ARTICLE I. PURPOSE AND AUTHORITY

Section 22-1. Authority

This Chapter is enacted under the authority granted by the General Assembly of Virginia, as provided in Article 7, Chapter 22, Title 15.2 of the Code of Virginia (1950), as amended.

Section 22-2. Purpose

In the interