisions of this appendix, after inspection by the Zoning Administrator indicates that the use and occupancy are in compliance with the application and the provisions of this appendix. Such application for new uses or altered uses shall require the approval by signature of the Zoning Administrator.
- (3) A Certificate of Occupancy shall be issued within ten (10) days after the erection or structural alteration of a building has conformed to the provisions of this appendix. In the circumstance of application by a property owner whose use of property becomes nonconforming as a result of enforcement of the provisions of this appendix as set forth in subsection (a)(2)(B) above, a Certificate of Occupancy shall be issued within fifteen (15) days after the written request of the owner or operator of the nonconforming use.

- (d) *Scope of approval.* Certificates of Occupancy issued under the provisions of this appendix, on the basis of applications and plans approved by the Zoning Administrator, and other officials and bodies where additional approval is required, are deemed to authorize only the use, arrangement, location, and construction indicated in such approved plans and application, and no other. Any use, arrangement, location, or construction not in compliance with such authorization shall be deemed a violation of this appendix.
- (e) *Records.* The Zoning Administrator shall maintain a record of all Certificates of Occupancy, and a copy shall be furnished to any person upon request.
- (f) *Temporary Certificate of Occupancy.* A temporary Certificate of Occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a structure pending completion, provided such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.
- (g) *Appeal of decision of Zoning Administrator.* Any person, including any officer or body of the Town, aggrieved by a final determination of the Zoning Administrator on the issuance of a Certificate of Occupancy may appeal such final determination to the Board of Zoning Appeals, pursuant to [Section 9-71](#).

DIVISION 3 – SITE PLAN REVIEW

9-30. Purpose

The purpose of the site plan regulations is to provide for the submission of sufficient plans and information for review and approval to assure compliance with the provisions of this appendix and the Town's Comprehensive Plan and to ensure that the purpose and intent of this appendix are met. These site plan regulations are intended to promote the orderly development of activities in the Town, to maintain or enhance the character and integrity of residential neighborhoods and commercial areas by promoting orderly development, preventing traffic hazards or congestion, preventing undue land or site hazards, and encouraging the most appropriate development and use of land in harmony with surrounding properties and in the interest and welfare of the general public.

9-31. Applicability

A site plan shall be required to be submitted with a zoning permit application pursuant to [Section 9-22\(b\)](#).

9-32. Site Plan Requirements

A site plan is intended to represent graphically all components of a proposed development required for review to determine compliance with this appendix. Site plans may include, where necessary, written data or computations and additional plans or drawings necessary to explain clearly the proposed development.

- (a) *Preparation.* A site plan may be submitted in either single or multiple sheet form, as appropriate to the needs of the specific development project, and shall be drawn to the following specifications:
 - (1) *Preparer.* Site plans, or any portion thereof, shall be prepared by a professional engineer, architect, landscape architect, or land surveyor, licensed by the Commonwealth of Virginia.
 - (2) *Sheet size.* The sheet size of plans shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall be no larger than thirty (30) inches by forty-two (42) inches. Sheet size of eleven (11) inches by seventeen (17) inches may be permitted, when applicable and upon approval by the Zoning Administrator.
 - (3) *Single sheet or multiple sheets.* When the plan entails construction, features, and data too numerous to be clearly and legibly shown on one (1) sheet, the site plan shall be prepared on separate

component sheets and shall be prefaced by a cover sheet with an index listing of the type and title of the various plan sheets included in the plan.

- (4) *Identification on plan sheets.* Each plan sheet, whether submitted in single sheet or multiple sheet form, shall identify the type of plan, such as site dimension, layout plan, utility plan, erosion and sediment control plan, storm water management plan, or landscape plan, the name of the property owner, business, firm, or company, and the property location.
- (5) *Fixed scale.* A site plan shall be prepared in a clear and legible manner and shall be submitted at a scale no smaller than one (inch) equals fifty (50) feet.
- (6) *Horizontal lines.* All horizontal lines shown on the site plan shall be in feet and decimal fractions of a foot to the closest one hundredth of a foot (0.00), and all bearings shall be in degrees, minutes, and seconds.

(b) *Required information.* The site plan shall provide, at a minimum, the following:

- (1) Name, address, and telephone number of the property owner or developer;
- (2) Name, address, and telephone number of the submitting engineer, architect, surveyor, or landscape architect;
- (3) Date;
- (4) Number of sheets of the plan;
- (5) Arrow indicating true north;
- (6) Scale denoted both graphically and numerically;
- (7) Reserved blank space three (3) inches wide by five (5) inches long for the use of the approving authority;
- (8) Vicinity map showing the location of the site in relation to surrounding features such as streets, drawn to a scale no smaller than one (1) inch equals twelve hundred (1,200) feet, and including the scale of the vicinity map, north arrow, and information sufficient to clearly identify the location of the property;
- (9) Boundary, as determined by survey, of the property to be developed with all bearings and distances shown, as certified by a licensed land surveyor or engineer;
- (10) Existing features including:
 - (A) Property lines;
 - (B) Streets and easements, including names, numbers, and widths;
 - (C) Location and size of existing sanitary storm sewers, gas lines, water mains, culverts, and other utilities and their easements;
 - (D) Buildings;
 - (E) Watercourses; and
 - (F) Any other prominent physical features on or adjoining the tract.
- (11) Zoning classification and zoning district boundaries on the property to be developed and on adjoining properties, and any proposed changes in zoning if applicable;
- (12) Present use of all adjoining properties;
- (13) Existing topography with contours drawn at two (2) foot intervals, except where the existing slope is less than two (2) percent either one (1) foot contours or spot elevations where necessary but not more than fifty (50) feet horizontally apart in any direction;

- (14) Delineation of any floodplains;
- (15) Proposed location, general use, number of floors, height, and floor area for each building and, where applicable, the number, size, and type of dwelling units;
- (16) Off-street loading spaces, parking areas and spaces, and walkways indicating the type of surfacing, size, angle of stalls, width of aisles, and a schedule of parking spaces provided;
- (17) Location and dimensions of any required sidewalks and curbs and gutters along public street frontages;
- (18) Proposed water and sanitary facilities, indicating pipe sizes, types, and grades and where connection is to be made to the public utility systems;
- (19) Proposed gas lines and other utilities and their easements;
- (20) Location, dimensions, and character of construction of proposed streets, alleys, and driveways, and the location, type, and size of vehicular entrances to the site;
- (21) Proposed finished grading at two (2) foot intervals or by spot elevations;
- (22) Provisions for the adequate disposition of natural water and storm water indicating location, sizes, types, and grades of ditches, catch basins, pipes, and connections to existing drainage systems or suitable outlet;
- (23) Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction;
- (24) Location, type, size, and height of fencing, retaining walls, and screen planting where required under the provisions of this appendix or other Town ordinance;
- (25) Location of wooded areas on the property and the location of trees and wooded areas that will be retained;
- (26) Location and dimensions of proposed recreation areas, open space, and required amenities and improvements; and
- (27) Location, character, size, height, and orientation of proposed signs and outdoor lighting.

9-33. Site Plan Review and Approval

- (a) *Filing procedure.* Six (6) copies of the site plan, accompanied by application and payment of required fees, shall be submitted to the Zoning Administrator, pursuant to the submittal requirements of [Section 9-32](#), for review and approval in accordance with subsections (b), (c), and (d) below.
- (b) *General review guidelines.* Review of a site plan shall consider all aspects of the proposed development necessary to carry out the intent of this division and shall include a review of:
 - (1) The compatibility of the development with its environment and provision for such things as grading, screening, buffering, lighting, and landscaping;
 - (2) The ability of the development to provide for parking areas and the convenient and safe internal and external movement of vehicles and pedestrians; and
 - (3) The location and adequacy of necessary drainage, storm water management, sewage, utilities, and erosion and sediment control measures.
- (c) *Approval criteria.*
 - (1) The site plan shall comply with all applicable requirements of this appendix.

- (2) Where erosion and sediment controls for the development are required by the provisions of Chapter 40, Environment, Article II, of this Code, an erosion and sediment control plan shall be implemented.
- (3) All features and elements of the site plan shall conform in all respects to all applicable provisions and standards of the Code of Virginia (1950), as amended, Town ordinances, and the standards and requirements of the Virginia Department of Transportation and the Virginia Department of Health.
- (4) In order to enforce compliance with permit conditions, a development plan may be approved in phases, subject to a condition that building permits and Certificates of Occupancy in a phase of the development may be withheld subject to compliance with permit conditions in a prior phase.

(d) *Decision.*

- (1) The Zoning Administrator, pursuant to the powers and duties as set forth in Sections [10-40](#), [10-41](#), and [10-42](#), shall be responsible for determining compliance with this appendix of an application for site plan approval. The Zoning Administrator shall approve or disapprove all site plans, except as set forth in subsection (d)(2) below.
 - (A) The Zoning Administrator shall process and coordinate the review of site plans by circulating site plans to the relevant Town, County, and State agencies and officials for comments as to the proposed development's conformance to all applicable standards and requirements. The reviewing agencies and officials may include, but are not limited to, the Department of Community Development, the Town Attorney, the Town Engineer, the Virginia Department of Transportation, and the Virginia Department of Health.
 - (B) The Zoning Administrator shall act on any initially submitted or resubmitted site plan within forty-five (45) business days after it has been submitted or resubmitted for approval, by either approving or disapproving the site plan in writing, and providing with any disapproval the specific reasons therefor. The reasons for disapproval shall identify deficiencies in the site plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the site plan. Subject to the provisions of this subsection, including the designated timeline, the Zoning Administrator shall notify the applicant or his representative in writing that:
 - (i) The information on the site plan is incomplete, in error, or lacking in detail, and delineate the additional information required and the corrections or modifications required to make the plan approvable; or
 - (ii) The site plan is sufficient in required information and accuracy and has been reviewed and approved.
 - (C) In the review of a resubmitted site plan that has been previously disapproved, the Zoning Administrator shall consider only deficiencies identified in the review of the initial submission that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Upon the second resubmission of such disapproved site plan, the Zoning Administrator's review shall be limited solely to the previously identified deficiencies that caused its disapproval.
- (2) The Zoning Administrator, the applicant, or the Planning Commission may request that a site plan be reviewed and approved by the Planning Commission.
 - (A) If such request is made by the Zoning Administrator or the Planning Commission, the Zoning Administrator shall notify the applicant, in writing, within fifteen (15) calendar days of submission or resubmission of a site plan that the site plan must be reviewed by the Planning Commission at its next regularly scheduled meeting.

- (B) All required plans and information to be submitted to the Planning Commission shall be submitted at least ten (10) business days prior to the scheduled meeting of the Commission. The Zoning Administrator shall prepare a report outlining the various and particular aspects of the plan, with recommendations for the Planning Commission's consideration.
 - (C) The Zoning Administrator shall inform the applicant, in writing, of the Planning Commission's decision. If the Commission's decision necessitates revision of the site plan, the applicant shall submit six (6) copies of the revised site plan to the Zoning Administrator for final approval.
- (3) All approved site plans shall be signed by the Zoning Administrator.
 - (4) The failure of the Zoning Administrator or Planning Commission to approve or disapprove a site plan within the time periods required by this section shall cause such site plan to be deemed approved.

9-34. Scope of Approval

- (a) *Issuance of zoning permit.* Upon receipt of an approved and signed copy of the site plan, and provided that all other requirements of this appendix have been met, the Zoning Administrator shall issue a zoning permit to the applicant.
- (b) *Validity of five (5) years.* An approved site plan shall expire and be null and void unless a building permit has been issued or use of the land has commenced within five (5) years from the date of approval, except as provided in subsection (d) below. A site plan shall be deemed final once it has been reviewed and approved by the Town if the only requirements remaining to be satisfied in order to obtain a building permit are the posting of any bonds and escrows or the submission of any other administrative documents, agreements, deposits, or fees required by the Town in order to obtain the permit. However, any fees that are customarily due and owing at the time of the Town review of the site plan shall be paid in a timely manner.
- (c) *Extension of validity.* Upon written request of the developer filed prior to the expiration of an approved site plan, the Zoning Administrator may grant an extension of one (1) year, provided that all factors of the original site plan review are the same and taking into consideration the size and phasing of the proposed development, and the laws, ordinances, and regulations in effect at the time of the request for an extension.
- (d) *Extension of validity of certain site plans.* Notwithstanding the time limits for validity set out in subsection (b) above, any approved site plan valid under subsection (b) above and outstanding as of January 1, 2011, shall remain valid until July 1, 2017, pursuant to Section 15.2-2209.1.A of the Code of Virginia (1950), as amended, or such later date provided for by the terms of the Town's approval, or for a longer period as agreed to by the Town per subsection (c) above.
 - (1) Any other plan or permit associated with such site plan extended by this subsection shall likewise be extended for the same time period.
 - (2) The extension of validity provided in this subsection shall not be effective unless any unreleased bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force; however, if the Town has enacted a bonding moratorium or deferral option, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the Town, in which case the extension of validity provided in this subsection shall apply. The landowner or development must comply with the terms of any bonding moratorium or deferral agreement with the Town in order for the extensions referred to in this subsection to be effective.
- (e) *Vested right.* For so long as the site plan remains valid in accordance with the provisions of this section, no change or amendment to any local ordinance, map, resolution, rules, regulation, policy or plan adopted subsequent to the date of approval of the site plan shall adversely affect the right of the developer or his

successor in interest to commence and complete an approved development in accordance with the lawful terms of the approved site plan unless the change or amendment is required to comply with State law or there has been a mistake, fraud, or a change in circumstance substantially affecting the public health, safety or welfare.

9-35. Amendment of Site Plan

If it becomes necessary for an approved site plan to be changed, such changes shall be filed with the Zoning Administrator for review and approval. If a proposed change will, in the opinion of the Zoning Administrator, substantially affect the terms of the original approval, a new plan shall be required to be drawn and submitted for review and action in accordance with the provisions of this appendix.

9-36. Compliance with Approved Site Plan

- (a) *Prerequisite to permits.* Where a site plan is required by the provisions of this appendix, an approved site plan is a prerequisite to the issuance of permits to construct, erect, or alter any building or structure or to improve or develop land subject to the provisions of this appendix.
- (b) *Building permits and Certificates of Occupancy.* All building permits and Certificates of Occupancy shall comply with the provisions of the approved site plan.
- (c) *Inspections.* The Zoning Administrator shall make inspections during the installation of off-site and on-site improvements to ensure compliance with the approved site plan. The owner or developer shall make one (1) set of approved site plans available at the site at all times that work is being performed.

DIVISION 4 – CERTIFICATE OF APPROPRIATENESS

9-40. Purpose

The purpose of this division is to encourage the preservation and enhancement of the Town’s historic commercial areas and encourage rehabilitation and new construction in conformance with the existing scale and character of the district.

9-41. Applicability

- (a) Within the Historic Commercial Area Overlay District (H-1), no building or structure, including signs, shall be erected, reconstructed, altered, demolished, moved, or restored without the issuance of a Certificate of Appropriateness by the Board of Architectural Review or, on appeal, by the Town Council.
- (b) No Certificate of Appropriateness shall be issued unless the Board of Architectural Review, or the Town Council on appeal, finds that the proposed erection, reconstruction, alteration, or restoration is architecturally compatible with the buildings, structures, or historic landmarks in the Historic Commercial Area Overlay District (H-1).
- (c) Where a Certificate of Appropriateness is required by this division, the Zoning Administrator shall not issue a permit for the erection, reconstruction, alteration, restoration, demolition, or moving of any structure or historic landmark until such certificate has been issued. Once the permit has been issued, the work shall be routinely inspected by the Zoning Administrator to ensure compliance with the terms of the Certificate of Appropriateness. Any work not in accordance with such certificate shall be reported to the Board of Architectural Review by the Zoning Administrator.

- (d) Nothing in this division shall be construed to prevent the ordinary maintenance of any structure or historic landmark in the H-1 Overlay District. For the purposes of this division, "ordinary maintenance" means any activity relating to a structure or landmark which constitutes a minor repair of any element of a structure or landmark which is, or should be, performed on a regular and relatively frequent basis to maintain architectural and structural integrity. The determination of whether an activity constitutes ordinary maintenance, or whether an installation or modification otherwise requires a Certificate of Appropriateness under this division, shall be made by the Zoning Administrator in consultation with the Board of Architectural Review.
- (1) In the H-1 Overlay District, painting shall be deemed ordinary maintenance, provided that the color of a structure is not changed; however, changing the color of paint or the painting of previously unpainted masonry surfaces shall require a Certificate of Appropriateness.
 - (2) In the H-1 Overlay District, the replacement of porches, stairs, awnings, roofing materials, or windows, or other similar modifications to an element of a structure or landmark, shall be deemed ordinary maintenance, provided that such replacement is performed using materials that are of the same design as those on the structure or landmark, and provided that such replacement maintains the architectural defining features of the structure or landmark.
- (e) Nothing in this division shall be construed to prevent the demolition of a structure or historic landmark which the building maintenance code official certifies in writing is required for public safety because of an unsafe or dangerous condition.

9-42. Filing Procedure

- (a) In order to be heard by the Board of Architectural Review at its next regular meeting, a complete application for a Certificate of Appropriateness shall be made to the Secretary to the Board, on forms provided, in accordance with the rules adopted by the Board of Architectural Review.
- (b) All plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon, together with a copy of the application for a building or zoning permit or Certificate of Occupancy, shall be made available to the Board of Architectural Review by the Zoning Administrator.

9-43. Board Action

- (a) The Board of Architectural Review, pursuant to the powers and duties as set forth in [Section 10-27](#), shall review, evaluate, and act upon applications for Certificates of Appropriateness within the Historic Commercial Area Overlay District (H-1).
- (b) The Board of Architectural Review shall vote and announce its decision on any matter within fifteen (15) calendar days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. Failure of the Board to take final action upon any case within forty-five (45) calendar days after the application for the permit shall be deemed approval, except when mutual agreement has been made for an extension of the time limit.
- (c) In the case of disapproval of an application before the Board of Architectural Review, the Board shall state its reasons in writing to the applicant and may make recommendations to the applicant in regard to the appropriateness of design, arrangement, texture, materials, color, and the like of the subject property. Notice of such disapproval and a copy of the written statement of reasons therefor also shall be transmitted to the Zoning Administrator. In the case of disapproval accompanied by recommendations, the applicant may again be heard before the Board if an amended application that addresses the recommendations of the Board is filed by the applicant within ninety (90) calendar days.

- (d) Upon approval by the Board of Architectural Review, or the Town Council upon appeal, of any erection, reconstruction, alteration, restoration, or demolition, a report shall be transmitted to the Zoning Administrator, stating the basis upon which the approval is granted and causing a Certificate of Appropriateness to be issued to the applicant. Such Certificate of Appropriateness shall be a statement signed by the Chair of the Board of Architectural Review, stating that the exterior architectural features of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Board.

9-44. Appeal of Decision of Board of Architectural Review

Any property owner aggrieved by any decision of the Board of Architectural Review may present to the Town Council a petition appealing such decision, provided such petition is filed within thirty (30) calendar days after the decision is rendered by the Board. The Town Council shall schedule the matter for a public meeting and render a decision on the matter within sixty (60) calendar days of the receipt of the petition, unless the property owner and the Zoning Administrator agree to an extension. The Town Council may affirm the decision of the Board, reverse or modify the Board's decision, in whole or in part, or refer the matter back to the Board.

9-45. Appeal of Town Council Decision

Any property owner aggrieved by any final decision of the Town Council pursuant to [Section 9-44](#) may present to the Circuit Court a petition setting forth the alleged illegality of the action of the Town Council, provided such petition is filed within thirty (30) calendar days after the final decision is rendered by the Town Council. The filing of such petition shall stay any action pursuant to the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of the petition shall not stay any action pursuant to the decision of the Town Council if such decision denies the right to raze or demolish a historic landmark, building, or structure. The court may reverse or modify the decision of Town Council, in whole or in part, if it finds upon review that the decision of the Town Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or the court may affirm the decision of the Town Council.

9-46. Scope of Approval

A Certificate of Appropriateness is valid for a period of one (1) year from the date of the action of the Board of Architectural Review or the Town Council on appeal.

9-47. Consideration of Substantially Same Application

Having once considered an application, the Board of Architectural Review shall not hear substantially the same application for one (1) year.

9-48. Demolition; Offer to Sell

(a) Pursuant to Section 15.2-2306 of the Code of Virginia (1950), as amended, in addition to the right of appeal of the Town Council's decision as set forth in [Section 9-45](#), the owner of a historic landmark, building, or structure within the H-1 Overlay District, the demolition of which is subject to the provisions of [Section 9-41](#), shall have the right to demolish such landmark, building, or structure provided that:

- (1) The property owner has applied to the Town Council for such right; and
- (2) The owner has for the period of time set forth in the time schedule established in subsection (b) below, and at a price not more than its fair market value, made a bona fide offer to sell such landmark, building, or structure, and the land pertaining thereto, to the Town or to any person, firm, corporation, or government or agency thereof, or political subdivision or agency thereof, which gives

reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto; and

- (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule in subsection (b), below.
- (b) The time schedule for offers to sell shall be as follows:
- (1) Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000.00);
 - (2) Four (4) months when the offering price is twenty-five thousand dollars (\$25,000.00) or more but less than forty thousand dollars (\$40,000.00);
 - (3) Five (5) months when the offering price is forty thousand dollars (\$40,000.00) or more but less than fifty-five thousand dollars (\$55,000.00);
 - (4) Six (6) months when the offering price is fifty-five thousand dollars (\$55,000.00) or more but less than seventy-five thousand dollars (\$75,000.00);
 - (5) Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000.00) or more but less than ninety thousand dollars (\$90,000.00); and
 - (6) Twelve (12) months when the offering price is ninety thousand dollars (\$90,000.00) or more.
- (c) Before making a bona fide offer to sell, as provided above, an owner shall first file a statement with the Secretary to the Board of Architectural Review identifying the property and stating the offering price, the date the offer of sale is to begin, and the name of the real estate agent. No time period as set forth in the schedule in subsection (b), above, shall begin to run until such statement has been filed. Within fourteen (14) business days of receipt of such statement, the Secretary to the Board shall distribute copies to the Town Council, the Board of Architectural Review, and the Town Manager.
- (d) Such bona fide offer to sell, in accordance with the provisions of this section, must be made within one (1) year after a final decision by the Town Council. If not, an owner must renew his request to the Town Council to approve such demolition in order to demolish a structure or historic landmark.
- (e) Any appeal taken pursuant to [Section 9-45](#) shall not affect the right of the owner of a structure or historic landmark to make the bona fide offer to sell referred to above.

DIVISION 5 – ZONING AMENDMENTS

9-50. Zoning Amendment

- (a) *Purpose.* The purpose of this section is to establish procedures for initiating and processing applications to amend the provisions of this appendix and to amend the Official Zoning Map.
- (b) *Applicability.* Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Town Council may by ordinance amend, supplement, or change this appendix, including the text and the Official Zoning Map.
 - (1) Any such amendment may be initiated by resolution of the Town Council or by motion of the Planning Commission. Any such resolution or motion shall state the public purposes therefor.
 - (2) An amendment to the Official Zoning Map may be initiated by application by the owner, contract purchaser with the owner's written consent, or the owner's agent of the property which is the subject of the proposed zoning map amendment.

(c) *Filing procedure.*

- (1) An application to rezone property shall be in writing on forms provided by the Town and filed with the Zoning Administrator, accompanied by payment of all required fees and charges. See Sections [9-10\(c\)](#) and (d) for completeness review and fees.
- (2) Prior to the initiation of an application for a rezoning by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than fifty (50) percent, the applicant shall produce satisfactory evidence that any delinquent real estate taxes that are owed to the Town and have been properly assessed against the subject property have been paid.
- (3) An application for the rezoning of property shall include, at a minimum, the following:
 - (A) Purpose of the requested zoning district classification and the proposed use of the property;
 - (B) Concept plan, drawn to scale, outlining features of the proposed use of the property including existing buildings or proposed building envelopes, existing streets, parking and driveways, utilities and infrastructure, open space, significant environmental or historical features, and similar existing or proposed amenities or features;
 - (C) General description of the existing and adjacent land uses;
 - (D) Map or maps of the area requested for rezoning;
 - (E) Names, signatures, and addresses of the owner or owners of the lots or property included in the proposed change; and
 - (F) Names, addresses, and official tax numbers of owners of the lots or property immediately adjacent to and those directly opposite thereto; provided, however, that inaccuracy or inadequacy of any such list of adjacent owners shall not in any manner affect the validity of any proceedings had or taken by the Town Council with respect to the matters contained in such application.
- (4) An application to rezone property brought by property owners, contract purchasers, or the agents thereof shall be sworn to under oath before a notary public, or other official before whom oaths may be taken, stating whether or not any member of the Planning Commission or Town Council has any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settler of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or Town Council has any such interest.
- (5) Upon the filing of an application to rezone property, and the payment of all applicable fees and charges, the Zoning Administrator shall transmit the application, with a report and recommendation, to the Planning Commission for study, report, and recommendation to the Town Council, with a copy of such application mailed or delivered to the Town Manager and members of the Town Council.

(d) *Notice of hearing.* Prior to conducting any public hearing required by this appendix before the Town Council or the Planning Commission, notice, including newspaper legal advertisements and notices sent by first class mail, shall be given as required by Section 15.2-2204 of the Code of Virginia (1950), as amended. The expense of legal advertisement shall be borne by the applicant. Any affidavits required by Section 15.2-2204 of the Code of Virginia (1950), as amended, shall be filed with the Town Clerk. In the case of a proposed amendment to the Official Zoning Map, public notice shall be provided pursuant to Section 15.2-2285 of the Code of Virginia (1950), as amended.

(e) *Standards for consideration.* In consideration of all proposed zoning amendments, including text or the Official Zoning Map, the Planning Commission and Town Council shall study the proposal to determine the following:

- (1) The need and justification for the change;
- (2) When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on the surrounding neighborhood;
- (3) When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the Town having the same district classification as requested; and
- (4) The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this appendix and the Town's Comprehensive Plan.

(f) *Planning Commission action.*

- (1) The Planning Commission, pursuant to the powers and duties as set forth in [Section 10-17\(c\)](#), shall review, evaluate, report, and make recommendations to the Town Council regarding any proposed amendment of any regulation or district boundary provided by this appendix.
- (2) Pursuant to subsection (c)(5) above, all proposed amendments to this appendix shall be referred to the Planning Commission for consideration and recommendation to the Town Council.
- (3) In consideration of all proposed zoning amendments, the Planning Commission shall study proposals subject to the standards for consideration set forth in subsection (e) above.
- (4) Prior to making recommendations on any proposed amendment to the provisions of this appendix or to the Official Zoning Map, the Planning Commission shall conduct a public hearing on such proposal, after notice of such hearing is given pursuant to subsection (d) above.
- (5) Within sixty (60) calendar days from the date that any proposed amendment is referred to it (unless a longer period shall have been established by mutual agreement between the applicant and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the Town Council. The recommendation of the Planning Commission shall be advisory only and shall not be binding on Town Council. If the Planning Commission does not submit its report to the Town Council within the prescribed time, the Town Council may proceed to act on the amendment, without further awaiting the recommendation of the Planning Commission, unless the proposed amendment has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action as otherwise would be required by this section.

(g) *Town Council action.*

- (1) Before approving and adopting any amendment to the provisions of this appendix or to the Official Zoning Map, the Town Council shall conduct at least one (1) public hearing on such proposal, after notice of such hearing is given pursuant to subsection (d) above.
- (2) In consideration of all proposed zoning amendments, the Town Council shall study proposals subject to the standards for consideration set forth in subsection (e) above.
- (3) After the Town Council has held a public hearing, it may make appropriate changes or corrections in the proposed amendment and proceed to act without holding a hearing on the proposed amendment in its new form, provided that no land shall be zoned to a more intensive use classification than was contained in the public notice without additional public hearing and notice.
- (4) The Town Council shall decide whether to approve or to deny an application to amend the provisions of this appendix or the Official Zoning Map.

(h) *Consideration of substantially same application.* Once the Town Council has considered and rendered a decision on an application for a zoning amendment, the Town Council shall not consider substantially the

same request within one (1) year, except when such decision is the subject of a motion to rehear. Any such motion to rehear shall be in accordance with rules adopted by the Town Council.

9-51. Conditional Zoning

- (a) *Purpose.* The purpose of this section is to implement conditional zoning authority pursuant to Section 15.2-2296 of the Code of Virginia (1950), as amended, in order to provide for the orderly development of land in a manner that provides for a flexible and adaptable zoning method to cope with situations whereby a zoning reclassification may be allowed subject to certain conditions proffered by the applicant for the protection of the community that are not generally applicable to land similarly zoned.
- (b) *Applicability.* Conditional zoning may be granted pursuant to the provisions of Sections 15.2-2296 through 15.2-2302 of the Code of Virginia (1950), as amended. A conditional rezoning may be initiated only by application of the owner, contract purchaser with the owner's written consent, or the owner's agent of the property which is the subject of the proposed zoning map amendment. The owner shall sign such application if conditions are proffered.
- (c) *Procedures.*
 - (1) The procedures for the filing and approval of a conditional rezoning shall be the same as the procedures to amend the Official Zoning Map as set forth in [Section 9-50](#), subsections (c) through (h), except as otherwise provided in this section.
 - (2) The acceptance of proffers or other conditions, enforcement, recordation, amendments, and variations of conditions, shall be as set forth in the provisions of Sections 15.2-2296 through 15.2-2303 of the Code of Virginia (1950), as amended.
 - (3) Conditions may be proffered prior to the public hearing before the Planning Commission. Alternatively, or in addition, in consideration of comments expressed during the Commission deliberations on an application, the property owner may, prior to the final public hearing conducted by the Town Council, choose to proffer original conditions or revised conditions.
- (d) *Proffered conditions; requirements.*
 - (1) The owners of property for which an application is being made for an amendment to the Official Zoning Map may, as part of the application, voluntarily proffer, in writing, reasonable conditions which shall be in addition to the regulations of the zoning district classification requested by the application. Any conditions proffered by application of a property owner shall be drafted in such a way that they are clearly understood and enforceable and shall adhere to the following standards:
 - (A) The rezoning itself shall give rise for the need for the conditions;
 - (B) The conditions shall have a reasonable relation to the rezoning;
 - (C) The conditions shall not include a cash contribution to the Town;
 - (D) The conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments, or other public facilities not otherwise provided for in Section 15.2-2241 of the Code of Virginia (1950), as amended;
 - (E) The conditions shall not include a requirement that the applicant create a property owners' association under Chapter 26 (Section 55-508 et seq.) of Title 55, Code of Virginia (1950), as amended, which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in Section 15.2-2241 of the Code of Virginia (1950), as amended; however, such facilities shall not include sidewalks, special street signs or

markers, or special street lighting in public rights-of-way not maintained by the Virginia Department of Transportation;

(F) The conditions shall not include payment for or construction of off-site improvements except those provided for in Section 15.2-2241 of the Code of Virginia (1950), as amended;

(G) No condition shall be proffered that is not related to the physical development or physical operation of the property; and

(H) All such conditions shall be in conformity with the Town's Comprehensive Plan.

(2) Proffered conditions may provide for the timing or phasing of dedications or improvements.

(e) *Approval criteria.* The decision as to whether to accept a condition or a proffer shall be considered a legislative decision, and shall be committed to the sole discretion of the Town Council subject to any criteria set forth in the applicable provisions of Sections 15.2-2296 through 15.2-2302 of the Code of Virginia (1950), as amended, or any other applicable provision of state or federal law.

(f) *Amendment of proffered conditions at the public hearing.*

(1) The Town Council may accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal.

(2) Without new public notice and hearing, proffered conditions may be amended to correct an error in the submitted proffered conditions or to impose additional conditions on the property. The amended proffered conditions cannot allow a more intensive use classification than was contained in the public notice without an additional public hearing after notice as required by [Section 9-50\(d\)](#).

(3) Amended proffered conditions which would remove an advertised condition or amend a condition to make it less restrictive shall be re-advertised pursuant to [Section 9-50\(d\)](#).

(g) *Scope of approval.*

(1) Proffered conditions shall be considered supplemental to and in addition to the provisions contained elsewhere in this appendix or other Town ordinances and shall not authorize less than full compliance with all other applicable provisions of this appendix.

(2) Once proffered and accepted by the Town Council as part of an amendment to the Official Zoning Map, proffered conditions shall continue in full force and effect until a subsequent amendment changes such conditions or the zoning on the property covered by the conditions; however, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(3) Conditions once proffered and accepted by the Town Council shall immediately become effective with approval of the application to amend the Official Zoning Map. Upon approval, any site plan or subdivision plat submitted for the development of the property in question shall be in conformance with all proffered conditions, and no development shall be approved by any Town official in the absence of such conformance.

(4) Notwithstanding any other provision of this appendix, for any conditional rezoning action approved pursuant to this section, valid and outstanding as of January 1, 2011, and related to new residential or commercial development, any proffered condition that requires the landowner or developer to incur significant expenses upon an event related to a stage or level of development shall be extended until July 1, 2017, pursuant to Section 15.2-2209.1.C of the Code of Virginia (1950), as amended, or longer as agreed to by the Town. However, the extensions in this subsection shall not apply as follows:

(A) To land or right-of-way dedications pursuant to the provisions for conditional rezoning;

- (B) When completion of the event related to the stage or level of development has occurred; or
 - (C) To events required to occur on a specified date certain or within a specified time period.
- (h) *Amendment of conditions.* Amendment of conditions created pursuant to this section shall be made only as an original application for amendment to the zoning ordinance, pursuant to the procedures set forth in this division including public notice and hearing, except as provided in subsections (1) and (2) below.
 - (1) Any landowner subject to conditions proffered pursuant to this section may apply to the Town Council for amendments to or variations of such proffered conditions provided only that written notice of such application be provided in the manner prescribed in subsection H of Section 15.2-2204 of the Code of Virginia (1950), as amended, to any landowner subject to such existing proffered conditions; and
 - (2) When an amendment to such proffered conditions is requested pursuant to subsection (1) above, and where such amendment does not affect conditions of use or density, the Town Council may waive the requirement for a public hearing prior to amendment of such proffered conditions.
- (i) *Record of conditions.* The existence of conditions attached to a zoning district designation shall be shown on the Official Zoning Map by an appropriate symbol on the map. The Zoning Administrator shall keep and make available for public inspection in the Department of Community Development a conditional zoning index. Such index shall provide ready access to each ordinance creating such conditions. The Zoning Administrator shall update the index annually, no later than November of each year.
- (j) *Enforcement of conditions.* Failure to meet all conditions of a conditional rezoning shall constitute cause to deny the issuance of any required permit or certificate, as may be appropriate, and to seek such remedy as provided under the terms of this appendix. The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce such conditions as may be attached to an amendment of the Official Zoning Map, including:
 - (1) The ordering in writing of the remedy of any noncompliance with such conditions;
 - (2) The bringing of legal action to ensure compliance with such conditions, including injunction, abatement, or other appropriate action or proceeding; and
 - (3) The requiring of a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Zoning Administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.
- (k) *Review of decision in enforcement of proffered conditions.* Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made in the enforcement of conditions pursuant to the provisions of subsection (j), above, may petition the Town Council for review of the decision of the Zoning Administrator. All petitions for review shall be filed with the Zoning Administrator and the Town Clerk within thirty (30) calendar days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved.

DIVISION 6 – CONDITIONAL USE PERMITS

9-60. Purpose

The purpose of this division is to provide for the approval of certain uses which by the nature of their operations potentially have an adverse impact on surrounding properties or the general public than uses otherwise permitted as of right in the same zoning district. It is the intent of this division to provide suitable safeguards in addition to the regulations of the applicable zoning district, in the form of imposed conditions, to address these potential negative impacts generated by the conditional use of the property.

9-61. Applicability

The Town Council shall have the power to hear and decide on applications for conditional use permits as authorized by this appendix.

9-62. Filing Procedures

- (a) An application for a conditional use permit shall be in writing on forms provided by the Town and filed with the Zoning Administrator, accompanied by payment of all required fees and charges. See Sections [9-10\(c\)](#) and [\(d\)](#) for completeness review and fees.
- (b) Applications for conditional use permits may be made by any property owner, tenant, government official, department, board, or bureau.
- (c) Prior to the initiation of an application for a conditional use permit by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than fifty (50) percent, the applicant shall produce satisfactory evidence that any delinquent real estate taxes that are owed to the Town and have been properly assessed against the subject property have been paid.
- (d) Upon the filing of an application for a conditional use permit, including the payment of all applicable fees and charges, the Zoning Administrator shall transmit the application, with a report and recommendation, to the Planning Commission for study, report, and recommendation to the Town Council, with a copy of such application mailed or delivered to the Town Manager and members of the Town Council.

9-63. Notice and Public Hearing Requirements

Upon application for a conditional use permit, prior to conducting any public hearing required by this appendix before the Town Council or the Planning Commission, notice shall be given as required by Section 15.2-2204 of the Code of Virginia (1950), as amended. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, notice may be given by first-class mail rather than by registered or certified mail. Any affidavits required by Section 15.2-2204 of the Code of Virginia (1950), as amended, shall be filed with the Town Clerk. No conditional use permit shall be authorized except after such application, notice, and public hearing. The expense of legal advertisement shall be borne by the applicant.

9-64. Approval Criteria; Imposing of Conditions

- (a) *Standards.* In considering any application for a conditional use permit, the Planning Commission and Town Council shall determine the appropriateness and reasonableness of the application based on the general welfare of the public, impact on the welfare of the properties within the district, the suitability of the property for various uses, the existing use and character of the property, how the conditional use satisfies one or more of the purposes of this appendix as set forth in [Section 1-4](#), and the following standards of consideration:

- (1) The use is compatible with the character and appearance of the surrounding neighborhood by virtue of its height, bulk, location on the lot, and the design and location of parking, signage, landscaping, and other outside activities or structures;
 - (2) The use does not create a demand on public water or sanitary sewer services that exceeds the design capacity of these systems or that would in any way decrease the quality of service to the surrounding neighborhood;
 - (3) The use does not generate traffic on public streets that exceeds the design capacity of such streets and does not create a dangerous traffic problem by virtue of driveway location, site clearance, driveway slope, or other factor;
 - (4) The use does not increase the flood potential in the surrounding neighborhood;
 - (5) The use is in conformance with the setback, yard, frontage, lot area, parking, signage, screening, and other applicable requirements of this appendix as they pertain to the district in which the use is located or to the specific use, whichever the case may be; and
 - (6) The use furthers the intent of the Town's Comprehensive Plan.
- (b) *Criteria.* In consideration of the standards set forth in subsection (a) above, the Planning Commission and Town Council shall utilize the following criteria to determine whether or not the proposed conditional use meets the standards for approval:
- (1) The nature, character, and types of land uses and zoning districts established in the area;
 - (2) Ingress and egress to and from the subject property and proposed structures with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and emergency access;
 - (3) Off-street parking and loading areas where required with particular attention to the criteria in subsection (2) above;
 - (4) The economic, noise, dust, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
 - (5) Refuse and service areas, with particular reference to the criteria in subsections (2) and (3) above;
 - (6) Utilities, with reference to location, availability, and compatibility;
 - (7) Screening and buffering with reference to type, dimensions and character of the proposed conditional use;
 - (8) Required yards and other open spaces; and
 - (9) General compatibility with adjacent properties and other properties in the district.
- (c) *Conditions.* In authorizing a conditional use permit, the Town Council may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit. Any imposed condition shall be reasonably related to land use concerns and problems directly generated by the conditional use of the property, both by connection to the development's impact and the extent of the impact.

9-65. Planning Commission Action

- (a) The Planning Commission, pursuant to the powers and duties as set forth in Section [10-17\(d\)](#), shall review, evaluate, report, and make recommendations to the Town Council regarding any application for a conditional use permit.

- (b) Pursuant to [Section 9-62\(d\)](#), all applications for conditional use permits shall be referred to the Planning Commission for study, report, and recommendation to the Town Council.
- (c) In consideration of all applications for conditional use permits, the Planning Commission shall study proposals subject to the standards for consideration and approval set forth in [Section 9-64\(a\)](#) and (b).
- (d) Prior to making recommendations on any application for a conditional use permit, the Planning Commission shall conduct a public hearing on such proposal, after notice of such hearing is given pursuant to [Section 9-63](#).
- (e) Within sixty (60) calendar days from the date that any application for a conditional use permit is referred to it (unless a longer period shall have been established by mutual agreement between the applicant and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the Town Council. The recommendation of the Planning Commission shall be advisory only and shall not be binding on Town Council. If the Planning Commission does not submit its report to the Town Council within the prescribed time, the Town Council may proceed to act on the application, without further awaiting the recommendation of the Planning Commission, unless the application has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the application for a conditional use permit shall cease without further action as otherwise would be required by this section.
- (f) The Planning Commission may recommend conditions pursuant to [Section 9-64\(c\)](#).

9-66. Town Council Action

- (a) Before approving any conditional use permit, the Town Council shall conduct at least one (1) public hearing on such proposal, after notice of such hearing is given pursuant to [Section 9-63](#).
- (b) After the Town Council has held a public hearing on the matter, the Town Council shall decide whether to approve or to deny an application for a conditional use permit. In authorizing a conditional use permit, the Town Council may impose conditions pursuant to [Section 9-64\(c\)](#), and may require a guarantee to ensure compliance with the conditions imposed.

9-67. Scope of Approval

- (a) Construction shall begin or the use of land for which a conditional use permit has been obtained shall commence within twelve (12) months from the effective date of such permit; otherwise, such permit shall become void.
- (b) In the event that the use allowed by a conditional use permit is discontinued for a period of two (2) consecutive years, the conditional use permit shall become void.
- (c) Notwithstanding any other provision of this appendix, for any valid conditional use permit outstanding as of January 1, 2011, and related to new residential or commercial development, any deadline in the conditional use permit, or any requirement to commence the project or to incur significant expenses related to improvements for the project within a certain time, shall be extended until July 1, 2017, pursuant to Section 15.2-2209.1.B of the Code of Virginia (1950), as amended, or longer as agreed to by the Town. The provisions of this subsection shall not apply to any requirement that a use authorized pursuant to a conditional use permit be terminated or ended by a certain date or within a set number of years.
 - (1) Pursuant to Section 15.2-2209.1.D of the Code of Virginia (1950), as amended, the extension of certain deadlines as provided in subsection (c), above, shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force; however, if

the Town has enacted a bonding moratorium or deferral option, the performance bonds and agreements or other financial guarantees of completions may be waived or modified by the Town.

- (2) Pursuant to Section 15.2-2209.1.D of the Code of Virginia (1950), as amended, and in reference to subsection (1), above, the landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the Town in order for the extensions referred to in this subsection to be effective.

9-68. Consideration of Substantially Same Application

Once the Town Council considers and renders a decision on an application for a conditional use permit, the Town Council shall not consider substantially the same request within one (1) year, except when such decision is the subject of a motion to rehear. Any such motion to rehear shall be in accordance with rules adopted by the Town Council.

9-69. Revocation

- (a) The Town Council may revoke a conditional use permit previously granted if the Town Council determines that there has not been compliance with the terms or conditions of the permit. No conditional use permit may be revoked except after notice and hearing as provided by Section 15.2-2204 of the Code of Virginia (1950), as amended.
- (b) A decision to revoke a conditional use permit shall become final thirty (30) calendar days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of this appendix.
- (c) The right to revoke a conditional use permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

DIVISION 7 – VARIANCES AND APPEALS

9-70. Variance

- (a) *Applicability.* The Board of Zoning Appeals shall have the power to authorize, upon appeal or original application in specific cases, variances from the terms of this appendix, pursuant to the procedures and standards set forth in this section.
- (b) *Filing procedures.*
 - (1) An application for a variance from the terms of this appendix shall be in writing on forms provided by the Town and filed with the Zoning Administrator, accompanied by payment of all required fees and charges. See Sections [9-10\(c\)](#) and (d) for completeness review and fees.
 - (2) Applications for variances may be made by any property owner, tenant, government official, department, board, or bureau.
 - (3) Prior to the initiation of an application for a variance by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than fifty (50) percent, the applicant shall produce satisfactory evidence that any delinquent real estate taxes that are owed to the Town and have been properly assessed against the subject property have been paid.
 - (4) Upon the filing of an application for a variance, including the payment of all applicable fees and charges, the Zoning Administrator shall transmit the application and accompanying materials to the

Secretary of the Board of Zoning Appeals who shall place the matter on the docket to be acted upon by the Board. The application and materials shall also be transmitted to the Planning Commission which may send a recommendation to the Board of Zoning Appeals.

- (c) *Notice and public hearing.* Upon receipt of a complete application for a variance, the Board of Zoning Appeals shall hold a public hearing after giving notice as provided in Section 15.2-2204 of the Code of Virginia (1950), as amended. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. No variance shall be authorized except after such appeal, notice, and public hearing. The expense of legal advertisement shall be borne by the applicant.
- (d) *Standards for consideration.* Subject to the standards and procedures set forth in this section, the Board of Zoning Appeals may grant a variance from the terms of this appendix as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this appendix will result in unnecessary hardship, provided that the spirit of the appendix shall be observed and substantial justice done. No variance shall be authorized pursuant to this appendix unless the applicant can show that the property was acquired in good faith and that the literal application of the provisions of this appendix would create an unnecessary hardship that would effectively prohibit or unreasonably restrict the utilization of the property. The applicant shall provide evidence that the variance being sought satisfies this general standard and those standards set forth as follows:
- (1) The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including exceptional narrowness, shallowness, size, or shape; exceptional topographic conditions; or other extraordinary situation or condition peculiar to and inherent in the subject property, or to the condition, use, or development of property immediately adjacent thereto.
 - (2) The unique physical condition set forth in subsection (1), above, is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the effective date of the provisions of this appendix from which a variance is sought.
 - (3) The alleged hardship is a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.
 - (4) The requested variance would not result in a use or development of the subject property that would not be in harmony with the intended spirit and purpose of this appendix.
- (e) *Conditions and guarantees.* In authorizing a variance, the Board of Zoning Appeals may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee to ensure compliance with the conditions imposed.
- (f) *Board action.*
- (1) The Board of Zoning Appeals, pursuant to the powers and duties as set forth in Section [10-37\(b\)](#), shall hear and decide upon requests for variances from the terms of this appendix.
 - (2) Before approving any variance to the provisions of this appendix, the Board of Zoning Appeals shall conduct a public hearing on such proposal, after notice of such hearing is given pursuant to subsection (c) above.
 - (3) During such public hearing, the Chair of the Board of Zoning Appeals, or the acting Chair in the absence of the Chair, may administer oaths and compel the attendance of witnesses. The Board of Zoning Appeals shall keep recordings, transcripts, minutes, or other records of its proceedings on variances sufficient to make possible court determinations on appeal as to the validity of its findings

and its reasons therefor. Such minutes and records of official actions shall be filed in the office of the Zoning Administrator and shall be public records.

- (4) Following the close of the public hearing, the Board of Zoning Appeals shall render a decision, denying or granting with or without conditions the variance, pursuant to the standards and procedures set forth in subsections (d) and (e), above, and subsection (f)(5), below. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to effect any variance from this appendix. The Board of Zoning Appeals shall not grant a variance to permit a use in a district not authorized by that district's regulations.
 - (5) Upon the evidence heard by the Board of Zoning Appeals, the Board shall authorize a variance only if it makes all five (5) of the following findings:
 - (A) That the strict application of this appendix would produce undue hardship relating to the property;
 - (B) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - (C) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;
 - (D) That the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this appendix; and
 - (E) That the variance is no greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant.
- (g) *Scope of approval.* Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the use or the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under this appendix. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.
- (h) *Consideration of substantially same application.* Once the Board considers and renders a decision on a variance, the Board shall not consider substantially the same request for one (1) year, except when such decision is the subject of a motion to rehear. Any such motion to rehear shall be in accordance with rules adopted by the Board of Zoning Appeals.

9-71. Appeals to Board of Zoning Appeals

- (a) *Applicability.* The Board of Zoning Appeals, pursuant to the powers and duties set forth in Section [10-37\(a\)](#), shall have the power to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or any administrative officer in the administration or enforcement of this appendix, except as provided in [Section 9-51\(k\)](#).
- (b) *Filing procedures.*
 - (1) An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator or any other administrative officer in the administration or enforcement of this appendix.
 - (2) Such notice of appeal shall be filed with the Zoning Administrator, and with the Board, within thirty (30) calendar days from the date of the decision for which review is sought and shall specify the

grounds upon which the petitioner is aggrieved. If not appealed within thirty (30) calendar days, the decision shall be final and unappealable. The thirty (30) calendar days timeframe for appeal shall not commence until a statement of right to appeal is given, pursuant to the provisions of [Section 9-82\(d\)\(2\)](#).

- (3) Upon notice of appeal, the Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
 - (4) The filing of the appeal shall be accompanied by all required fees and charges as established by the Town Council; provided that, pursuant to Section 15.2-2311.A of the Code of Virginia (1950), as amended, the fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs.
 - (5) When any applicant requesting a written order, requirement, decision, or determination of the Board of Zoning Appeals is not the owner or the agent of the owner of the real property subject to the written order, decision or determination, written notice shall be given to the owner of the property within ten (10) days of the receipt of such request. Such notice shall be given by the Zoning Administrator or other administrative officer. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection. This subsection shall not apply to inquiries from the Town Council, Planning Commission, or employees of the Town made in the normal course of business.
 - (6) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed, that by reason of facts stated in writing to the Board, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Circuit Court upon notice to the Board and to the Zoning Administrator, and for due cause shown.
- (c) *Notice and public hearing.* Upon receipt of a notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and give notice of the hearing as provided in Section 15.2-2204 of the Code of Virginia (1950), as amended. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
- (d) *Basis of a decision on appeal.* The decision on an appeal from any order, requirement, decision, or determination made by the Zoning Administrator or any other administrative officer in the administration and enforcement of this appendix shall be based on the Board's judgment of whether the Zoning Administrator or other administrative officer was correct. The Board shall consider the purpose and intent of any applicable ordinances, laws, and regulations in making its decision.
- (e) *Board action.*
- (1) The Board of Zoning Appeals shall make its decision on an appeal within ninety (90) calendar days of the filing of the appeal.
 - (2) Prior to making a decision on any appeal, the Board of Zoning Appeals shall conduct a public hearing on such appeal, after notice of such hearing is given pursuant to subsection (c) above.
 - (3) During such public hearing, the Chair of the Board of Zoning Appeals, or the acting Chair in the absence of the Chair, may administer oaths and compel the attendance of witnesses.
 - (4) The Board of Zoning Appeals shall keep recordings, transcripts, minutes, or other records of its proceedings on appeals sufficient to make possible court determinations on appeal as to the validity of its findings and its reasons therefor. Such minutes and records of official actions shall be filed in the office of the Zoning Administrator and shall be public records.

- (5) Following the hearing, the Board of Zoning Appeals shall render a decision on the appeal, pursuant to subsection (d) above. Such decision may reverse or affirm, wholly or partly, or may modify the appealed order, requirement, decision or determination of the Zoning Administrator or administrative officer. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or other administrative officer.
 - (6) In any appeal taken pursuant to this section, if the Board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
 - (7) A decision by the Board on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided written notice of the zoning violation, written determination, or other appealable decision of the Zoning Administrator in accordance with this section and with the provisions of [Section 9-82](#).
- (f) *Consideration of substantially same application.* Once the Board considers and renders a decision on an appeal, the Board shall not consider substantially the same request for one (1) year, except when such decision is the subject of a motion to rehear. Any such motion to rehear shall be in accordance with rules adopted by the Board of Zoning Appeals.

9-72. Appeals of Board of Zoning Appeals

- (a) *Applicability.* Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any aggrieved taxpayer of any officer, department, board, or bureau of the Town, may file with the Clerk of the Circuit Court a petition that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of the Town of Clifton Forge" specifying the grounds on which aggrieved within thirty (30) calendar days after the final decision of the Board.
- (b) *Procedures.*
 - (1) Upon the presentation of a petition as set forth in subsection (a) above, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the Secretary of the Board of Zoning Appeals or, if no Secretary exists, the Chair of the Board of Zoning Appeals, which shall not be less than ten (10) calendar days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
 - (2) Any review of a decision of the Board of Zoning Appeals shall not be considered an action against the Board, and the Board shall not be a party to the proceedings; however, the Board shall participate in the proceedings to the extent required by this section. The Town Council, the landowner, and the applicant before the Board of Zoning Appeals shall be necessary parties to the proceedings. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals.
 - (3) The Board of Zoning Appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
 - (4) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

- (5) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (c) *Standards in appeal from Board of an order or determination of administrator officer.* In the case of an appeal from the Board of Zoning Appeals to the Circuit Court of an order, requirement, decision or determination of the Zoning Administrator or other administrative officer in the administration or enforcement of this appendix, the findings and conclusions of the Board of Zoning Appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board erred in its decision. Any party may introduce evidence in the court. The court shall hear any arguments on questions of law de novo.
- (d) *Standards in appeal from Board of decision that denied or granted a variance.* In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted an application for a variance, the decision of the Board shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the Board of Zoning Appeals applied erroneous principles of law, or where the discretion of the Board is involved, the decision of the Board of Zoning Appeals was plainly wrong and in violation of the purpose and intent of the zoning ordinance.
- (e) *Costs.* Costs shall not be allowed against the Town, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the Board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the Town may request that the court hear the matter on the question of whether the appeal was frivolous.

DIVISION 8 – DETERMINATIONS AND ENFORCEMENT

9-80. Purpose

The purpose of this division is to ensure that this appendix is observed when development occurs. This division provides procedures for written determinations of the Zoning Administrator and remedies for the Town when violations occur.

9-81. Applicability

The Zoning Administrator, pursuant to the powers and duties set forth in Section [10-41](#), shall administer and enforce the requirements of this appendix. The remedies provided in this division for violations of any provision of this appendix, or regulation adopted pursuant to this appendix, shall be cumulative and shall be in addition to any other remedy provided by law. Except as otherwise provided in this appendix, any development or use initiated after adoption of this appendix, or maintained in violation of this appendix, which is not in compliance with this appendix is prohibited and is referred to as an unlawful development or use.

9-82. Procedures

- (a) *Written orders, decisions, or determinations.* Any written decision or determination of the Zoning Administrator regarding the permissibility of a specific use or density of a property, dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the written order within thirty (30) calendar days in accordance with [Section 9-71](#), and that the decision or determination shall be final and unappealable if not appealed within thirty (30) calendar days. The written determination shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given.

- (1) A written determination of the Zoning Administrator that includes statements as set forth in subsection (a), above, sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.
 - (2) When any applicant requesting a written order, decision, or determination from the Zoning Administrator, that is subject to the appeal provisions contained in [Section 9-71](#), is not the owner or the agent of the owner of the real property subject to the written order, decision, or determination, written notice shall be given to the owner of the property within ten (10) days of the receipt of such request. Such notice shall be given by the Zoning Administrator or other administrative officer. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection. This subsection shall not apply to inquiries from the Town Council, Planning Commission, or employees of the Town made in the normal course of business.
 - (3) In no event shall a written decision or determination made by the Zoning Administrator be subject to change, modification or reversal by any Zoning Administrator or other administrative officer after sixty (60) days have elapsed from the date of the written decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator unless it is proven that such written decision or determination was obtained through malfeasance of the Zoning Administrator or through fraud. The sixty (60) day limitation period shall not apply in any case where, with the concurrence of the attorney for the Town, modification is required to correct clerical errors.
- (b) *Investigation and enforcement.* The Zoning Administrator shall be responsible for the enforcement of this appendix and for investigating complaints alleging a violation of the provisions of this appendix. Whenever the Zoning Administrator receives a complaint alleging a violation of this appendix, the Zoning Administrator shall investigate the complaint and take such action as is warranted in accordance with the provisions set forth in this section. The provisions for enforcement of this appendix, pursuant to the authority of the Zoning Administrator, are set forth in [Section 10-41\(b\)](#).
- (c) *Inspection warrant.* The Zoning Administrator may present sworn testimony to a magistrate or court of competent jurisdiction, and if such sworn testimony establishes probable cause that a zoning violation has occurred, the Zoning Administrator may request that the magistrate or court grant the Zoning Administrator or agent an inspection warrant to enable the Zoning Administrator or agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The Zoning Administrator shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.
- (d) *Discovery of violation.*
- (1) If the Zoning Administrator finds that any provision of this appendix is being violated, the Zoning Administrator shall provide a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
 - (2) Any written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) calendar days in accordance with [Section 9-71](#), and that the decision shall be final and unappealable if not appealed within thirty (30) calendar days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or

certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.

9-83. Penalties

- (a) Violating, causing, or permitting the violation of, or failure to comply with any of the requirements of, this appendix, including violations of any conditions established in connection with grants of variances, conditional rezonings, conditional use permits, or the issuance of zoning permits or site plan approval, by any person, firm, or corporation, whether as principal, agent, owner, lessee, employee, or other similar position, shall be unlawful and is subject to the following:
 - (1) *Criminal sanctions:* Any violation shall be a misdemeanor punishable, upon conviction, as provided in Section 15.2-2286.A.5 of the Code of Virginia (1950), as amended.
 - (2) *Injunctive relief:* Any violation or attempted violation of this appendix may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceeding for relief, alone or in conjunction with any criminal action.
- (b) Each day that any violation continues after notification by the Zoning Administrator shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

9-84. Revocation of Permit or Approval

- (a) This section shall apply to any situation where the applicant has supplied materially misleading information relating to the approval of a permit issued by the Zoning Administrator.
- (b) If the Zoning Administrator determines that there are reasonable grounds for revocation of a development permit or approval, the Zoning Administrator shall notify the permit holder in writing. Such notice shall inform the permit holder of the alleged grounds for the revocation and shall include specific reasons or findings of fact that support the revocation. Revocation of a permit by the Zoning Administrator may be appealed to the Board of Zoning Appeals as set forth in [Section 9-71](#).
- (c) A decision to revoke a development permit shall become final thirty (30) calendar days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of this appendix.
- (d) The right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

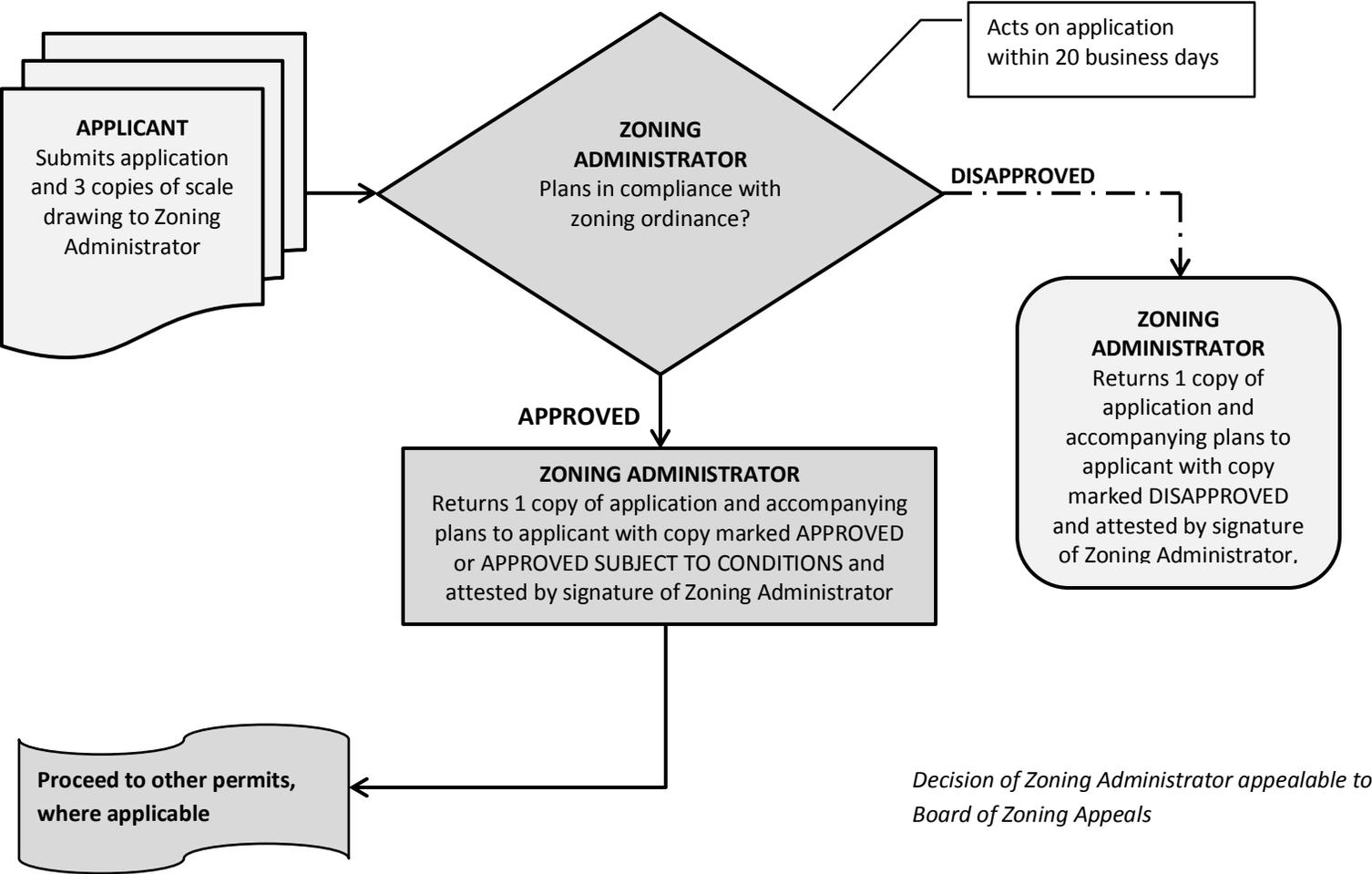
DIVISION 9 – PERMIT PROCESS FLOWCHARTS

9-90. Permit Process Flowcharts

The following flowcharts outline procedures for obtaining permits pursuant to this article. These flowcharts are for illustrative purposes only as they are simplified depictions of what are complex processes. They are intended to illustrate the major steps in the submission and review process. In the case of any discrepancy between the flowcharts and the specific regulations of this article, or the lack of depiction of requirements, within the flowcharts, the specific regulations of this article shall govern.

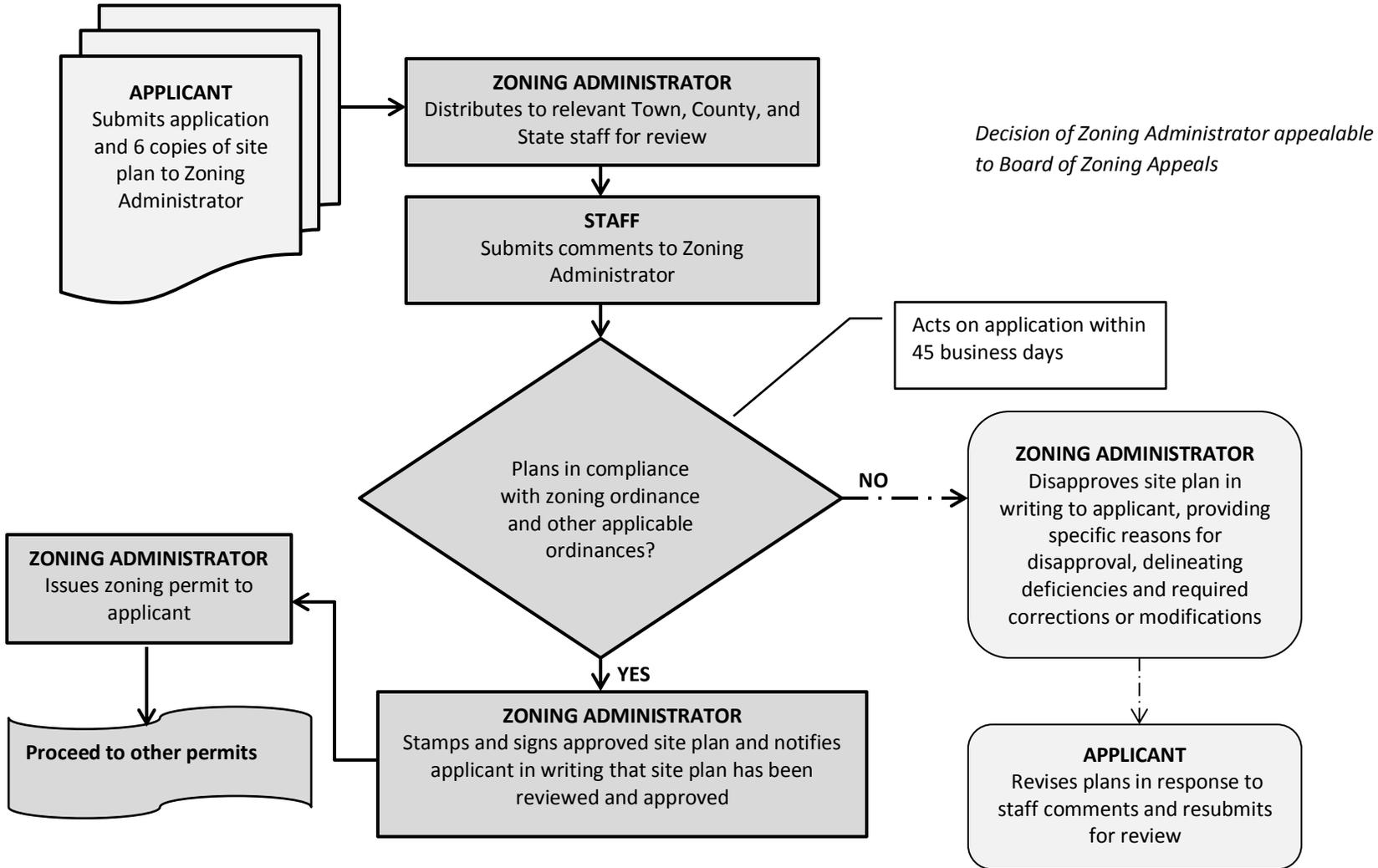
PROCESS FLOWCHART 9-90-1. ZONING PERMIT (WITH SCALE DRAWING)

See [Section 9-22](#) for specific requirements



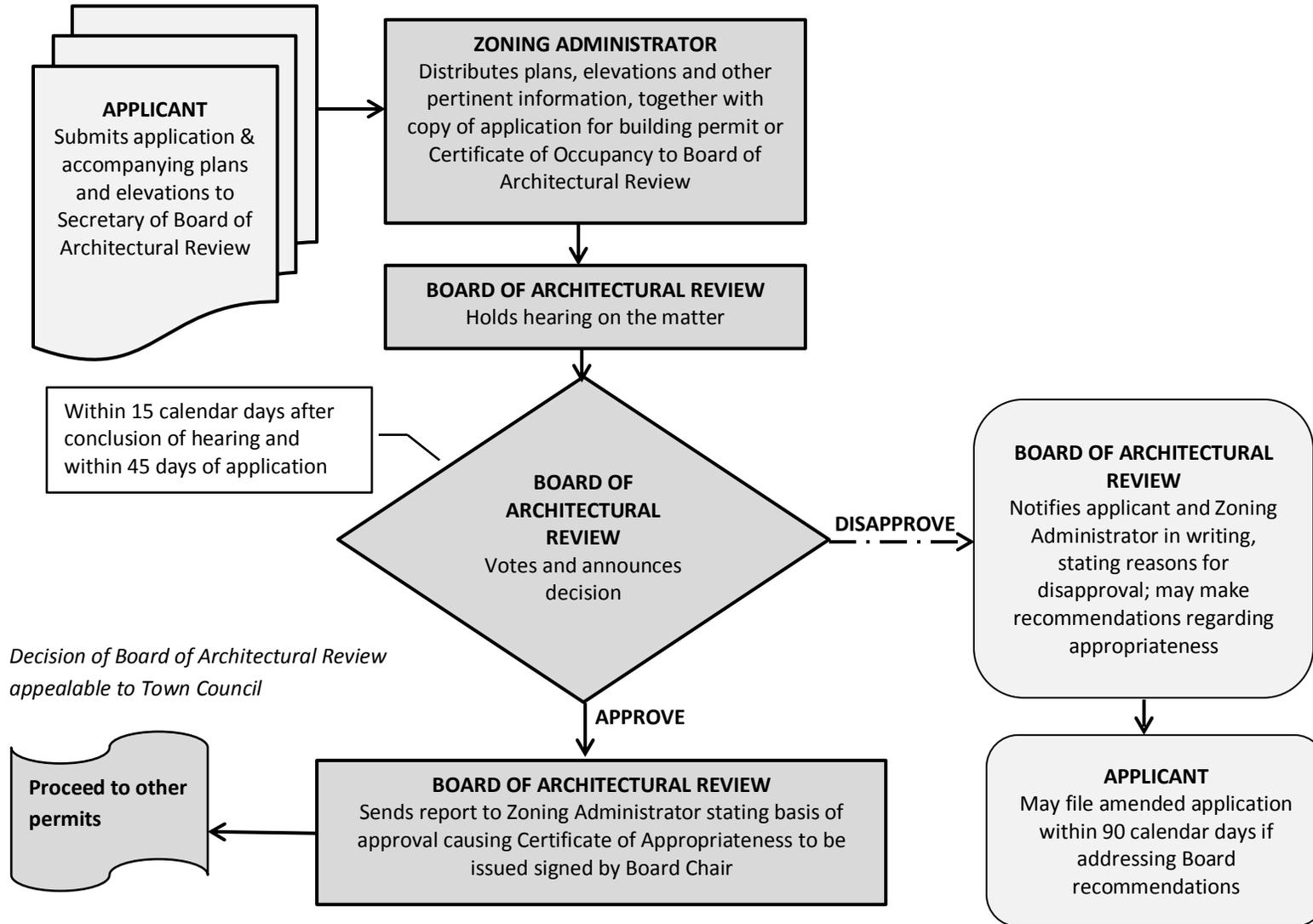
PROCESS FLOWCHART 9-90-2. SITE PLAN

See Sections [9-30](#) through 9-36 for specific requirements



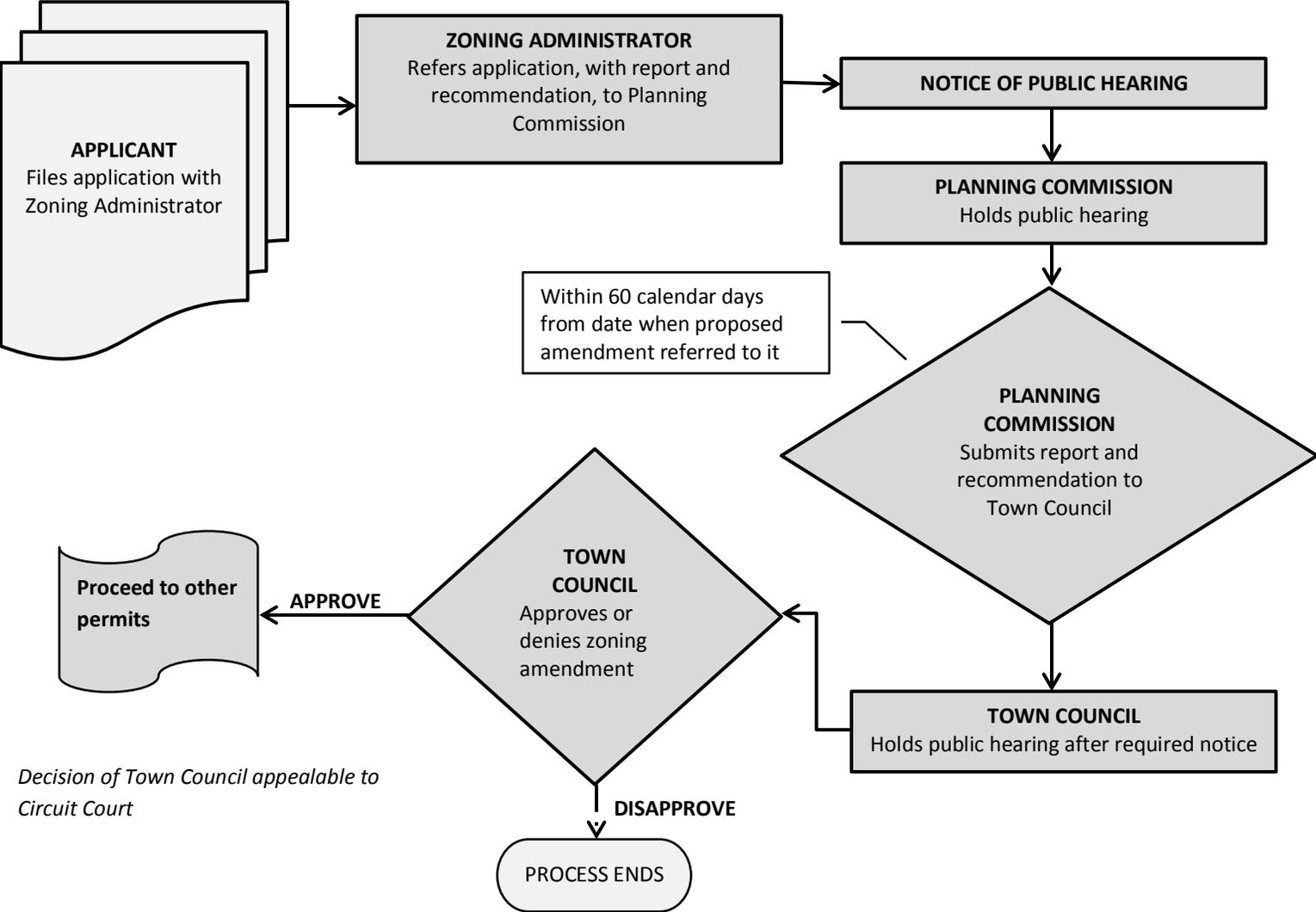
PROCESS FLOWCHART 9-90-3. CERTIFICATE OF APPROPRIATENESS

See Sections [9-40](#) through 9-48 for specific requirements



PROCESS FLOWCHART 9-90-4. ZONING AMENDMENT

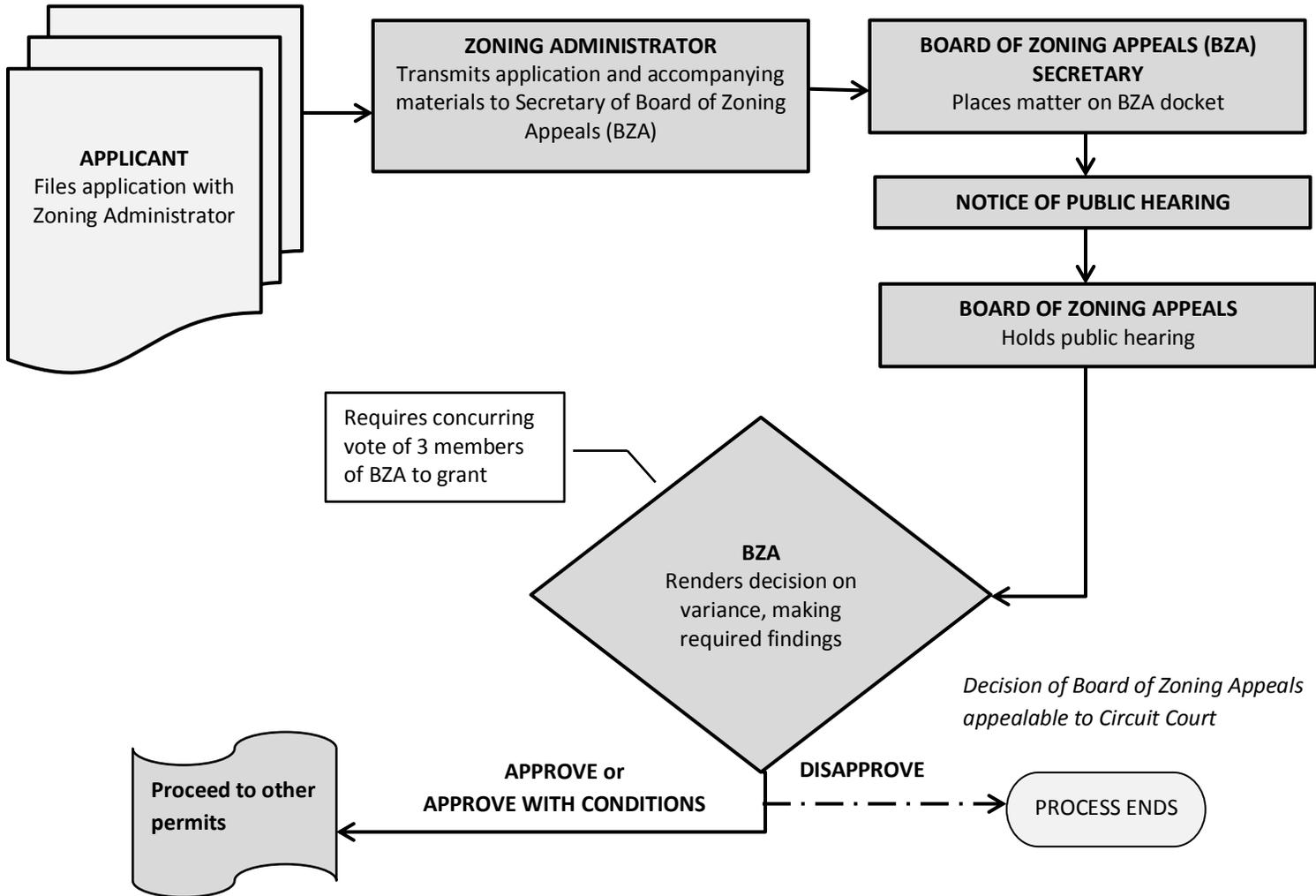
See [Section 9-50](#) for specific requirements



Decision of Town Council appealable to Circuit Court

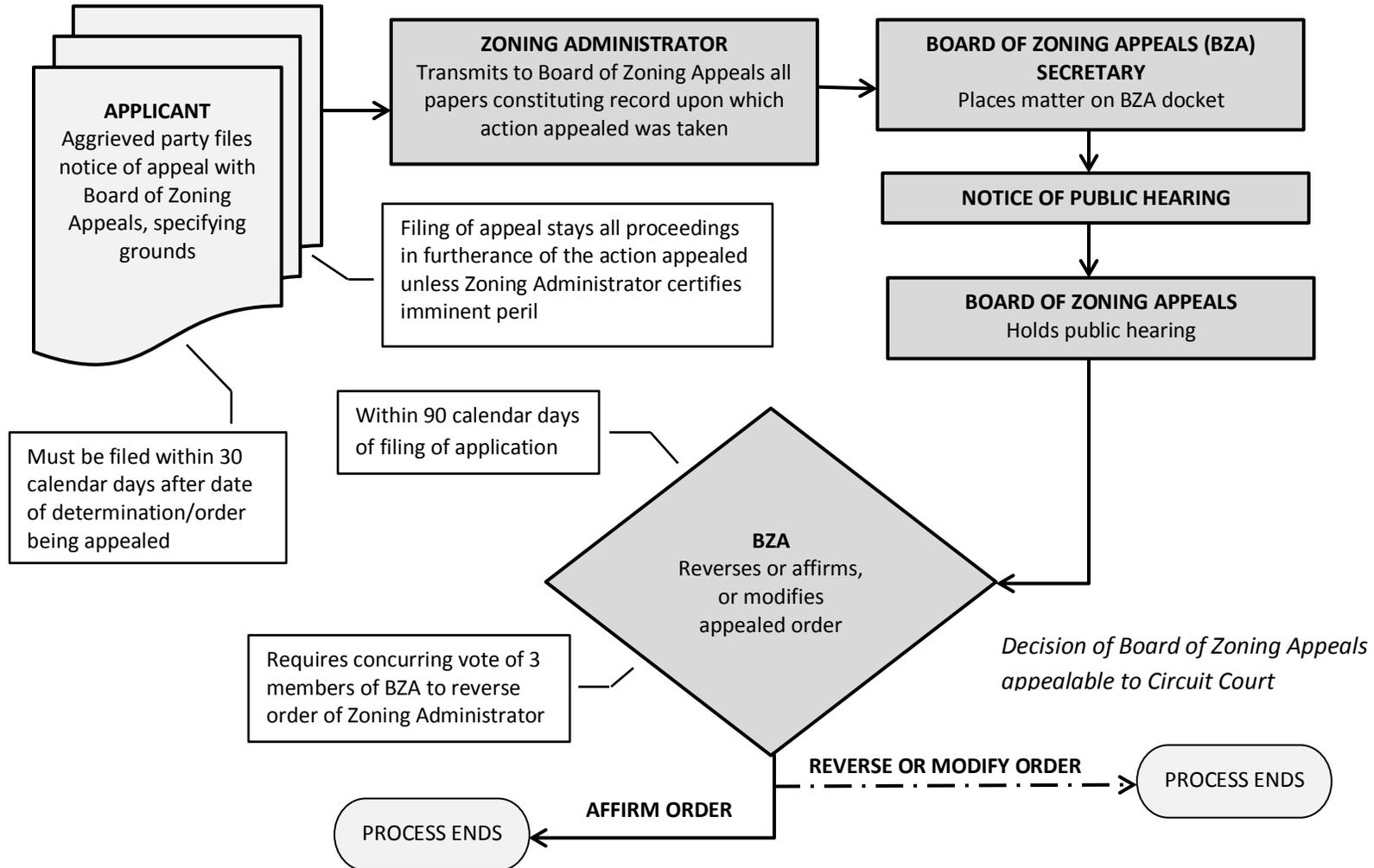
PROCESS FLOWCHART 9-90-5. VARIANCE

See [Section 9-70](#) for specific requirements



PROCESS FLOWCHART 9-90-6. APPEAL OF DETERMINATION/ORDER OF ZONING ADMINISTRATOR

See [Section 9-71](#) for specific requirements



ARTICLE 10. COMMISSIONS, BOARDS, AND ADMINISTRATIVE OFFICIALS

10-1. Purpose

DIVISION 1 - PLANNING COMMISSION

10-10. Definition

10-11. Establishment

10-12. Membership

10-13. Meetings

10-14. Quorum and Vote

10-15. Officers; Secretary; Staff

10-16. Rules and Records

10-17. Powers and Duties

DIVISION 2 – BOARD OF ARCHITECTURAL REVIEW

10-20. Definition

10-21. Establishment

10-22. Membership

10-23. Meetings

10-24. Quorum and Vote

10-25. Officers; Secretary; Staff

10-26. Rules and Records

10-27. Powers and Duties

10-28. Appeal of Decision

DIVISION 3 - BOARD OF ZONING APPEALS

10-30. Definition

10-31. Establishment

10-32. Membership

10-33. Meetings

10-34. Quorum and Vote

10-35. Officers; Secretary; Staff

10-36. Rules and Records

10-37. Powers and Duties

10-38. Appeal of Decision

DIVISION 4 - ZONING ADMINISTRATOR

10-40. Designation

10-41. Powers and Duties

10-42. Appeal of Decision

10-1. Purpose

The purpose of this article is to provide for:

- (a) A Planning Commission to promote the orderly development of the Town and its environs and to accomplish the objectives set out in Section 15.2-2200 of the Code of Virginia (1950), as amended;

- (b) A Board of Architectural Review to administer Certificates of Appropriateness for the Historic Commercial Area Overlay District (H-1) created by the provisions of this appendix;
- (c) A Board of Zoning Appeals to hear and decide on requests for variances from the provisions of this appendix, interpretations of the Official Zoning Map where uncertainty exists, and appeals of decisions made in the administration or enforcement of this appendix; and
- (d) A Zoning Administrator to administer and enforce the provisions of this appendix.

DIVISION 1 – PLANNING COMMISSION

10-10. Definition

For purposes of this division, the term “Commission” shall mean the Town Planning Commission as established by this division.

10-11. Establishment

The Town Planning Commission heretofore established by the Town Council, in accordance with Chapter 2, Article 6, Section 2-68-2-75 [Article V, Division 2, Sections 2-231-2-238] of the Code of Ordinances of the Town of Clifton Forge, is hereby continued, and the six (6) members thereof shall hold office until the expiration of the term for which they were appointed, or until they resign or are removed.

10-12. Membership

(a) Qualifications, appointment, and terms.

- (1) The Commission shall consist of six (6) members, appointed by the Town Council to serve at large, all of whom shall be residents of the Town and qualified by knowledge and experience to make decisions on questions of community growth and development, provided that at least three (3) of the members so appointed shall be owners of real property.
- (2) Members of the Commission shall serve terms of four (4) years each.
- (3) Vacancies shall be filled by the appointment of Town Council for the unexpired term of any member whose term becomes vacant.

(b) Removal of members.

- (1) Any member of the Commission may be removed for malfeasance, misfeasance, or nonfeasance in office, or other just cause, by the Town Council, upon written charges and after public hearing.
- (2) Any member of the Commission may be removed from office by the Town Council without limitation in the event that the Commission member is absent from any three (3) consecutive meetings of the Commission, or is absent from any four (4) meetings of the Commission within any twelve (12) month period.

10-13. Meetings

- (a) *Generally.* The Commission shall be required to meet at least once each year.
- (b) *Regular meetings.* The Commission shall, by resolution, fix the time for holding regular meetings.

- (c) *Continued meetings.* The Commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued due to a determination that, due to weather or other conditions, it is hazardous for members to attend the meeting, subject to the requirements as set forth in Section 15.2-2309.8 of the Code of Virginia (1950), as amended.
- (d) *Special meetings.* Special meetings may be called by the Chair or by two (2) members upon written request to the secretary, pursuant to the notice requirements of Section 15.2-2214 of the Code of Virginia (1950), as amended.

10-14. Quorum and Vote

Four (4) of the six (6) members shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

10-15. Officers; Secretary; Staff

- (a) *Officers.* The Commission shall elect from the appointed members a Chair and Vice Chair, whose terms shall be for one (1) year, with eligibility for re-election.
- (b) *Secretary.* The Commission shall elect a Secretary to the Commission from the staff of the Department of Community Development, whose term shall be for one (1) year, with eligibility for re-election. As a non-member, the Secretary shall not be entitled to vote on matters before the Commission.
- (c) *Staff support.*
 - (1) The Department of Community Development shall provide technical and other services as the Commission may require.
 - (2) Upon request, all Town officials shall furnish to the Commission, within a reasonable time, such available information as may be required for carrying out its work, provided the furnishing of such information will not unduly interfere with such official's usual duties.

10-16. Rules and Records

- (a) *Rules.* The Commission shall adopt rules and forms for its procedures, consistent with the Charter and ordinances of the Town and general laws of the State.
- (b) *Minutes; records.* The Commission shall keep minutes of its proceedings and a record of its transactions, which shall be filed in the offices of the Commission and the Town Clerk and shall be a public record.
- (c) *Annual report.* The Commission shall submit a written annual report of its activities to the Town Council at the end of each calendar year.

10-17. Powers and Duties

- (a) *Generally.* The Commission shall have the following powers and duties, in addition to those prescribed elsewhere in the Code of Ordinances of Clifton Forge and by State law, including those set out in Section 15.2-2221, Code of Virginia (1950), as amended:
 - (1) *Subdivision regulations.* The Commission shall make a study of the subdivision regulations of the Town, as set forth in Appendix A of the Town Code, and other Town ordinances and State statutes of similar purpose and design, to assure the orderly subdivision of lands and their development within the Town. From time to time, the Commission shall prepare and recommend to the Town Council

amendments to the subdivision regulations deemed essential to equitable and harmonious ordinances or in preservation of the Town's Comprehensive Plan and amendments thereof.

- (2) *Promotion of Comprehensive Plan.* The Commission shall promote public interest in and understanding of the Town's Comprehensive Plan and, to that end, may publish and distribute copies of the Comprehensive Plan or of any report and employ other means of publicity and education as it may determine.
- (3) *Capital improvement program.* The Commission may, and at the direction of the Town Council shall, prepare and revise annually a capital improvement program based on the Town's Comprehensive Plan for a period not to exceed the ensuing five (5) years. The Commission shall submit the program annually to the Town Council or to the chief official charged with the preparation of the budget for the Town. The capital improvement program shall include the Commission's recommendations and estimates of cost of the facilities and life cycle costs and the means of financing them.
- (4) *Historical landmarks.* The Commission may control, preserve, and care for all historical landmarks now owned or hereafter acquired by the Town; control the design and location of statuary and other works of art which are or become the property of the Town; and provide for the removal, relocation, and alteration of any such works belonging to the Town. Where appropriate by the delineated powers and duties of Division 2 of this article entitled Board of Architectural Review, and the regulations of the Historic Commercial Area Overlay District (H-1), such control, preservation, and care by the Commission for historical landmarks owned by the Town shall not infringe on the duties and powers of the Board of Architectural Review as set out in this appendix.
- (5) *Public structures and improvements.* The Commission shall make recommendations to the Town Council concerning the following public structures and improvements:
 - (A) The design of public streets on new, widened, or reconstructed rights-of-way;
 - (B) The design of new public parks and open spaces, or renovations to existing public parks and open spaces or park facilities;
 - (C) The design of new public buildings, including site and architectural plans, or exterior renovations to existing public buildings involving additions or other site improvements;
 - (D) The establishment of design guidelines for public rights-of-way, including lighting fixtures, landscaping, street name and directional signs, benches, and other similar appurtenances.

(b) *Comprehensive Plan.*

- (1) The Commission shall prepare and recommend a Comprehensive Plan for the physical development of the Town in accordance with the requirements of Section 15.2-2223, Code of Virginia (1950), as amended.
- (2) In the preparation of a Comprehensive Plan, the Commission shall conduct such surveys and studies as are required by Section 15.2-2224, Code of Virginia (1950), as amended.
- (3) The Commission shall recommend to the Town Council the adoption of or the amendment of the Comprehensive Plan, or parts thereof, in conformance with the procedural requirements set out in Section 15.2-2225 of the Code of Virginia (1950), as amended.
- (4) Whenever the Commission recommends a Comprehensive Plan, or part thereof, and such plan has been approved and adopted by the Town Council, it shall control the general or approximate location, character, and extent of each feature, including any road improvement and any

transportation improvement, shown on the plan according to Section 15.2-2232, Code of Virginia (1950), as amended.

(c) *Zoning ordinance and map amendments.*

- (1) The Commission may initiate, by motion, an amendment to this appendix, including any provision of this appendix or the Official Zoning Map, pursuant to the procedures set forth in Sections [9-50](#) and [9-51](#).
- (2) The Commission shall review, evaluate, report, and make recommendations to the Town Council regarding any proposed amendment of any regulation or district boundary provided by this appendix, pursuant to the procedures of Sections [9-50](#) and [9-51](#).

(d) *Conditional use permits.* The Commission shall review, evaluate, report, and make recommendations to the Town Council regarding any application for a conditional use permit, pursuant to the procedures set forth in [Article 9, Division 6](#).

(e) *Right of entry.* The Commission, its members, officers, and employees, in the performance of their functions, may enter upon any land in the Town and make examinations and surveys and place and maintain necessary monuments and markers thereon.

DIVISION 2 – BOARD OF ARCHITECTURAL REVIEW

10-20. Definition

For purposes of this division, the term “Board” shall mean the Board of Architectural Review as established by this division.

10-21. Establishment

The Board of Architectural Review heretofore established for the Town is hereby continued, and the five (5) members thereof shall hold office until the expiration of the term for which they were appointed, or until they resign or are removed, pursuant to Section 15.2-2306.A.1 which provides that a governing body may provide for a review board to administer the ordinance which sets forth historic landmarks and other buildings having important historic or architectural interest as defined by Section 15.2-2201 of the Code of Virginia (1950), as amended.

10-22. Membership

(a) *Qualifications, appointments, and terms.*

- (1) The Board shall consist of five (5) members, appointed by the Town Council, all of whom shall be residents of the Town, except that one (1) of the appointed five (5) members may be an owner and operator of a business in the Historic Commercial Area Overlay District who is not a resident of the Town. In making an appointment, Town Council shall consider the appointee's interest or competence in, or knowledge of, historic preservation and the history of the Town.
- (2) Members of the Board shall serve terms of four (4) years each.
- (3) Vacancies shall be filled by Town Council for the unexpired term of any member whose term becomes vacant.

- (b) *Removal of members.* Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office, or other just cause, by the Town Council, upon written charges and after public hearing.

10-23. Meetings

The Board shall hold at least one (1) regular meeting each month, provided it need not meet if no applications are pending for review. Special meetings of the Board may be called by the Chair or as determined by the Board.

10-24. Quorum and Vote

Three (3) of the five (5) members of the Board shall constitute a quorum and no action of the Board shall be valid unless authorized by a majority vote of those members present and voting.

10-25. Officers; Secretary; Staff

- (a) *Officers.* The Board shall elect from the appointed members a Chair and Vice Chair, whose terms shall be for one (1) year, with eligibility for re-election.
- (b) *Secretary.* The Board shall elect a Secretary to the Board from the staff of the Department of Community Development, whose term shall be for one (1) year, with eligibility for re-election. As a non-member, the Secretary shall not be entitled to vote on matters before the Board.
- (c) *Staff support.* The Department of Community Development shall provide technical and other services as the Board may require.

10-26. Rules and Records

- (a) *Rules.* The Board shall adopt rules and forms for its procedures, consistent with the Charter and ordinances of the Town and general laws of the State.
- (b) *Minutes; records.* The Board shall keep minutes of its proceedings and a record of its transactions, which shall be filed in the offices of the Board and the Town Clerk and shall be a public record.
- (c) *Annual report.* The Board shall submit a written annual report of its activities to the Town Council at the end of each calendar year.

10-27. Powers and Duties

The Board shall review, evaluate, and act upon applications for Certificates of Appropriateness within the Historic Commercial Area Overlay District (H-1), pursuant to the procedures set forth in [Article 9, Division 4](#). These evaluations and actions include:

- (a) To pass upon the appropriateness of exterior architectural features of buildings and structures, including signs and other exterior fixtures, hereafter constructed, reconstructed, altered, or restored in the Historic Commercial Area Overlay District (H-1); and
- (b) To pass upon any requests for Certificates of Occupancy that may be referred to the Board and any requests for approval to raze, demolish, or move historic landmarks, buildings, or structures within the Historic Commercial Area Overlay District (H-1).

10-28. Appeal of Decision

Decisions of the Board of Architectural Review may be appealed to the Town Council as provided in [Section 9-44](#).

DIVISION 3 – BOARD OF ZONING APPEALS

10-30. Definition

For purposes of this division, the term “Board” shall mean the Board of Zoning Appeals as established by this division.

10-31. Establishment

The Board of Zoning Appeals, heretofore established pursuant to Section 15.2-2308 of the Code of Virginia (1950), as amended, is hereby continued, and the five (5) members thereof shall hold office until the expiration of the term for which they were appointed, or until they resign or are removed.

10-32. Membership

(a) *Qualifications, appointment, and terms.*

- (1) The Board shall consist of five (5) members, appointed by the Circuit Court, all of whom shall be residents of the Town. Members of the Board shall hold no other public office in the Town; however, one (1) may be a member of the Town Planning Commission.
- (2) Members of the Board shall serve terms of five (5) years each, with the term of one (1) member expiring per year pursuant to Section 15.2-2308.A of the Code of Virginia (1950), as amended.
 - (A) A member whose term expires shall continue to serve until his successor is appointed and qualifies.
 - (B) Members may be reappointed to succeed themselves.
- (3) Vacancies shall be filled by the Circuit Court for the unexpired term of any member whose term becomes vacant.
- (4) The Secretary of the Board shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the Court promptly if any vacancy occurs.

(b) *Removal of members.* Any member of the Board may be removed for malfeasance, misfeasance, or nonfeasance in office, or other just cause, by the Circuit Court, upon written charges and after public hearing, pursuant to Section 15.2-2308.D of the Code of Virginia (1950), as amended.

10-33. Meetings

- (a) The Board shall, by resolution, fix a schedule of regular meetings, provided it need not meet if there are no applications pending for review. The Board may also fix the day or days to which any meeting shall be continued due to a determination that, due to weather or other conditions, it is hazardous for members to attend the meeting, subject to the requirements as set forth in Section 15.2-2309(8) of the Code of Virginia (1950), as amended.
- (b) The Board shall fix a reasonable time for the hearing of an application or appeal, provided that a decision on such application or appeal shall be made within ninety (90) days of the filing of the application or appeal.
- (c) Special meetings of the Board shall be held at the call of its Chair or at such times as a quorum of the Board may determine.

10-34. Quorum and Vote

- (a) *Quorum.* Three (3) of the five (5) members of the Board shall constitute a quorum.
- (b) *Vote.* The concurring vote of three (3) members of the Board shall be required to reverse upon appeal any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer in the administration or enforcement of this appendix, or to authorize any variance from the terms of this appendix.

10-35. Officers; Secretary; Staff

- (a) *Officers.* The Board shall elect from its membership a Chair and Vice Chair, whose terms shall be for one (1) year, with eligibility for re-election.
- (b) *Secretary.* The Board shall elect a Secretary to the Board from the staff of the Department of Community Development, whose term shall be for one (1) year, with eligibility for re-election. As a non-member, the Secretary shall not be entitled to vote on matters before the Board.
- (c) *Staff support.* The Zoning Administrator shall provide technical and other services as the Board may require.

10-36. Rules and Records

- (a) *Rules.* The Board shall adopt rules and forms for its procedures, consistent with the Charter and ordinances of the Town and general laws of the State.
- (b) *Minutes; records.* The Board shall keep minutes of its proceedings and a record of its transactions, which shall be filed in the offices of the Board and the Town Clerk and shall be a public record.
- (c) *Annual report.* The Board shall submit a written annual report of its activities to the Town Council at the end of each calendar year.

10-37. Powers and Duties

- (a) *Appeals to the Board.* The Board shall have the power to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or any other administrative officer in the administration or enforcement of this appendix, pursuant to the procedures and standards set forth in [Section 9-71](#).
- (b) *Variations.* The Board shall have the power to authorize variances from the terms of this appendix, upon appeal or original application in specific cases, pursuant to the procedures and standards set forth in [Section 9-70](#).
- (c) *Interpretation of Official Zoning Map.* The Board shall have the power to hear and decide applications for interpretation of the Official Zoning Map, where there is any uncertainty as to the location of a district boundary, pursuant to Section 15.2-2309.4 of the Code of Virginia (1950), as amended. Rules for interpretation of zoning district boundaries are set forth in [Section 3-4](#). After public notice and hearing as required generally for Board proceedings, the Board may interpret the map in such a way as to carry out the intent and purpose of this appendix for the particular section or district in question. The Board shall not, however, have the power to rezone property or to change substantially the locations of district boundaries as established by ordinance.

- (d) *Limitation of power.* In carrying out its powers and duties expressly conferred by statute, the Board shall not have the power to base its decisions on the merits of the purpose and intent of this appendix or other local ordinances duly adopted by the Town Council.

10-38. Appeal of Decision

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court as provided in Section [9-72](#).

DIVISION 4 – ZONING ADMINISTRATOR

10-40. Designation

The provisions of this appendix shall be administered and enforced by the Zoning Administrator or designee authorized to act on the Zoning Administrator's behalf. The Zoning Administrator shall be appointed by the Town Council.

10-41. Powers and Duties

- (a) *Interpretation of ordinance.* The Zoning Administrator is authorized to render interpretations of the provisions of this appendix, including interpretations of use and use types and the permissibility of uses and density. Such interpretations shall be in writing and are subject to [Section 9-82\(a\)](#).
- (b) *Administration and enforcement of ordinance.* The Zoning Administrator shall have all necessary authority on behalf of the Town Council to administer and enforce this appendix. The Zoning Administrator may report any noncompliance with this appendix to the Town Attorney, with the request for appropriate action at law to ensure or obtain compliance with this appendix. The authority of the Zoning Administrator shall include:
- (1) Ordering in writing the remedying of any condition found in violation of this appendix;
 - (2) Insuring compliance with the provisions of this appendix, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to [Section 9-71](#); and
 - (3) In specific cases, making findings of fact, and with concurrence of the Town Attorney, conclusions of law regarding determinations of vested rights accruing under [Section 1-8](#).
- (c) *Modifications.* The Zoning Administrator shall have the authority to grant a modification from any provision of this appendix with respect to physical requirements on a lot, including but not limited to size, height, location, or features of or related to any building, structure, or improvements, pursuant to the procedures and standards set forth below.
- (1) Prior to the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice.
 - (2) The Zoning Administrator shall make a decision on an application for modification and issue a written decision within forty-five (45) days of the request for modification, with a copy provided to the applicant and any adjoining property owner who responded in writing to the notice sent pursuant to subsection (1) above.
 - (3) The Zoning Administrator shall authorize a modification only if the Zoning Administrator finds in writing all three (3) of the following:
 - (A) That the strict application of this appendix would produce undue hardship relating to the property;

- (B) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- (C) That the authorization of such modification will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the modification.

10-42. Appeal of Decision

Any decision of the Zoning Administrator shall constitute a decision within the purview of Section [9-71](#), and may be appealed to the Board of Zoning Appeals as provided by that section. Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court as provided by Section [9-72](#).

ARTICLE 11. DEFINITIONS AND RULES OF CONSTRUCTION

[11-1. Rules of construction of language](#)

[11-2. Definitions of terms and use types](#)

11-1. Rules of Construction of Language

For the purposes of the provisions of this appendix, the following rules of construction of language shall apply:

- (a) The specific shall control the general.
- (b) All words used in the present tense include the future tense.
- (c) All words used in the singular include the plural and the plural includes the singular.
- (d) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (e) The words “shall,” “must,” “will,” and “may not” are mandatory, meaning an obligation to comply with the particular provision.
- (f) The word “may” is permissive.
- (g) The word “includes” or “including” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (h) The word “yard” shall mean the required minimum yard.
- (i) References to “days” shall be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- (j) When used with numbers, “up to x,” “not more than x,” and “a maximum of x,” all include x.
- (k) “And” indicates that all connected items or provisions apply.
- (l) “Or” indicates that the connected items or provisions may apply singly or in combination.
- (m) “Either...or” indicates that the connected items or provisions apply singly, but not in combination.

11-2. Definitions of Terms and Use Types

For the purposes of this appendix, the following terms, use types, and words shall be defined as set forth below, unless otherwise provided in this appendix.

Abut or abutting: Having a common border with, or being separated from such a common border only by a street, alley, stream, or railroad tracks.

Access: A means of approach or admission.

Accessory structure: A structure detached from but located on the same lot as a principal building and customarily accessory and clearly incidental and subordinate to the principal building and used for purposes customarily incidental to that of the principal building.

Accessory use: A use of land or a structure, or portion thereof, which is customarily accessory and clearly incidental and subordinate in area, extent, and purpose to the principal use of the land or structure and located on the same lot as such principal use. An accessory use may not be accessory to another accessory use.

Active solar collector: Any device or combination of devices or other element which relies on sunshine as an energy source and is capable of collecting not less than 25,000 BTUs on a clear day for use in one (1) or more of the following:

- (1) The heating or cooling, or both, of a building or other structure;
- (2) The heating of water;
- (3) Industrial, commercial or agricultural processes; or
- (4) The generation of electricity.

The use of the solar collector may include other purposes such as serving as part of a roof of a structure, serving as a window or wall, or otherwise serving as a structural member of a structure.

Adult use: As defined and set forth in [Section 6-4](#) of this appendix.

Agricultural operations: The use of property for the production of agricultural, horticultural, or floricultural products including livestock, poultry, eggs, dairy products, vegetables, trees, or similar products. A “community garden” or a garden accessory to a residential use shall not be deemed an agricultural operation. Agricultural operations shall not include principal industrial uses related to food processing or distribution.

Amateur radio tower: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for noncommercial airway communication purposes by a person holding a valid amateur radio operator licensed by the Federal Communications Commission (FCC).

Amphitheater: An open-air (outdoor) establishment for the performing arts consisting of a central space or stage for performances, which may be open to the sky or partially covered or enclosed, and open-air tiered or sloped seating for audiences, generally arranged in a semi-circular pattern in relation to the performance area.

Amusement, indoor, commercial: An establishment primarily engaged in the provision of multiple amusement or entertainment devices or machines or games of skill, chance, or scoring to the general public for a fee, and where all such activity occurs enclosed in a building. Such games and devices include billiards, pool, table tennis, dartboards, foosball, pinball, video games, and other similar amusement or entertainment devices, whether or not they are coin or token operated or require the payment of money to have them activated. Typical uses include game rooms, billiard and pool halls, and video arcades. “Commercial indoor amusement” establishments may include accessory uses, such as snack bars, which are designed and intended primarily for the use of patrons of the

amusement use. "Commercial indoor amusement" does not include a "Gun-firing range" or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Antenna: Any apparatus, or group of apparatus, designed for transmitting or receiving electromagnetic waves that includes, but is not limited to, telephonic, radio, or television communications. Antennas include dish antennas, panel antennas, whip antennas, or similar devices used for broadcast, transmission, or reception of radio frequency signals, but do not include satellite earth stations. For purposes of this definition, the following definitions shall apply:

- (1) *Dish antenna:* A parabolic, spherical, or elliptical antenna intended to receive wireless telecommunications.
- (2) *Panel antenna:* A directional antenna designed to transmit or receive signals in a directional pattern that is less than three hundred sixty (360) degrees.
- (3) *Whip antenna:* A cylindrical, omnidirectional antenna designed to transmit or receive signals in a three hundred sixty (360) degree pattern

Applicant: The party applying for approval of a zoning permit, sign permit, Certificate of Occupancy, Certificate of Appropriateness, or site plan, requesting the approval of a rezoning, conditional rezoning, conditional use, or variance, or appealing a decision of the Zoning Administrator, as required by this appendix.

Application: The completed form(s) and all accompanying documents, exhibits, and fees required of an applicant for review, approval, or permitting purposes for a zoning permit, sign permit, Certificate of Occupancy, Certificate of Appropriateness, site plan, rezoning, conditional rezoning, conditional use, variance, or an appeal of a decision of the Zoning Administrator.

Appurtenance: A feature or structure attached to a building that is used for or in connection with a building, incidental to such building and for its benefit.

Assembly hall: A building designed for public assembly for special events or regularly scheduled programs, and available to the general public for a fee. Typical events or programs include banquets, meetings, seminars, receptions, and weddings.

Automobile dealership: An establishment which displays for sale or lease, from the premises, new and/or used automobiles, sport utility vehicles, pick-up trucks, vans, or motorcycles for sale or lease, and which establishment may engage in the performance of warranty repair work and other major and minor repair and maintenance service conducted as an accessory use. Such use may include the incidental towing of vehicles to the lot expressly for the purposes of scheduled repair by the automobile dealership establishment. This use type does not include the storage of wrecked or abandoned vehicles. The exterior display of motor vehicle inventory for sale or lease shall be considered an outdoor showroom for customers to examine and compare products and shall not be considered "outdoor storage" for purposes of this appendix, provided such exterior display is limited to such motor vehicle inventory, is accessible to the general public, and does not include materials, parts, or similar products. Excluded from this use type is "Equipment sales/rental."

Automotive parts/supply, retail: The retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories. This use type does not include establishments dealing exclusively in used parts.

Bakery, confectionary, or similar food production, Retail: An establishment primarily engaged in the preparation, cooking, baking, and retail sale of baked products, confectionary products, or similar food products on the premises. The retail sale of such food products is intended primarily for off-site consumption, but such use may include incidental food service on-site. While on-site retail sales is a required component of this use, this use may also include the wholesale sales of such food products.

Bakery, confectionary, or similar food production, Wholesale: An establishment engaged in the preparation, cooking, baking, and selling of baked products, confectionary products, or similar food products intended solely for wholesale sales or institutional off-premises distribution, and where over-the-counter or other retail dispensing of baked products, confectionary, or similar prepared food products does not occur.

Basement: That portion of the building partly underground, but having more than half its clear height below the average grade of the adjoining ground. A basement shall not be considered a story.

Bed and breakfast: An owner-occupied, single-family detached dwelling in which bedrooms are provided to overnight guests for compensation, on a daily or weekly basis, and offering breakfast meals to each guest to whom overnight lodging is provided. The serving of meals other than breakfast, or the serving of breakfast to other than overnight guests, shall be considered a "Restaurant."

Beverage or food processing: A facility where beverages or foods, excluding poultry and animal slaughtering and dressing, are produced or processed and packaged for local, regional, or national distribution. This use type includes beverages, bottled water production, breweries, bottling facilities, dairy product processing or bottling, canned and preserved fruit and vegetables and related processing, ice plants, and miscellaneous food preparation from raw products. This use type does not include meat packing or poultry processing, "Bakery, confectionary, or similar food production, wholesale," or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Board of Architectural Review: The Board of Architectural Review of the Town of Clifton Forge, Virginia.

Board of Zoning Appeals: The Board of Zoning Appeals of the Town of Clifton Forge, Virginia.

Boarding house: A dwelling, or portion thereof, where up to, but not more than, six (6) furnished bedrooms are provided for lodging for compensation on a weekly, monthly, or longer basis, where no more than a total of six (6) persons reside, where the rental or leases are for definite periods of time, where such establishment is not open to the public or overnight guests, and where the owner or operator resides on the premises. No meals are provided to outside guests. Such establishments provide a common kitchen facility and shared bathroom facilities. Included in this use type are rooming houses and boarding houses.

Body piercing establishment: An establishment which engages in the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. For purposes of this definition, "body piercing" does not include the use of a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear, or both. A body piercing establishment is classified as a "Personal services establishment."

Botanical garden: A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Brewpub: A restaurant/brewery that sells the majority of its beer on site, which beer is brewed primarily for sale in the restaurant and on-site bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs may sell beer "to go" and/or distribute to off-site accounts. Off-site sales are limited and are not the principal use. A "brewpub" is classified as a "Restaurant."

Buffer yard: A strip of land, which may have trees and shrubs planted or solid fences or walls installed, for screening purposes, designed to set apart and protect one (1) space or activity from an adjacent space or activity.

Building: A structure with a roof supported and wholly enclosed by walls and intended for shelter, housing, or enclosure of persons, animals, activity, process, equipment, goods, or materials of any kind.

Building Code: The Uniform Statewide Building Code, adopted pursuant to the Code of Virginia (1950) as amended, and Article 22 of this Code.

Building façade or building face: That portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves along the entire width of the building elevation. In this appendix, the terms "building facade" and "building face" have the same meaning and may be used interchangeably.

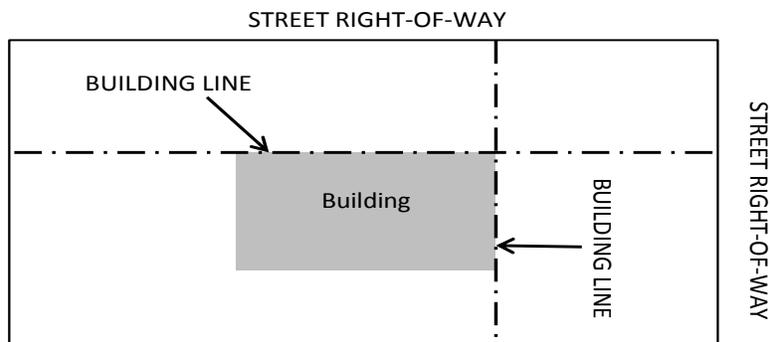
Building facade, primary: That building facade which faces a public right-of-way and contains the principal entrance to the building.

Building frontage: The horizontal linear dimension of the exterior wall of a building that faces upon a public street or which building wall contains the public entrance.

Building height: See "Height of structure."

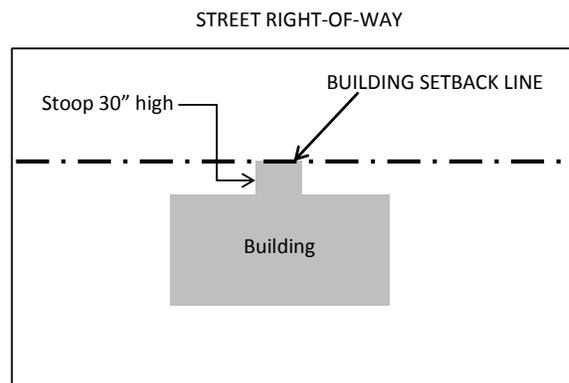
Building line: A straight line extending along the front, side, or rear of a building, parallel to the street right-of-way, which passes through the point of the principal building nearest that street right-of-way. Such point shall be thirty (30) inches or greater above the graded ground level and shall exclude any permitted front yard encroachments. (See [Figure 11-1](#))

FIGURE 11-1. BUILDING LINE



Building setback line: The required minimum distance between the closest projection of a building, which projection is thirty (30) or more inches above grade, and the front lot line or, where applicable, the centerline of the abutting street right-of-way which constitutes the lot front. All area between the required building setback line and the front lot line shall constitute a required yard. (See [Figure 11-2](#))

FIGURE 11-2. BUILDING SETBACK LINE



Building maintenance services: An establishment engaged in the cleaning of dwellings, offices, or places of business, or providing exterminating services, and rendering such service on a fee or contract basis.

Business or nonindustrial trade school: A specialized instructional establishment that provides education or training in business, commerce, vocations, trades, or other similar activity or occupational pursuits of a non-industrial nature, and not otherwise defined as “Educational facilities, college/university,” “Educational facilities, primary/secondary,” or “Home occupation.” Typical vocations include accounting, data processing, computer repair, secretarial, barbering or hair dressing, and other trades, activities or occupations of a non-industrial nature. Incidental instruction services in conjunction with another principal use shall not be considered a business or nonindustrial trade school.

Business support services: An establishment engaged in the sale, leasing, or repair of office equipment, supplies and materials, or the rendering of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, blueprinting and photo-stating services, lithographic services, commercial art and graphic design services, management and consulting services, office security services, advertising and mailing services, data and records storage, temporary labor services, and other professional, scientific, or technical services or administrative or support services not otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Canopy: A structure made of permanent construction without pillars or posts, which is totally or partially attached to a building for the purpose of providing shelter to patrons or motor vehicles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and cannot be raised or retracted. A freestanding, permanent cover, open on at least three (3) sides and located over an outdoor service area, such as a gas pump island, shall also be considered a canopy.

Carport: A roofed space, open on three sides, one story in height, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven or temporarily parked.

Car wash: An establishment where, for compensation, the washing, cleaning, or waxing of motor vehicles, including cars, vans, sport utility vehicles, and pick-up trucks, is conducted. Car washes include manual facilities where cleaning is performed by employees of the facility, automatic facilities using conveyors and blowers, and self-service facilities in which cleaning equipment and facilities are available for use by members of the public, including coin-operated equipment. The term “car wash” includes auto detailing services, but does not include facilities that wash or steam-clean engines, buses, trailers, tankers, or tractor-trailers. This use type does not apply to the washing of commercial fleets as an accessory use to the principal use with which the fleet is associated.

Caterer, commercial: The service of preparing and delivering food for off-site consumption at special events, including corporate activities, banquets, parties, weddings, and similar functions, for a fee, with such service generally including the serving of food at such special function. For purposes of this definition, a “commercial caterer” does not include catering services associated with a principal use having a retail component including a “Restaurant” or “Bakery, confectionary, or similar food production, retail.”

Cemetery: Any land or structure used or dedicated to be used for the interment of human remains, either by earth burial, entombment in a mausoleum vault or crypt, inurnment of ashes in a columbarium, or a combination thereof, together with all uses necessarily or customarily associated with interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on erosion and sediment control. A “cemetery” may include a chapel, funeral home, and necessary administrative offices, and maintenance and storage areas, provided they are located and completely operated within the boundary of the cemetery and are accessory to the cemetery. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a “cemetery.”

Circuit Court: The Circuit Court of Alleghany County in the Commonwealth of Virginia.

Clinic: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term “clinic” includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Club: Buildings or facilities, or portion thereof, owned or operated by a nonprofit corporation, association, or other formal association of persons for private social, civic, educational, or recreational purposes, to which access is restricted to members of such groups and their guests, and which is not operated primarily for profit or to render a service which is customarily carried on as a business. Such principal use may include accessory uses such as recreational and banquet facilities. A “club” does not include a building in which members reside.

Commercial: Any wholesale, retail, or service business activity established to conduct trade for a profit.

Commercial motor vehicle: Any motor vehicle or trailer used, designed, or maintained for the transportation of persons or property for compensation or profit, and which is one (1) of the following types of vehicles: truck, tractor cab, farm tractor, construction equipment, motor passenger bus (excluding school bus currently used by a public or private institution of learning), trailer, semi-trailer, taxi, limousine, tow truck, dump truck, roll back tow truck, flatbed truck, or step van, but not including a van, pickup truck, and panel truck.

Communications services: An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Typical uses include television studios, radio stations, cable television studios, telecommunication service centers, telegraph service offices, and film and sound recording facilities. Excluded from this use type are facilities classified as a “Telecommunications tower” or “Telecommunications facility.”

Community food operation: A facility where prepared food is distributed, at no charge or for less than fair market value, for immediate consumption or where on-premises consumption of the food occurs. A “community food operation” is not a “Restaurant” as elsewhere defined and used in this appendix.

Community garden: The active cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family. For purposes of this appendix, this use does not include “Retail sales.”

Community market: From a permanent, fixed location, the offering for retail sale of fresh produce, prepared food items, other agricultural items, or handmade crafts directly to the consumer from stalls or tables which are not enclosed in a building, where the vendors are generally individuals who have raised the vegetables or produce or have made the crafts or have taken the same on consignment for retail sale.

Community recreation: A private recreational facility for use solely by the residents and guests of a particular residential development or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development, are owned or operated by a homeowners association, condominium association, or similar entity, and are located within or adjacent to such residential development.

Conditional use: A special use, that is a use not permitted in a particular district except by a conditional use permit granted under the provisions of this appendix.

Conditional zoning: As part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

Construction sales and services: An establishment primarily engaged in retail or wholesale sales, from the premises, of materials which are generally essential to the construction of buildings or other structures, but specifically excluding automobile or equipment supplies, “Contractor shop, general or special trade,” or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix. Typical uses include building material stores and home supply establishments.

Construction yard: An establishment housing the facilities of a business primarily engaged in construction activities, including the outside storage of materials, equipment, or supplies. Typical uses are building contractor’s yards.

Consumer repair service establishment: An establishment primarily engaged in repair or maintenance services to individuals and households, rather than businesses, but excluding motor vehicle and equipment repair use types and “Personal services.” Typical uses include appliance, computer, television, or clock repair shops, bicycle repair, watch or jewelry repair shops, locksmiths, or repair of musical instruments.

Contractor/subcontractor: Any business or person who agrees to furnish materials or perform services at a specified price, pertaining to the construction or maintenance of buildings or lands, including general building contractors engaged in the construction of residential or commercial structures; special trade contractors who assist in building construction or remodeling, such as carpentry, electrical, masonry, painting, metalworking, cabinetmaking, flooring installation, duct work, plumbing, heating, air conditioning, and roofing; landscape contractors engaged in the decorative and functional alteration, planting, or maintenance of grounds; furniture refinishing or upholstery (excluding auto upholstery), sign making, or similar work.

Contractor or tradesman shop, general or special trade: An establishment where a contractor/subcontractor, as defined above, maintains its principal office or a permanent business office, where the establishment may engage in the retail sale of goods manufactured, assembled, or serviced on the premises, and where such establishment engages in one (1) or both of the following:

- (1) The fabrication, assembly, servicing, or storage of products or materials on site within a wholly enclosed building; or
- (2) Where permitted by this appendix, the outdoor storage of construction equipment and other materials customarily used in the trade carried on by the contractor but not including any construction or demolition debris or waste materials.

This use type does not include “Contractor shop, heavy construction” as defined below.

Contractor shop, heavy construction: An establishment where a heavy construction contractor engaged in activities such as paving, highway construction, utility construction, or similar work, maintains its principal office or a permanent business office, and where such establishment engages in one (1) or all of the following:

- (1) The storage of products or materials on site within a wholly enclosed building;
- (2) The outdoor storage of construction equipment or other commercial motor vehicles on the site; or
- (3) Where permitted by this appendix, the outdoor storage of materials customarily used in the trade carried on by the contractor but not including any construction or demolition debris or waste materials.

Cultural services: A library, museum, or similar public or quasi-public establishment displaying, preserving and exhibiting objects of community and cultural interest in one (1) or more of the arts or sciences. Such facility does not include the regular sale of the literary, musical, artistic, or reference materials or objects collected.

Day care center, adult: A regularly operating, structured service arrangement for the provision of supervised, communal setting and supplementary care and protection to four (4) or more aged, infirm, or disabled adults who reside elsewhere, during only a part of a twenty-four (24) hour day. Such center shall not include any overnight stays or overnight sleeping facilities. Services may include aid in personal hygiene, eating and drinking,

ambulation, or recreation. This term does not include the home or residence of an individual who cares only for persons related to such resident by blood or marriage, a "Day care home, adult," or any facility, or portion thereof, that is licensed by the State Board of Health or the State Department of Behavioral Health and Developmental Services.

Day care center, child: A child day program offered to two (2) or more children under the age of thirteen (13) in a facility that is not the residence of the provider or of any of the children in care, or to thirteen (13) or more children under the age of thirteen (13) at any location. A "child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of thirteen (13) for less than a twenty-four (24) hour period. The term "Day care center, child" includes nursery schools, preschools, daytime care, after-school care, and similar uses but excludes public and private schools or any facility offering care to individuals for a full twenty-four (24) hour period.

Day care home, adult: Adult day care services offered in the residence of the provider, serving one (1) through five (5) adults at any one (1) time, exclusive of any adult related to the provider by blood, marriage, or adoption, when at least one (1) adult receives care for compensation. Adult day care services means a regularly operating service arrangement for older adults or adults with disabilities where the supplemental care, protection, and well-being of the adults is for less than a twenty-four-hour period.

Day care home, child, small: A child day program offered in the residence of the provider, serving one (1) through five (5) children at any one (1) time, exclusive of any children related to the provider by blood, marriage, or adoption and any children who reside in the home, when at least one (1) child receives care for compensation. No "Day care home, child, small," shall care for more than four (4) children under the age of two (2), including the provider's own children and any children who reside in the home, unless the child day care home is licensed or voluntarily registered, except that a child day care home where the children in care are all grandchildren of the provider shall not be required to be licensed. A "child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person has agreed to assume responsibility for the supervision, protection, and well-being of children under the age of thirteen (13) for less than a twenty-four-hour period.

Day care home, child, large: A licensed child day program offered in the residence of the provider for compensation, serving six (6) through twelve (12) children at any one (1) time, exclusive of any children related to the provider by blood, marriage, or adoption and any children who reside in the home. Any "Day care home, child, large," shall be required to be licensed; however, where the children in care are all grandchildren of the provider, licensing is not required. A "child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person has agreed to assume responsibility for the supervision, protection, and well-being of children under the age of thirteen (13) for less than a twenty-four-hour period.

Density: A measure of dwelling units or bedrooms per square feet for each lot.

Drive-through facility: A nonresidential use which provides a service or product directly to a customer who drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer completes a service transaction or purchases a product without exiting the motor vehicle. This use does not include the selling of fuel at a service station or retail fuel pumps or the functions of a car wash, but does include the drive-up services and windows of uses such as banks, restaurants, pharmacies, dry cleaners, and similar establishments.

Driveway: A private way which establishes a connection for vehicles between an off-street parking space or loading space and a street, or for the movement of motor vehicles from one lot to another.

Dumpster: A large metal bin for refuse designed to be hoisted onto a specially equipped truck for emptying or hauling away.

Dwelling: A building, or portion of a building, designed to be used for continuous, year-round residential purposes, and containing one (1) or more independent housekeeping units.

Dwelling, manufactured home: A structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Dwelling, multifamily: A building, or portion thereof, designed for the continuous, year-round residential occupancy of three (3) or more families, regardless of the method of ownership, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family, detached: A site built, modular, or industrialized building designed exclusively as one (1) dwelling unit for occupancy by one (1) family only, which is located on its own individual lot, and which is not attached to any other dwelling by any means.

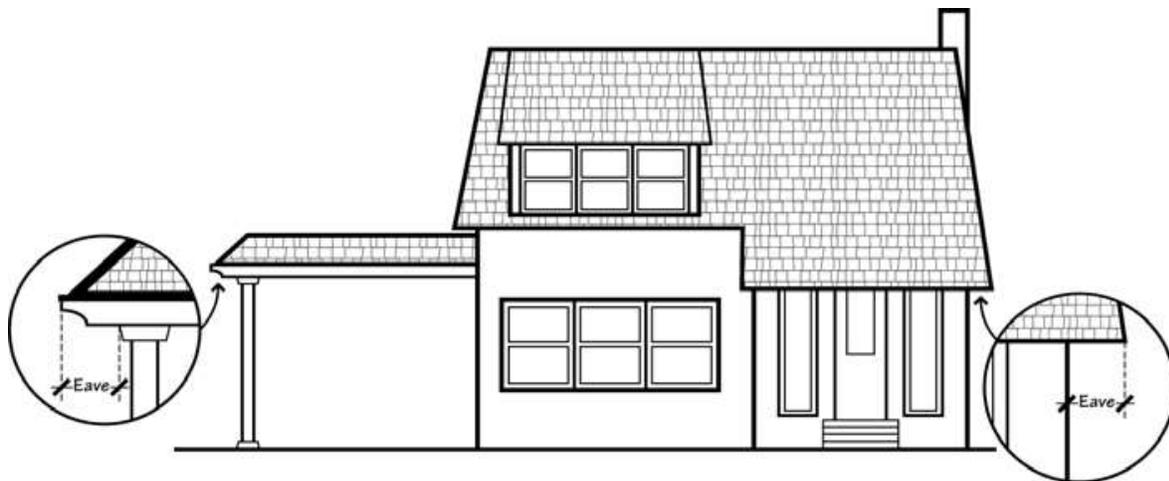
Dwelling, townhouse: A one-family dwelling unit, with its own independent entrance at ground level and its own independent rear access to the outside, which is part of a building consisting of three (3) or more one-family dwelling units, attached horizontally in a linear arrangement and separated by common, un-penetrated vertical walls extending from ground to roof. This use is sometimes called a rowhouse.

Dwelling, two-family: A building on an individual lot containing two (2) dwelling units, designed for occupancy by not more than two (2) families. This use is commonly referred to as a duplex.

Dwelling unit: A room or group of connected rooms occupied or capable of being occupied as an independent and separate housekeeping establishment by only one (1) family, and which contains independent living, sleeping, cooking, eating, and sanitation facilities. A "dwelling unit" does not include a tent, seasonal quarters, travel trailer, or room in a "Hotel/motel," "Boarding house," or "Tourist home."

Eave: The projecting overhang at the lower edge of a roof and extending from a primary wall or support (see [Figure 11-3](#)).

FIGURE 11-3. EAVE



Educational facilities, college/university: An institution providing full-time or part-time education beyond the high school level and authorized by the Commonwealth of Virginia to award associate, bachelor, master, or doctoral degrees. This use type may include academic buildings, administrative facilities, dormitories for students, special housing for faculty, parking areas, dining halls, and other physical features associated with the college or university use. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

Educational facilities, primary/secondary: A public, private, or parochial school offering instruction at the elementary, junior or senior high school level in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia. Examples include public and private daytime schools, boarding schools, and military academies. This use type does not include preschools, "Business or nonindustrial trade school," or "Industrial trade school."

Elderly: Persons of fifty-five (55) years of age and older.

Entertainment establishment: An eating and drinking establishment where entertainment is provided, including magicians, comedians, dancers, stage performances or music performances by more than one (1) instrument or amplified music, or an establishment in which more than ten (10) percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained, for dancing. This use type includes lounges, discos, nightclubs, dance halls, music or dance clubs, and similar facilities. Excluded from this use type are "Sports and recreation, indoor, commercial," "Amusement, indoor, commercial," and any uses which are otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Equipment sales/rental: An establishment primarily engaged in the display, sale, lease, or rental of vehicles or other apparatus commonly used in commercial, industrial, agricultural, or construction enterprises, including tools, trucks, tractors, trailers, bulldozers, backhoes, rollers, lifts, loaders, and similar construction equipment, agricultural implements, and industrial equipment or machinery. Included in this use type is the incidental maintenance and servicing of such equipment.

Establishment: Any entity or individual conducting a business, profession, or trade; and any entity or individual conducting a civic, community service, or nonprofit activity.

Family: The term "family" shall be defined as follows:

- (1) One (1) or more persons related by blood, marriage, or adoption, or under approved foster care, occupying a single dwelling unit and living and cooking together as a single housekeeping unit; or
- (2) Up to and including three (3) persons unrelated by blood, marriage, or adoption, or under approved foster care, occupying a single dwelling unit and living and cooking together as a single housekeeping unit; or
- (3) Up to and including eight (8) persons with mental illness, intellectual disability, or developmental disabilities who reside with one (1) or more resident counselors or other staff persons in a residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia (1950), as amended; for purposes of this definition, mental illness and development disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia (1950), as amended; or
- (4) Up to and including eight (8) aged, infirm, or disabled persons who reside with one (1) or more resident counselors or other staff persons in a residential facility for which the Department of Social Services is the licensing authority pursuant to the Code of Virginia (1950), as amended.

Financial institution: The provision of financial and banking services to consumers or clients. In addition to walk-in services for customers on site, such use may also include their support services such as call centers, training

centers, and offices. Typical uses include banks, savings and loan associations, credit unions, lending establishments, and mortgage offices.

Flea market: A market established at a permanent, fixed location, in an open area or within a structure where goods are offered for sale to the general public by independent vendors from open, semi-open, or temporary stalls, tables, or other spaces and where there are ordinarily no long-term leases between sellers and operators.

Floor area, gross: The sum of the horizontal areas (floors) of the several stories of a building or buildings, measured from the exterior surfaces of the exterior walls, or in the case of a common wall separating two (2) buildings, from the centerline of such common wall. Gross floor area shall include the total floor area of all buildings situated on a lot. Gross floor area shall include exterior balconies, mezzanines, porches, and attached carports. Gross floor area shall not include interior parking and loading spaces or air spaces above atriums.

Floor area, net: The gross floor area of a building excluding hallways, stairwells, utility rooms, and other areas not meant for habitation or public service. For the purpose of this appendix, net floor area shall equal seventy-five percent (75%) of the gross floor area.

Floodplain: For the definition of floodplain and terms associated with floodplain, see Section [5-20](#) of this appendix.

Fueling station: Any lot, or portion thereof, with fuel pumps and underground storage tanks for the wholesale sales of motor vehicle fuels or oils, generally by contract, or for the fueling of motor vehicles directly associated with a commercial establishment. A fueling station is a stand-alone use which does not include a "Gasoline station" or fuel pump areas on the site of a commercial or industrial establishment for purposes of servicing its own fleet of motor vehicles.

Funeral home: An establishment engaged in undertaking services for the deceased, including preparing the dead for burial and arranging and managing funerals. A funeral home, for purposes of this appendix, includes a funeral chapel and may include a crematorium as an accessory use.

Gaming establishment: The operation or conducting of any games of chance for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. "Gaming establishments" include bingo halls, off-track betting parlors, and the operation of games of chance played with cards or mechanical or electro-mechanical devices. This definition does not apply to the Virginia Lottery or games of chance operated by charitable organizations licensed under the Commonwealth of Virginia.

Garage: A building, accessory to a permitted principal residential structure, providing for the storage of one (1) to three (3) motor vehicles owned, leased, or used by the occupants of the dwelling to which it is accessory, and in which no business, occupation, or service for profit is conducted.

Garden center: An establishment primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential, and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. The exterior display of inventory for sale shall not be considered "outdoor storage" for purposes of this appendix. Typical uses include nurseries, plant stores, and lawn and garden centers.

Gasoline station: Any establishment, or portion thereof, with fuel pumps and underground storage tanks for retail sale to the public of motor vehicle fuels or oils, which establishment may include the sale of propane or kerosene as accessory uses.

Glare: The effect produced by brightness directly from a light source sufficient to cause annoyance, discomfort, or loss in visual performance and visibility. Glare may result from insufficiently shielded or inappropriately aimed light sources in the field of view.

Government administrative services: Governmental offices providing administrative, clerical, or public contact services that deal directly with the citizen. Typical uses include administrative offices of the federal, state, county, and Town, courthouses, and postal services directly available to the consumer operated by the United States Postal Service. Excluded from this use type are “Public safety services,” “Public maintenance and service facility,” and any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Group care facility: A residential facility or dwelling unit housing persons unrelated by blood, marriage, adoption, or guardianship, including congregate homes, group care homes, halfway houses, nursing homes, and transitional living shelters as defined below. Excluded from “group care facility” is any group of persons which constitutes a “family” as defined in this appendix.

- (1) *Congregate home:* A group care facility providing accommodation and supervision to individuals or families where medical care is not a major element and including homes for orphans, foster children, veterans, victims of domestic violence including battered men, women or children, the elderly, pregnant teenagers, nonresident families of hospitalized patients, mentally handicapped, or similar uses.
- (2) *Group care home:* A group care facility in which more than eight (8) individuals with mental illness, intellectual disability, or developmental disabled persons reside, with one (1) or more resident counselors or other staff persons.
- (3) *Halfway house:* A group care facility providing accommodation, rehabilitation counseling, and twenty-four (24) hour a day on-site supervision to persons suffering from alcohol or drug addiction, or persons suffering from similar disorders, or persons re-entering society after being released from a correctional facility or other institution.
- (4) *Nursing home:* A group care facility providing long term accommodation to the elderly, mentally or physically handicapped, or other individuals incapacitated in some manner for medical reasons and where primary or non-primary medical treatment facilities are a component of the use. Excluded from this use type are facilities providing surgical or emergency medical services and facilities providing care for alcoholism, drug addiction, mental disease, or communicable disease.
- (5) *Transitional living shelter:* A group care facility providing shelter to the homeless and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

Gun-firing range: The use of a structure or land for the discharging of firearms for the purposes of target practice or temporary competitions, with such use conducted entirely within a building, within a partially enclosed structure, or in the open.

Guarantee: A performance bond, letter of credit, or other form of surety acceptable to the Town Attorney and the Town Manager, which is held or provided as security for the execution, completion, or existence of a requirement of this appendix or a condition imposed with the granting of a variance or conditional use permit.

Guest room: A room used, intended to be used, arranged, or designed to be used by one (1) or more guests for sleeping purposes, in which no provision is made for cooking, and for which compensation is paid.

Health official: The director of the Town’s department of health or an authorized agent or designee thereof.

Height of structure: Height of structure shall be defined and measured as follows:

- (1) *Building or roofed structure - height:* The vertical distance measured from the average ground level on all sides of the structure to the level of the highest point of the roof or top of a structure having a flat roof, or the mean level between the eaves and the highest point of the roof of a structure having a pitched roof (see [Figure 11-4](#)). This distance is calculated by measuring separately the average height of each building wall, then averaging them together (see [Figure 11-5](#)).

FIGURE 11-4. MEASURING HEIGHTS – ROOF TYPES

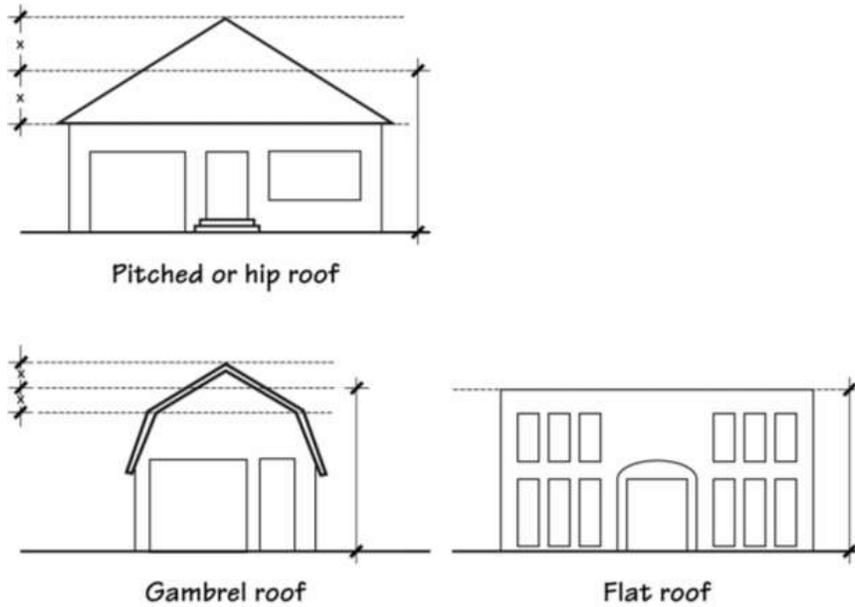
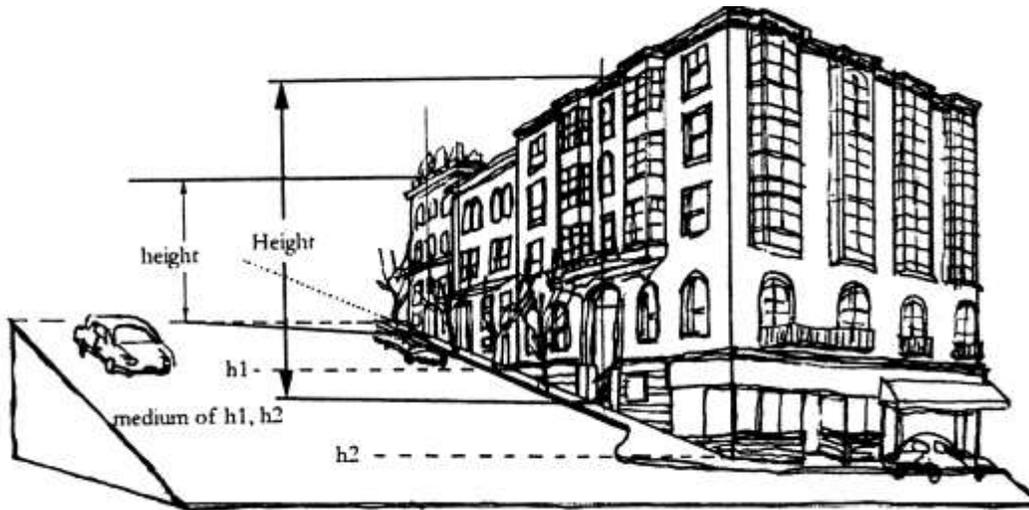
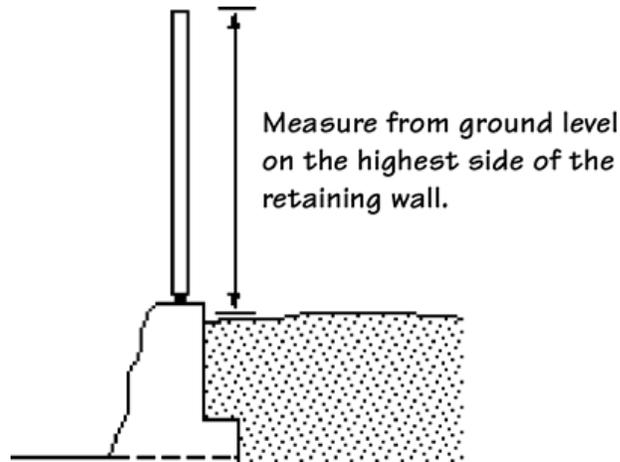


FIGURE 11-5. BUILDING HEIGHT USING AVERAGE GROUND LEVEL



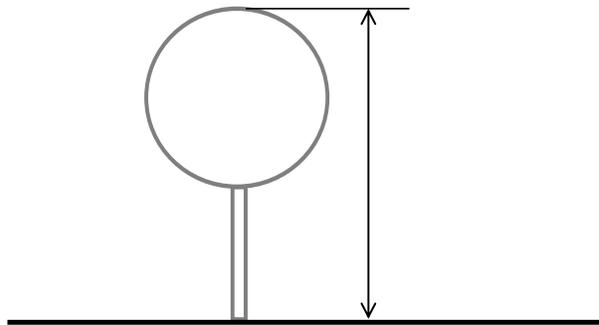
- (2) *Fence or wall - height*: The vertical distance from the average level of the ground adjacent to the fence or the wall to the top of the highest projection.
- (3) *Retaining wall - height*: The vertical distance from ground level on the highest side of the retaining wall (see [Figure 11-6](#)).

FIGURE 11-6. MEASURING HEIGHTS – RETAINING WALL



- (4) *Satellite dish antenna – height:* The vertical distance from the ground level at the bottom of the base which supports the antenna to the highest point of the dish antenna when positioned for operation (see [Figure 11-7](#)).

FIGURE 11-7. MEASURING HEIGHTS – SATELLITE DISH ANTENNA



Home occupation: An activity conducted for gain as an accessory use within a dwelling unit or within an accessory structure located on the same lot as the dwelling unit, and conducted by the resident thereof, and where the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the dwelling unit or the lot on which the dwelling unit is located.

Hospital: An institution, licensed by the State department of health, providing primary health services and medical, psychiatric, or surgical care for sick or injured persons, primarily on an in-patient basis, and including as an integral part of the institution, ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. This use type excludes any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Hotel/motel: A building or group of attached or detached buildings in which lodging units are habitually offered to the public, for compensation, on an overnight or weekly basis, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a “Boarding house” or “Group care facility” as defined in this appendix. A hotel or motel is designed, used, or intended for the accommodation of travelers on a temporary basis. A hotel/motel includes furnished rooms, a lobby, clerk’s desk or counter, facilities for registration, and daily linen and

housekeeping services. Such use may also include “Restaurants,” meeting rooms, and recreational facilities.

Impervious surface: Any man-made surface or material that does not readily absorb water or that substantially reduces or prevents the infiltration of storm water. For purposes of this appendix, impervious surfaces shall include, without limitation, roofs, decks, sidewalks, outdoor storage areas, and parking and other areas paved with asphalt, concrete, compacted sand, compacted gravel, or clay.

Improved street or improved alley: A street or alley that has a paved surface.

Industrialized building: A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in Section 36-85.3 of the Code of Virginia (1950), as amended, and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this definition and appendix.

Industrial trade school: A specialized instructional establishment for teaching industrial trade skills in which machinery or industrial vehicles, including heavy trucks, is employed as a means of instruction. This use type shall not be deemed to include “Educational facilities, primary/secondary,” “Educational facilities, college/university,” “Home occupation,” or incidental instruction services provided in conjunction with another principal use.

Kennel: The keeping, raising, breeding, training, showing, selling, or boarding of dogs or cats. Such activity shall not be considered a kennel where accessory to a principal residential use, provided that not more than a total of five (5) dogs and cats exceeding four (4) months of age are kept, of which total no more than three (3) are dogs. References within this appendix to “outdoor pens or runs” shall mean any outdoor areas and facilities in which animals are exercised, boarded, groomed or otherwise kept or cared for.

Laboratory: An establishment primarily engaged in performing scientific or industrial research or testing activities in technological fields or an establishment primarily engaged in analytical or diagnostic services to medical doctors or dentists. Typical uses include the provision of bacteriological, biological, x-ray, pathological, or similar analytical or diagnostic services to medical doctors or dentists; the production, fitting, or sale of optical or prosthetic appliances; and biotechnology laboratories, engineering laboratories, environmental laboratories for the analysis of air, water, and soil, and pharmaceutical laboratories only involved in research and development. Excluded from this use type are any laboratories which mass produce one (1) or more products directly for the consumer market

Landscaping: An area consisting of planting materials including, but not limited to, trees, shrubs, ground covers, grass, flowers, landscaping gravel, decorative rock, bark, mulch, and other similar materials.

Laundromat: A facility where patrons, for a fee, wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. A “laundromat” is classified as “Personal services.”

Laundry: An establishment primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as “Personal services.” Typical uses include bulk laundry and cleaning plants, diaper services, linen supply services, and carpet cleaning plants.

Live-work unit: A structure or portion of a structure combining a residential living space with an integrated workspace principally used by the resident.

Loading space. Space for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required parking spaces are filled.

Lot or zoning lot: For purposes of this appendix, a lot or zoning lot is a clearly defined parcel of land established by plat, subdivision, or as otherwise permitted by law, fronting on a public street, and having sufficient area and

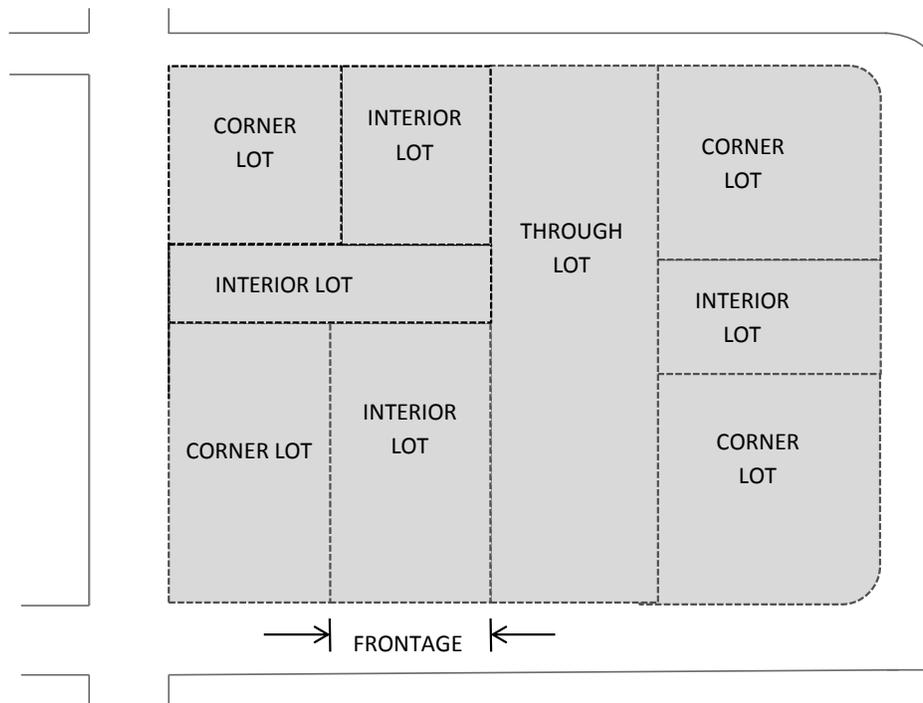
dimensions to meet minimum zoning district requirements for area, frontage, use, and coverage, and to provide such yards and other open space as required by the respective zoning district regulations. In this appendix, the terms "lot" and "zoning lot" have the same meaning and may be used interchangeably. A lot may consist of combinations of contiguous lots of record or portions of lots so recorded, provided that in no case of subdivision or combination shall any residual lot, portion of lot, or parcel be created which does not meet the requirements of this appendix. Lots include "corner lots," "interior lots," and "through lots."

Lot, corner: A lot located at the intersection of two (2) or more streets. (See [Figure 11-8](#))

Lot, interior: A lot with only one (1) frontage on a street. (See [Figure 11-8](#))

Lot, through: A lot which has frontages on two (2) nonintersecting streets. Through lots may be referred to as double frontage lots. (See [Figure 11-8](#))

FIGURE 11-8. LOT TYPES AND FRONTAGE



Lot of record: A lot which existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the Clerk's office of the Circuit Court.

Lot area: The total square footage or acreage of land within the front, rear, and side lot lines of a lot.

Lot area, minimum: The smallest lot on which a particular use or structure may be located in a particular district.

Lot area per dwelling unit: That amount of lot area required, by the applicable provisions of this appendix, for each dwelling unit located on a lot.

Lot coverage: That portion of a lot, which when viewed from directly above, would be covered by any building or structure, parking and loading areas and other surface which is impermeable or substantially impervious to storm water. Gravel parking areas shall be considered impervious. For the purposes of this definition, lot shall include

contiguous lots of the same ownership within a single zoning district which are to be used, developed, or built upon as a unit.

Lot front: The side of a lot which abuts a public street. For corner lots, the shortest side fronting upon a street shall be considered the lot front.

Lot frontage: The horizontal linear dimension between the side lot lines measured from the points where the side lot lines intersect a street right-of-way (see [Figure 11-8](#)). All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

Lot line: The lines bounding a lot.

Lot line, front: In the case of an interior lot abutting upon only one street, the line which separates the lot from such street (see [Figure 11-9](#)). In the case of a corner lot, the line separating such lot from the street upon which the lot has the least dimension shall be considered the front lot line. (See [Figure 11-10](#))

Lot line, rear: That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular or triangular lot which has no lot line which is approximately parallel to the front lot line, a line ten feet in length entirely within the lot, parallel to, and at the maximum possible distance from the front lot line shall be considered to be the rear lot line. (See [Figures 11-9, 11-10, and 11-11](#))

Lot line, side: Any lot line other than a front or rear lot line. (See [Figures 11-9 and 11-10](#))

FIGURE 11-9. LOT LINES – INTERIOR LOT

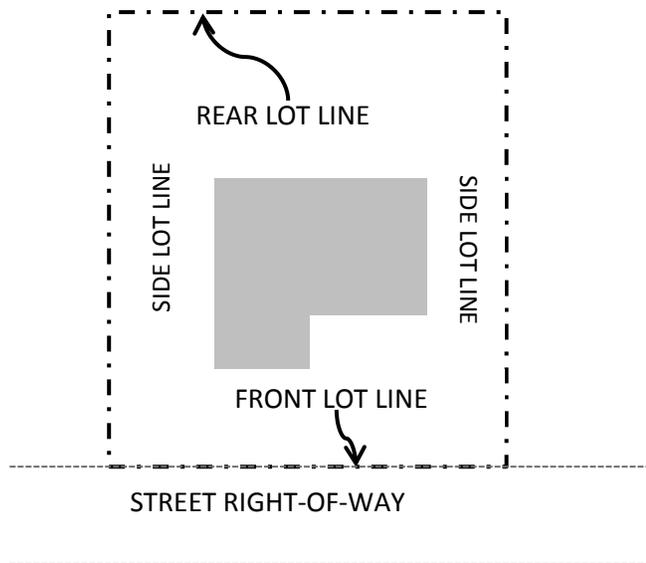


FIGURE 11-10. LOT LINES – CORNER LOT

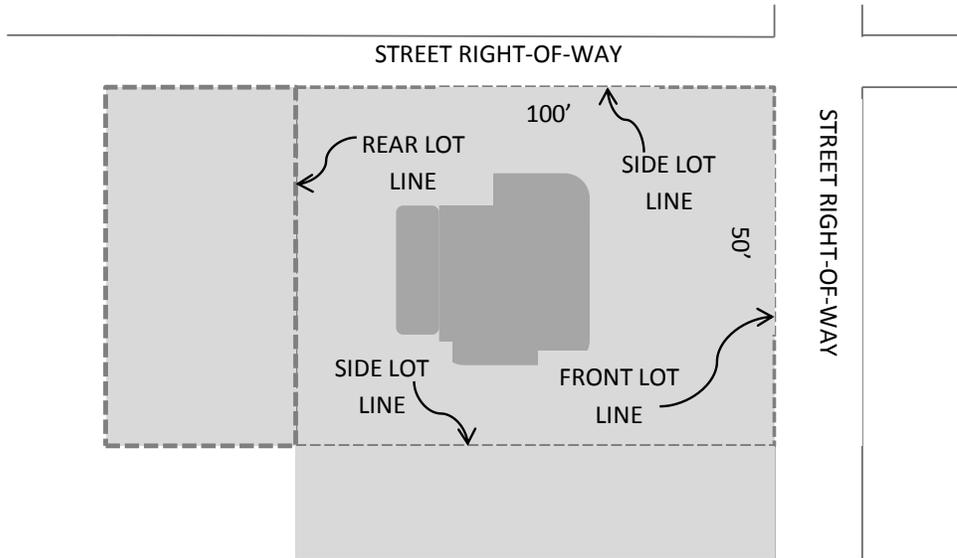
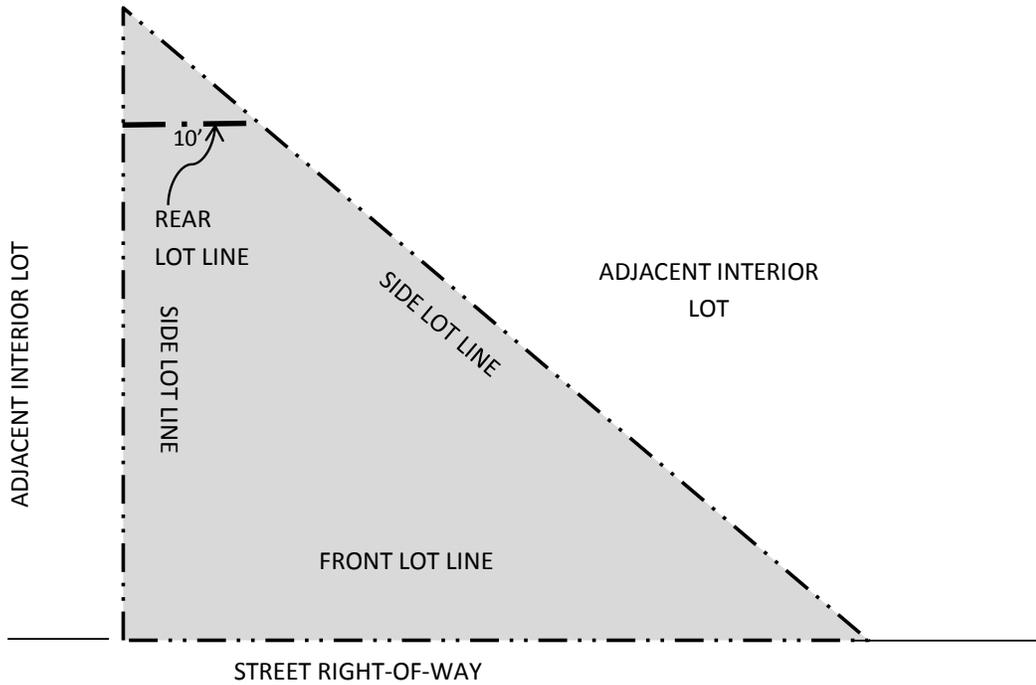
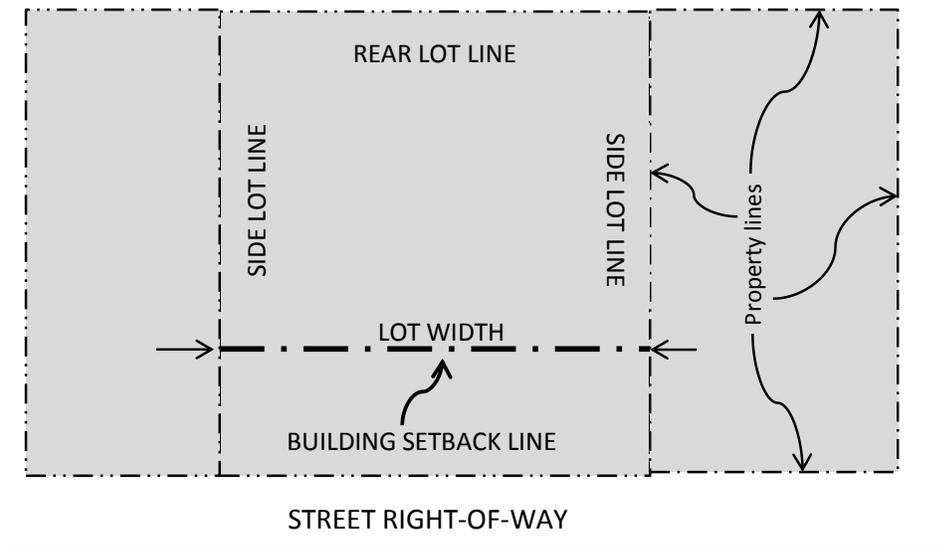


FIGURE 11-11. REAR LOT LINE – IRREGULAR OR TRIANGULAR LOT



Lot width: The horizontal distance between side lot lines measured parallel to the abutting street right-of-way at the required building setback line. (See [Figure 11-12](#))

FIGURE 11-12. LOT WIDTH



Manufactured home: See “Dwelling, manufactured home.”

Manufacturing: The processing or converting of natural, raw, secondary, partially completed materials, or finished materials or products, or any of these, into an article or substance of different character, or for use for a different purpose. Manufacturing includes processing, compounding, assembly, packaging, treatment, or fabrication, of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Accessory uses may include offices, cafeterias, warehouses, storage yards, repair facilities, and truck fleets.

Manufacturing: Stone and cut stone products. A manufacturing establishment primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. This use type also includes monument and stone works engaged in the manufacturing of headstones, footstones, markers, statues, obelisks, cornerstones, and ledges for placement on graves.

Manufacturing: Structural clay products. A manufacturing establishment primarily producing structural clay products, including brick, pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain electrical supplies and parts.

Manufacturing: Wood products: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This manufacturing and processing use type includes lumber mills, sawmills, planing mills, lath mills, and plywood and veneer mills engaged in producing lumber and basic wood products, together with the wholesale and retail sale of such products and establishments engaged in manufacturing finished articles made entirely or mainly of wood or wood substitutes. Also included in this use type are truss and structural beam assembly; wood containers, pallets and skids; wood preserving; particle board assembly; and turning and shaping wood and wood products on a manufacturing basis.

Mechanical or electrical equipment: Heating, ventilating, air conditioning, or power generation equipment.

Medical office. See “Office, medical.”

Meeting hall: See “Assembly hall.”

Mini-warehouse: An enclosed storage facility providing independent, individual, fully enclosed storage space, in a controlled access, for lease to individuals for long-term storage of their household goods or personal property, where each storage area is enclosed by walls and ceiling and has a separate entrance for storing or removing stored goods. Packaging stores and the rental of trucks, trailers, or equipment is not deemed to be customarily accessory to a mini-warehouse.

Mixed use building: A single building containing more than one (1) type of land use permitted within a zoning district, including residential, commercial, and office, or a mix of residential.

Modular building: Building comprised of one (1) or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (Section 36-70 et seq., Code of Virginia, 1950, as amended) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the building site for final assembly on a permanent foundation. For purposes of this appendix, a modular building shall not include any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.).

Monument sales, retail: An establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, and ledges, for placement on graves.

Motor vehicle: Any vehicle which is self-propelled or designed for self-propulsion. Any device designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, a sleeping place, storage, or office or commercial space shall be considered a part of a motor vehicle.

Motor vehicle rental/leasing: An establishment engaged exclusively in the rental of automobiles, sport utility vehicles, light trucks, vans, or motorcycles, including incidental parking and servicing of vehicles for rent or lease. Typical uses include automobile rental agencies and taxicab dispatch areas. Excluded from this use type are "Motor vehicle rental, self-moving" and "Equipment sales/rental."

Motor vehicle rental, self-moving: An establishment engaged exclusively in the rental of trucks, vans, and trailers for moving household personal property, and which establishment may engage in the rental of other moving accessories, such as trailer hitches and mounts, padded blankets, and dollies, and the sale of boxes and other packing materials. Motor vehicle rental is limited to those vehicles normally associated with the self-moving of household personal property, such as light-duty vans, trucks generally ranging in size from ten (10) feet to twenty-six (26) feet, cargo trailers generally ranging in size from four (4) feet by eight (8) feet to six (6) feet by twelve (12) feet, utility trailers generally ranging in size from four (4) feet by seven (7) feet to six (6) feet by 12 (twelve) feet, and auto trailers. This use type does not include "Motor vehicle rental/leasing," "Mini-warehouse," or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Motor vehicle repair services, major: The general repair, rebuilding, or reconditioning of engines, suspensions, brake systems, motor vehicles, or trailers, including body work, welding and major painting service, or the repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, welding shops, and other similar uses where major repair activities are conducted. For purposes of this definition, "body work" is the repair, replacement, straightening, or restoration of the body or frame of a motor vehicle, including collision repairs.

Motor vehicle repair services, minor: The replacement or repair of any motor vehicle part that does not require the removal of the engine head or pan, engine transmission, or differential and suspension parts, but may include incidental body and fender work, minor painting, and upholstery service. Such use may include the incidental towing of vehicles to the lot expressly for the purposes of scheduled repair by the motor vehicle repair services establishment. This use type does not include the storage of wrecked or abandoned vehicles. Typical uses include oil and lubrication services, tire sales and installation, replacement of batteries and similar repair and services

activities where minor repairs and routine maintenance are conducted, motor vehicle upholstery repair or replacement, and motor vehicle radio or stereo system installation or service. For purposes of this appendix, “Motor vehicle repair services, minor” does not include “Car wash,” “Equipment sales/rental,” “Motor vehicle repair services, major,” or any use otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Multifamily dwelling: See “Dwelling, multifamily.”

Non-conforming lot: A lawful lot of record existing on the effective date of the zoning regulations applicable to the district in which the lot is located, that does not comply with the minimum applicable size or other lot requirements of that district.

Non-conforming structure: A lawful structure existing on the effective date of the zoning regulations applicable to the district in which the structure is located, that does not comply with the minimum applicable bulk, height, setback, floor area or other dimensional requirements applicable to structures within that zoning district.

Non-conforming use: A lawful principal use of a lot, existing on the effective date of the zoning regulations applicable to the district in which the use is located, or a more restricted use, that does not comply with applicable use regulations of that district.

Office, general:

- (1) An establishment primarily engaged in providing administrative, clerical, and other services not involving the manufacture, assembly, storage, display, or direct retail sale of goods, and not including medical services or “Government administrative services.” Typical uses include real estate, insurance, management, tax preparation, call centers, data processing, computer software development, travel or other business offices, and organization and association offices; or
- (2) An establishment primarily engaged in the conduct of professional business by professional persons as defined herein but not including medical services. For purposes of this definition, a professional person is a person who practices an occupation in which some department of science or learning is applied to affairs of others, either advising or guiding them, or otherwise serving their interests or welfare in the practice of an art founded on such knowledge. The word professional implies attainments in knowledge as distinguished from mere skill and the application of such knowledge to serve others. Professional person may include an attorney, accountant, professional engineer, architect, surveyor, financial planner, landscape architect, or planner, but shall not include medical- or healthcare-related practitioners licensed by the Commonwealth of Virginia

For purposes of this appendix, contractors who perform services off-site are included in this use type if equipment and materials are not stored at the site and fabrication or similar work is not carried on at the site.

Office, medical: An establishment in which doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia provide health care services to clients, including medical or health-related physical or massage therapy, counseling, diagnoses, treatment, and minor surgical care on a routine basis and exclusively on an outpatient basis. Emergency treatment is not the dominant type of care provided at this facility. Excluded from this use type are “Clinics,” “Outpatient mental health and substance abuse clinics,” “Hospital,” and any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Off-site: Outside the limits of the areas encompassed by the lot or parcel of record on which the activity is conducted.

On-site: Within the limits of the area encompassed by the lot or parcel of record on which the activity is conducted.

Off-street parking: Space provided for the parking of motor vehicles outside the street right-of-way.

Open space, usable: Open space within or directly related to a multifamily or townhouse residential development or a group care facility which is designed and intended for the common use and enjoyment of the residents of the development or facility, or employees of such development or facility. Such common open space is land not covered by parking, driveways, buildings, or storm water management facilities, except that it may contain and include structures of a recreational nature (such as picnic shelters, gazebos, swimming pools, tennis courts, basketball courts, and similar facilities). "Usable open space" shall consist of open areas of such a size that the smallest dimension is not less than fifteen (15) feet and is of such configuration to allow for the conduct of outdoor activities. Yards required by this appendix, which meet the foregoing dimensions, may be included in the allocation and calculation of usable open space. Other open or landscaped areas with a dimension of less than fifteen (15) feet in any direction shall not be credited to the usable open space requirement for the development.

Outdoor storage: The keeping or storing, other than in a wholly enclosed building, of any goods, items, materials, equipment, personal property, or merchandise. "Outdoor storage" shall be permitted only as an accessory use where specifically allowed by this appendix. The term "outdoor storage" shall generally be considered to be anything that is not normally found in residential yards and on porches, or around business premises, and may include, without limitation, construction materials, motor vehicle parts, appliances, unused indoor-type furniture, and the clutter of various personal items or stacks of containers in plain view. In residential zoning districts, construction and landscaping materials currently being used on the premises within a period of one (1) year, neatly stacked firewood in the rear or side yard for the purpose of consumption only by the person(s) residing on the premises, equipment regularly used for lawn maintenance, outdoor furniture, children's toys, and bicycles shall generally not be considered outdoor storage; however, an excess of those items, or equipment in disrepair, shall be considered outdoor storage. For purposes of this definition, motor vehicle inventory for sale or lease, motor vehicle rental inventory, motor vehicle and commercial motor vehicle fleets associated with a business establishment, and the sale inventory of a nursery or commercial greenhouse shall not be considered "outdoor storage."

Outpatient mental health and substance abuse clinic: An establishment which provides outpatient services primarily related to the treatment of mental health disorders, alcohol, or other drug or substance abuse disorders, which services include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners as licensed by the Commonwealth of Virginia.

Overlay district: A zoning district established by this appendix to prescribe special regulations to be applied to a lot in combination with, and supplemental to, the underlying base district.

Paint ball facility: An establishment engaged in the provision of a field or facility designated for the use of pneumatic paintball guns for recreational use. A pneumatic paintball gun means a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Parking area: An area provided for vehicular parking outside the dedicated street right-of-way, that provides one (1) or more parking spaces together with drive aisles, ingress and egress lanes, and similar features.

Parking lot: A surface parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it, and which provides one (1) or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this appendix. For the purposes of this definition, a "parking lot" includes a "Parking lot facility" and a parking lot which is accessory to a permitted principal use

Parking lot facility: An off-street, surfaced, ground level area where motor vehicles are stored for hourly, daily, or overnight parking as the permitted principal use of the property. A "parking lot facility" does not include any on-site or off-site parking accessory to a permitted principal use.

Parking, off-site: Off-street parking which is located on a separate lot from the lot containing the use which the parking is intended to serve.

Parking space, off-street: A space on premises rather than on the street adequate in size for the parking of one (1) motor vehicle with room for opening doors on both sides and having a permanent means of access to a street right-of-way. For purposes of this definition, motor vehicle inventory for sale or lease, motor vehicle rental inventory, or motor vehicle and commercial motor vehicle fleets associated with a business establishment shall not be considered an "off-street parking space."

Personal improvement services: Establishments primarily engaged in the training and development of a person through the provision of informational, instructional, personal improvements, and similar services. Typical uses include driving schools, wellness centers, reducing salons, dance or martial arts studios, art or music lessons, and handicraft and hobby instruction. This use type does not include "Personal services" or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix. For purposes of this definition, a "wellness center" is an establishment containing customized health services that may include fitness, personal training and nutrition consulting, incorporating an individualized nutritional and fitness program with specific goals, and where clients are generally under the supervision of licensed staff which include nutritionists and personal trainers.

Personal services: An establishment primarily engaged in the provision of frequently or recurrently needed individual services generally related to personal needs, such as the care of a person or a person's apparel. Typical uses include beauty or barber shops, nail salons, day spas, tanning salons, "laundromats," dry cleaning stations serving individuals and households, tailors or seamstresses, acupuncturists, "body piercing establishments," "tattoo parlors," shoe repair shops, and the like, but not including medical services, "Personal improvement services," or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Pet grooming: An establishment where, for a fee, domesticated animals are bathed, clipped, or combed or brushed for the purpose of enhancing their aesthetic value or health, and where all such activity occurs wholly enclosed in a building. For purposes of this definition, "domesticated animals" shall include dogs and cats only.

Petition: The completed form(s), with all documents, exhibits, and fees required of a petitioner for an appeal to the Town Council or Circuit Court as provided for in this appendix.

Petitioner: The party filing a petition of appeal to the Town Council or Circuit Court as provided for in this appendix.

Planning Commission: The Planning Commission of the Town of Clifton Forge, Virginia.

Portable storage container: A portable, weather-resistant receptacle designed and used for the storage or shipment of items, including, but not limited to, household goods, furniture, wares, building materials, equipment, or merchandise. The term shall not include dumpsters or refuse containers.

Printing/publishing facility: An establishment which engages in the professional printing and reproduction of publications, including newspapers, magazines or other periodicals, and books.

Principal structure: A structure in which the primary use of the lot on which the structure is located is conducted.

Principal use: The main use of land or structures as distinguished from a secondary or accessory use.

Public facilities: A use conducted by, or a facility or structure owned or managed by, the government of the United States, the Commonwealth of Virginia, Alleghany County, or the Town of Clifton Forge that provides a governmental function, activity, or service for public benefit.

Public maintenance and service facility: A public or public utility facility supporting maintenance, repair, motor vehicle or equipment servicing, material storage, and similar activities associated with the provision of public and utility services, including street or sewer storage yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

Public park or recreational area: Publicly owned and operated park, picnic area, playground, indoor/outdoor athletic or recreation facility, indoor/outdoor shelter, and other similar uses. This use type does not include “Public recreation assembly.” For purposes of this definition, “park” is predominantly open space, used primarily for active or passive recreation, not used for a profit-making purpose, and generally relies on a natural or man-made resource base and is developed with few structures and a low intensity of impact on the land. Typical uses and activities include trail systems, trail fitness areas, picnic areas, fishing, indoor/outdoor shelters, open space, playgrounds equipped with swings, gym bars, basketball courts and similar equipment, and other similar uses.

Public recreation assembly: Publicly owned and operated community centers, athletic fields, and year-round swimming facilities. For purposes of this definition:

- (1) “Community center” is a place, structure, area, or other facility used as a place for meetings, recreation, or social activity, which is publicly owned and not operated for profit. Such facility is generally open to the public and designed to accommodate and serve significant segments of the community.
- (2) “Athletic field” is an outdoor site, often requiring equipment, designed for organized athletic competition in field sports such as softball, baseball, soccer, and football. Athletic fields may include bleachers, but do not provide locker rooms.

This use type does not include a “sports stadium, arena, or coliseum” which shall be defined as a large open or enclosed space specifically designed as a place of public assembly for viewing sporting events or other special entertainment events, including concerts, and where such field or court is partly or completely surrounded by tiers of seats for spectators.

Public safety services: Facilities for the conduct of public safety and emergency response services, often located in or near the area where the service is provided. Employees are regularly present on-site. Accessory uses include offices and parking. This use type includes fire stations, police stations, and emergency medical and ambulance stations.

Public water and sewer: A water or sewer system owned or operated by the Town of Clifton Forge or Alleghany County, or owned and operated by a private individual or a corporation approved by the Town Council and properly licensed by the state corporation commission.

Recreational vehicle: A vehicle towed or self-propelled on its own chassis, or attached to the chassis of another vehicle, and designed or used for temporary living accommodations for recreational, camping, travel, or seasonal use only. Recreational vehicles shall include, but not be limited to, travel trailers, truck campers, camping trailers, motor coach homes, tent trailers, converted trucks and buses, boats, boat trailers, and utility trailers or similar devices for temporary mobile housing.

Recreational vehicle sales and service: The display and retail sales of recreational vehicles as defined herein, including the sale, installation, and servicing of parts and related accessories.

Recycling drop-off station: An accessory use, structure, or movable container, designed and used for the depositing and temporary accumulation of the following:

- (1) Recyclable discarded materials, such as paper, cardboard, glass, metal, or plastic, which are subsequently transported to a recycling collection facility for further processing; or

- (2) Donated goods, such as clothing, furnishings, or other personal or household items, prior to delivery to a broker or user of such materials.

Such use, structure, or movable container is intended for household or consumer use and does not include use by commercial or industrial establishments or the permanent storage or processing of such items. This use type does not include "Recycling collection facility."

Recycling collection facility: A permanent facility designed and used for collecting, purchasing, storing, and re-distributing pre-sorted, recyclable materials that are not intended for disposal, such as paper, newspaper, or used food or beverage containers. A recycling collection facility shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting. This use type does not include "Recycling drop-off station," "Wrecker yard," or a recycling and salvage operation which engages in the storage, sale, dismantling or other processing or compaction of scrap or discarded materials.

Religious assembly: Any structure principally used as an assembly place for regularly organized religious worship and related incidental activities. Typical uses include churches, synagogues, temples, mosques, and similar buildings, and including accessory uses customarily associated with the primary purpose, such as parish houses, religious education buildings, convents, columbaria, cemeteries located on the same lot, bookstores inside the church building, and child care on the premises during worship services. "Educational facilities, primary/secondary," "Day care center, adult," "Day care center, child," "Community food operation," and "Supply pantry" are not considered customary accessory uses for purposes of this definition.

Research and development: An establishment primarily engaged in research, or research and development, of innovative ideas in technology-intensive fields. Typical uses include the research and development of communication systems, transportation, geographic information systems, and multi-media and video technology. The development and construction of prototypes may be associated with this use type.

Resident security or manager apartment: A single dwelling unit located entirely within the structure of a principal permitted use where such dwelling unit is accessory and subordinate to the principal permitted use and which is designated for use only by the resident manager or resident security personnel of such principal permitted use. Such dwelling unit shall not be sold, leased, or rented for other purposes.

Resource conservation facility: Fish ponds; game preserves, botanical gardens; water reservoirs; or wildlife rescue shelter or refuge area. For purposes of this definition, a "wildlife rescue shelter or refuge area" is a facility or area maintained for the welfare, protection, and preservation of wildlife species.

Restaurant: An establishment primarily engaged in the preparation and sale of food and beverage to the customer in a ready-to-consume state for take-out, delivery, or table service. Such meals or other prepared foods are generally prepared on the premises and are regularly sold. A restaurant may include the licensed on-premises sale, service and consumption of beer, wine or other alcoholic beverages as an accessory use. Such establishment may provide entertainment for restaurant patrons, which entertainment is clearly incidental to the restaurant's primary function, such as the playing of the piano, other non-amplified music, or a dance floor not exceeding ten percent (10%) of the seating area of the establishment. A "drive-through facility" is not considered a customary accessory use for purposes of this definition. This use type includes, without limitation, cafeterias, brewpubs, coffee shops, cafes, sandwich shops, ice cream parlors, fast food restaurants at which patrons order and receive food orders at a counter or window for consumption on or off the premises, and full-service restaurants at which patrons are seated at tables or booths and where food orders are taken at and delivered to such tables or booths by wait staff. Excluded from this use type are "Entertainment establishments," "Bakeries," catering establishments, concession stands, and any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Retail sales, general: An establishment engaged in the sale or rental of commonly used goods and merchandise directly to the consumer for personal or household use, and including the incidental service of such merchandise. This use type includes:

- (1) Bicycle, florist, gift or novelty, antique, pawn, and pet shops;
- (2) Art supplies, camera and photographic supplies, clothing, convenience, grocery, computer and software, electronics, fabric, jewelry, music (recordings), musical instruments, paint or wallpaper, picture framing, photo finishing services and supplies, shoe, sporting goods, stationery, toy, hobby, and video stores;
- (3) Art galleries, bookstores, costume rental, news dealers or newsstands, optical retail sales, and pharmacies;
- (4) Department and other variety stores, and specialty shops offering for sale items related to a specific theme such as kitchen wares; and
- (5) Similar retail establishments.

Excluded from this use type are “Automotive parts/supply, retail,” “Gasoline stations,” “Automobile dealerships,” “Equipment sales/rental,” “Restaurant,” “Bakery,” manufactured home sales, fuel distribution, or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix. For purposes of this definition, “fuel distribution” means a retail trade establishment engaged, as a principal use, in the sale to consumers of fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, for heating or cooking, including sales, installation of tanks, and delivery to households and businesses.

Retail sales, large furnishings: A retail sales establishment primarily characterized by large showrooms and floor samples, and where the retail sale is generally followed by delivery to the home, and which may include installation of the purchased item. Such establishments include stores primarily engaged in the retail sale of large appliances such as refrigerators, ovens, washers, and dryers; furniture stores; mattress stores; stores primarily engaged in the retail sale of household fixtures such as bathroom fixtures, carpeting or other floor coverings, or lighting; and the retail sale of swimming pools, hot tubs, or spas. This use type does not include any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Retaining wall: A wall or terraced combination of walls designed to retain or restrain lateral forces of soil, such soil being similar in height to the height of the wall, and where such retaining wall is of a height no greater than that necessary to serve such stated purpose and is not used to support, provide a foundation for, or provide a wall for a building or other structure.

Satellite dish antenna: An antenna in the shape of a shallow dish, and appurtenant equipment, used for the direct reception of broadcast signals from orbiting satellites.

Satellite dish antenna, height: See “Height of structure.”

Satellite earth station: Any device or antenna, including associated mounting devices or antenna-supporting structures, used to transmit or receive signals from an orbiting satellite, including television broadcast signals, direct broadcast satellite services, multi-channel multipoint distribution services, fixed wireless communications signals, and any designated operations indicated in the FCC Table of Allocations for satellite services.

School for the arts: A school where classes in the various fine arts, including painting, sculpting, photography, music, dance, or dramatics are taught, and where such establishment is not otherwise defined as “Educational facilities, primary/secondary,” “Educational facilities, college/university,” “Studio, fine arts,” “Personal improvement services,” or “Home occupation.”

Screening: A method of visually obscuring one abutting or nearby structure or use from another by the use of fencing, walls, or densely planted vegetation. Screening is intended to substantially but not necessarily totally obscure visual impacts and mitigate noise impacts between adjoining uses, structures, or facilities.

Secretary of the Interior's Standards for Rehabilitation: The Secretary of the Interior's Standards for Rehabilitation, as codified in 36 CFR 67 (U.S. Department of Interior regulations), and Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Washington, D.C.: U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, 1995), as amended.

Setback: The distance from a property line to the closet projection of a structure or from the closest projection of one structure to the closest projection of another structure.

Sight distance triangle: As defined and set forth in [Section 2-9](#) of this appendix. For purposes of this definition, "sight distance" shall mean the distance visible to a driver from his/her position to other objects or vehicles, when at a point of turning or when stopping a vehicle.

Sign: Any object, device, structure, or fixture, or portion thereof, which is used to announce, advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, goods, service, special promotion, activity, event, or location. The means used to direct or attract attention include, without limitation, objects, devices, fixtures, words, letters, numerals, graphics, figures, emblems, designs, illustration, decoration, symbols, logos, trademarks, colors, or projected illumination or images. For purposes of this appendix, a "sign" does not include "holiday decorations," which shall be defined as decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season which contain no commercial messages which advertise or promote a product, service, or business. For definitions associated with signs, see [Section 7-39](#) of this appendix.

Single-family dwelling, detached: See "Dwelling, single-family, detached."

Site plan: The drafted proposal for a development, including site plans, maps, and other documentation delineating all easements and other conditions relating to use, location, and bulk of buildings, density of development, parking arrangements, public access, common open space, landscaping, public facilities, and other such information necessary to determine compliance with this appendix.

Sports and recreation, indoor, commercial: The provision of recreation facilities which are predominantly participatory uses, and which are conducted entirely within an enclosed building. Typical uses include tennis or other racquet courts, swimming pools, health and fitness centers, bowling alleys, ice or roller skating rinks, batting cages, paint ball facilities, climbing walls, or similar recreation uses. "Commercial indoor sports and recreation" facilities may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. Excluded from this use type are "Gun-firing ranges" or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Sports and recreation, outdoor, commercial: The provision of recreation facilities which are predominantly participatory uses, and which are conducted in open or partially enclosed or screened facilities. Typical uses include health and fitness centers, swimming pools, tennis or other outdoor racquet courts, basketball courts, driving ranges, miniature golf, skateboarding courses, batting cages, or similar recreation uses. "Commercial outdoor sports and recreation" facilities may include any accessory uses, such as snack bars, pro shops and clubhouses, which are designed and intended primarily for the use of patrons of the principal recreational use. Excluded from this use type are motorized cart or motorcycle tracks, raceways, drag strips, overnight camping, "Gun-firing ranges," "Paint ball facilities," or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Stable, commercial: The boarding, breeding, or raising of horses or ponies not owned by the owner or occupant of the property or the riding of horses or ponies by other than the owner or occupant of the property and their nonpaying guests. Included in this use type are riding academies where instruction in riding, jumping, and showing of horses is offered, and where horses may be hired for riding.

Stockade fence: A fence constructed of vertical wood or vinyl strips, with no intervening spaces, providing a complete visual barrier.

Storefront: That portion of the ground floor of a nonresidential building consisting of an entryway and windows, and that is leased to or occupied by an individual tenant, business, or other entity.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between the floor and the ceiling above the floor of such story.

Street: Any public way permanently open to common and general use for vehicular and pedestrian traffic which provides the primary means of access to abutting lots.

Street line: The dividing line between a street right-of-way and abutting property.

Structure: Anything which is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, fences, signs, manufactured homes, and swimming pools (in-ground and above-ground).

Studio, fine arts: An establishment for preparation, display, and sale of individually crafted artwork, jewelry, painting, sculpture, pottery, art photography, leather craft, hand-woven articles, candles, hand-blown glass, and similar items. Such space is primarily a working studio where such artist, artisan, or craftsperson may display and sell work, but such establishment may also include the teaching of classes in the applicable fine art or craft, including the arts associated with vocal or instrumental music, acting, and writing.

Supply pantry: An establishment engaged in the provision or sale of food, clothing, or other essential items at no charge or for less than fair market value where no on-premises consumption of the items being distributed occurs. Such establishments may commonly be referred to as food banks, thrift stores, or clothes banks.

Tattoo parlor: An establishment which offers or practices the placement of designs, letters, scrolls, figures, symbols, or any other kind of marks upon or under the skin of a person with ink or any other substance, resulting in permanent coloration or marking of the skin, by the aid of needles or other instruments designed to touch or puncture the skin, except when performed by a medical doctor or other medical services personnel licensed pursuant to Title 54.1 of the Code of Virginia (1950), as amended, in the performance of his or her professional duties. A tattoo parlor is classified as a "Personal services establishment."

Telecommunications facility: Any unstaffed facility used for the transmission or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. Where reference is made to a telecommunications facility, unless otherwise specified or indicated by context, such reference will be deemed to include the antenna or group of antennas, transmission lines, ancillary appurtenances, support structure on which the antenna or other communications equipment is mounted, transmission cables, and any associated equipment shelter. Excluded from this use type are "Amateur radio tower" and "Telecommunications facility, stealth."

Telecommunications facility, stealth: A telecommunications facility that is hidden or not readily detectable by means of camouflage or concealment. "Camouflage" shall mean a way of painting and mounting a telecommunications facility that requires minimal changes to the host structure in order to accommodate the facility. "Concealment" shall mean to enclose a telecommunications facility within an existing structure or

appurtenance of a structure resulting in the facility being either invisible or made part of the feature enclosing it. Such structures or appurtenances may include church steeples, bell towers, church spires, clock towers, cupolas, light standards, chimneys, utility poles, and flagpoles displaying flags. For the purposes of the regulations of this appendix, "stealth telecommunications facilities" shall include the use of existing structures or appurtenances of structures in which the facility is concealed by embedding all antennae within the structure or appurtenance, antennas mounted to a water storage tank and not extending more than ten (10) feet above the highest horizontal plane of the tank, and a single antenna array attached to a telecommunications pole constructed and integrated within an existing electric transmission tower in which the height of the pole and antenna array does not exceed ten (10) feet above the existing electric transmission tower.

Telecommunications tower: A vertical projection, including a foundation, designed and primarily used to support one (1) or more antennas or which constitutes an antenna itself, which is commonly referred to as "tower," "cell tower," "communications tower," "telecommunications tower," or "broadcasting tower." Telecommunications towers do not include "stealth telecommunications facilities," but do include roof-mounted and surface-mounted antennas that extend above the roofline. Telecommunications towers are not considered utility equipment.

Temporary family health care structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, where such structure is accessory to a single-family detached dwelling and where such structure is primarily assembled at a location other than the site of installation.

Theater, movie or performing arts: A building, or portion of a building, open to the public, which is used primarily for the commercial showing of motion pictures, or for dramatic, operatic, dance, musical or other live performances. Such use may include concessions as an accessory use. Typical uses include motion picture theaters, performing arts theatres, and concert or music halls.

Tourist home: A dwelling in which "guest rooms" are offered or provided to transient guests for compensation, for no more than fourteen (14) persons. A "tourist home" does not include "Bed and breakfast," "Boarding house," "Hotel/motel," "Group care facility," "Home occupation," "Accessory use," or any use which is otherwise specifically listed in the Use Tables in [Article 4](#) of this appendix.

Towing service: An establishment engaged primarily in the towing of vehicles or equipment from one location to another, with no sales or repair activity occurring on the lot.

Town: The Town of Clifton Forge, Virginia.

Townhouse. See "Dwelling, townhouse."

Trailer: Any vehicle without motive power designed for carrying property wholly on its own structure and for being drawn by a motor vehicle.

Transportation terminal: A facility for the loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities. This use type does not include "Truck terminal."

Travel trailer: See "Recreational vehicle."

Truck terminal: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Loading and unloading is carried on regularly, and minor maintenance of the truck fleet is performed. Included in this use type are mail or package distribution facilities, including those operated by the U.S. Postal Service, as well as motor freight companies regulated by the public utility commission or the Interstate Commerce Commission.

Two-family dwelling: See "Dwelling, two-family."

Use: The specific purpose for which land, water, or a structure is designed, arranged, intended, or for which it is or may be occupied or maintained.

Utility: Any person, firm, corporation, municipal agency, or authority duly authorized to furnish to the public, under regulation, electricity, gas, storm water drains, water, sewerage collection and treatment, steam, cable television, or telephone.

Utility distribution or collection, basic: Linear utility features for distribution of utility service to the customer, including electric power lines, water lines, ground water wells, sewer lines, telephone lines, cable television lines, and natural gas lines, and other distribution linear features including transformers and relay and booster devices.

Utility distribution or collection, transitional: Linear utility features for the compression, "step-down of voltage," switching, storage, or other similar function of a utility service that is necessary for distribution of the utility service directly to the customer, including electric or gas compressor substations, water or sewer pump or lift stations, and storage facilities such as water storage tanks.

Variance: A reasonable deviation from the provisions of this appendix regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure, when the strict application of the provisions would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

Veterinary hospital/clinic: An establishment rendering care, observation, or treatment of domestic animals, including household pets, and which may include medical or surgical treatment and care. The boarding of animals shall be limited to indoors and only on a short-term basis, and shall be necessitated by and directly related to surgery or medical treatment, unless also authorized and approved as a "Kennel." References within this appendix to "outdoor pens or runs" shall mean any outdoor areas and facilities in which animals are exercised, groomed or otherwise cared for.

Warehousing and distribution: An establishment primarily engaged in the storage, warehousing, and dispatching of goods within enclosed structures, or outdoors where permitted. Generally the storage and inventory of goods, materials, or equipment is for manufacturing use, for distribution to wholesalers or retailers, or for inventory ultimately to be distributed directly to the consumer. Accessory uses may include offices, truck fleet parking and maintenance areas, and sorting or repackaging of goods. Typical uses include wholesale distributors, storage warehouses for retail stores, cold storage plants, bus barns, and moving/transfer/storage firms. Excluded from this use type are "Mini-warehouses," the transfer or storage of solid or liquid wastes, the bulk storage of materials which are flammable or explosive or which create hazardous conditions, motor vehicle sales, and "Equipment sales/rental."

Whip antenna: See "Antenna."

Workshop: An establishment primarily engaged in the on-site production of goods by hand manufacturing, hand-crafting such products or piecing together to form a finished product, within a wholly enclosed building, involving the use of hand tools or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln. Such hand manufacturing activities may include pottery, assembly of electronics, jewelry-making, or similar activities, and may include the on-site retail sale of goods produced on the premises.

Wrecker yard: Any area or lot, or portions of a lot, which activities include the recovery, removal, and storage of inoperative or damaged motor vehicles or trailers for dismantling, demolition, salvage, or sale of such inoperative or damaged motor vehicles or trailers, or part of such motor vehicles or trailers. For purposes of this definition,

“inoperative motor vehicle” shall mean any motor vehicle on which valid license plates or a valid inspection decal is not displayed, or any motor vehicle which has been wrecked, partially or totally dismantled, or disassembled, such that the vehicle cannot be lawfully operated on a public street.

Yard: An open space on a lot, which space is unoccupied and unobstructed from thirty (30) inches above the graded ground level to the sky, except as otherwise provided in this appendix. The term “required yard” where used in this appendix refers to the minimum depth required by the regulations of a particular zoning district to be unoccupied and unobstructed as herein defined, extending from and along the adjacent property line. This is sometimes referred to as "setback," "required setback," and "building setback line."

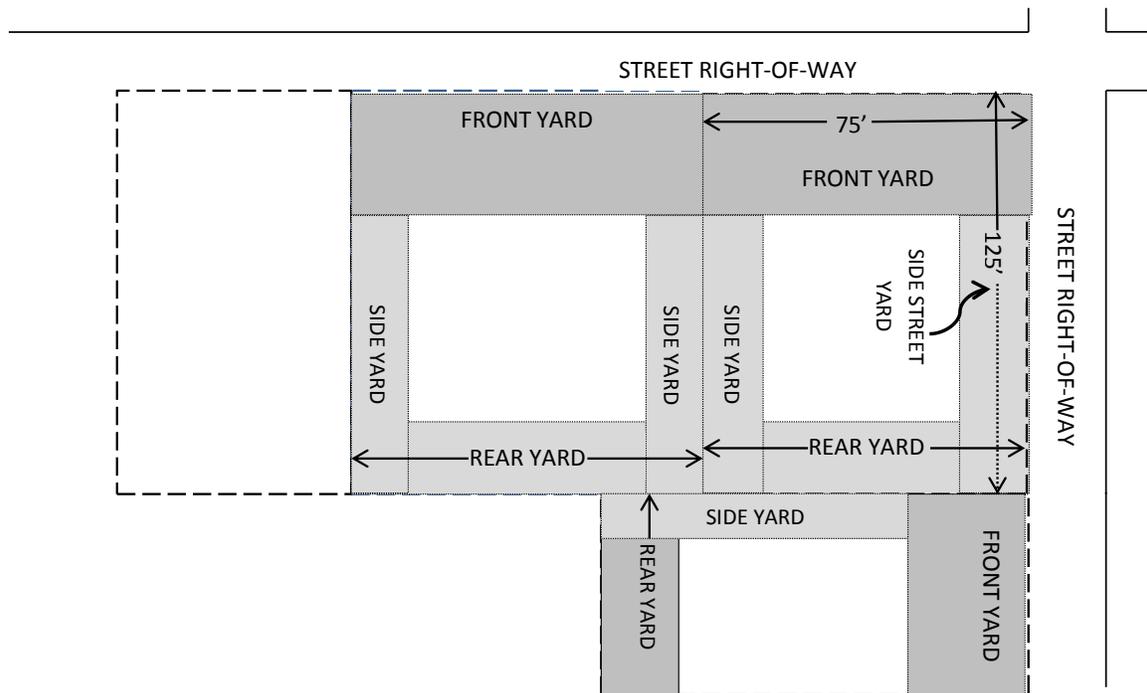
Yard, front: A yard extending between side lot lines across the front of a lot, the depth of which is the horizontal distance between the front lot line and a line parallel thereto at the building setback line as required by the respective zoning district regulations. (See [Figure 11-13](#))

Yard, rear: A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance (depth) required by the respective zoning district regulations. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its lesser dimension. On both corner lots and interior lots, the rear yard shall be at the opposite end of the lot from the front yard. (See [Figure 11-13](#))

Yard, side: A yard extending from the real line of the required front yard (the “building setback line”) to the rear lot line, at a depth required by the respective zoning district regulations, unless otherwise provided for in the supplemental regulations. (See [Figure 11-13](#))

Yard, side street: A yard extending along a street right-of-way, and not deemed the front lot line per the regulations of this appendix, from the real line of the required front yard (the “building setback line”) to the rear lot line, at a depth required by the respective zoning district regulations, unless otherwise provided for in the supplemental regulations. (See [Figure 11-13](#))

FIGURE 11-13. YARDS – CORNER AND INTERIOR LOTS



Zoning or zoned: The process of classifying land within the Town into areas and districts, such areas and districts being generally referred to as "districts," or "zoning districts," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement, and uses to which land, buildings, and structures within such designated areas and districts may be put.

Zoning Administrator: The Zoning Administrator of the Town of Clifton Forge, Virginia, or an authorized agent or designee thereof.

FIGURES, DIAGRAMS, TABLES, AND CHARTS

FIGURE 2-5-1. DISTANCES MEASURED HORIZONTALLY 13

FIGURE 2-5-2. MEASUREMENT MADE AT SHORTEST DISTANCE BETWEEN POINTS..... 14

TABLE 2-8-1. PERMITTED ENCROACHMENTS IN YARDS 16

FIGURE 2-9-1. SIGHT DISTANCE TRIANGLE – CORNER..... 18

FIGURE 2-9-2. SIGHT DISTANCE TRIANGLE – STREET..... 19

TABLE 4-11-1. USE TABLE FOR CONSERVATION DISTRICT (CN)..... 23

TABLE 4-12-1. DIMENSIONAL REGULATIONS FOR CN DISTRICT 23

TABLE 4-21-1. USE TABLE FOR RESIDENTIAL DISTRICTS 25

TABLE 4-22-1. DIMENSIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS..... 27

TABLE 4-23-1. OTHER REGULATIONS FOR RESIDENTIAL DISTRICTS 28

TABLE 4-31-1. USE TABLE FOR BUSINESS DISTRICTS 29

TABLE 4-32-1. DIMENSIONAL REGULATIONS FOR BUSINESS DISTRICTS..... 33

TABLE 4-33-1. OTHER REGULATIONS FOR BUSINESS DISTRICTS 33

TABLE 6-6-1. FENCE, WALL, HEDGE HEIGHTS IN CN, R-1, R-2, R-3 59

TABLE 6-6-2. FENCE, WALL, HEDGE HEIGHTS IN BG AND BD 59

TABLE 6-13-1. SATELLITE DISH ANTENNA - ROOF-MOUNTED: HEIGHT AND SETBACK..... 64

TABLE 6-13-2. SATELLITE DISH ANTENNA – FREESTANDING: HEIGHT AND SETBACK..... 64

TABLE 6-14-1. TEMPORARY USES..... 65

TABLE 7-15-1. BUFFER YARD PLANTING STANDARDS..... 72

TABLE 7-15-2. REQUIRED BUFFER YARDS 72

TABLE 7-22-1. REQUIRED OFF-STREET PARKING SPACES..... 76

TABLE 7-23-1. MINIMUM PARKING SPACE AND AISLE DIMENSIONS 78

DIAGRAM 7-23-1. PARKING SPACES AND AISLES 78

TABLE 7-24-1. DRIVE-THROUGH FACILITY: MINIMUM DIMENSIONAL REQUIREMENTS 79

TABLE 7-24-2. DRIVE-THROUGH FACILITY: MINIMUM STACKING SPACES..... 79

FIGURE 7-33-1. SIGN FACES AND TOTAL SIGN AREA 83

FIGURE 7-33-2. SIMPLE GEOMETRIC FIGURES 83

FIGURE 7-33-3. CALCULATING AREA OF A WALL SIGN 84

FIGURE 7-33-4. CALCULATION OF SIGN FACE AREA 85

FIGURE 7-33-5. CALCULATION OF SIGN FACE AREA 85

FIGURE 7-33-6. CALCULATING SIGN AREA: SIGN CONSTRUCTED WITH PANELS OR CABINETS 86

FIGURE 7-33-7. CALCULATING SIGN AREA: WITHOUT DEFINED PANEL OR IRREGULAR SHAPE..... 86

FIGURE 7-34-1. WINDOW SIGNS 88

TABLE 7-34-2. FREESTANDING SIGN SETBACK REQUIREMENTS..... 89

TABLE 7-35-1. PERMITTED ON-PREMISES SIGNS: TYPE, NUMBER, SIGN AREA, HEIGHT, CHARACTERISTICS..... 91

TABLE 7-36-1. TEMPORARY SIGNS: SIGN AREA AND HEIGHT 93

TABLE 7-37-1. EXEMPT REAL ESTATE SIGN: SIZE 95

TABLE 7-37-2. EXEMPT CONSTRUCTION SIGN: SIZE AND QUANTITY 95

FIGURE 7-39-1. SIGN TYPES..... 101

FIGURE 7-39-2. SIGN TYPES..... 102

FIGURE 7-39-3. SIGN HEIGHT AND CLEARANCE 102

TABLE 9-10-1. RECOMMENDING AND DECISION-MAKING BODIES..... 110

TABLE 9-11-1. DECISION-MAKER AND APPELLATE BODIES..... 111

PROCESS FLOWCHART 9-90-1. ZONING PERMIT (WITH SCALE DRAWING) 140

PROCESS FLOWCHART 9-90-2. SITE PLAN.....	141
PROCESS FLOWCHART 9-90-3. CERTIFICATE OF APPROPRIATENESS.....	142
PROCESS FLOWCHART 9-90-4. ZONING AMENDMENT	143
PROCESS FLOWCHART 9-90-5. VARIANCE	144
PROCESS FLOWCHART 9-90-6. APPEAL OF DETERMINATION/ORDER OF ZONING ADMINISTRATOR	145
FIGURE 11-1. BUILDING LINE	159
FIGURE 11-2. BUILDING SETBACK LINE	159
FIGURE 11-3. EAVE	164
FIGURE 11-4. MEASURING HEIGHTS – ROOF TYPES	168
FIGURE 11-5. BUILDING HEIGHT USING AVERAGE GROUND LEVEL	168
FIGURE 11-6. MEASURING HEIGHTS – RETAINING WALL	169
FIGURE 11-7. MEASURING HEIGHTS – SATELLITE DISH ANTENNA	169
FIGURE 11-8. LOT TYPES AND FRONTAGE.....	171
FIGURE 11-9. LOT LINES – INTERIOR LOT.....	172
FIGURE 11-10. LOT LINES – CORNER LOT.....	173
FIGURE 11-11. REAR LOT LINE – IRREGULAR OR TRIANGULAR LOT	173
FIGURE 11-12. LOT WIDTH.....	174
FIGURE 11-13. YARDS – CORNER AND INTERIOR LOTS.....	186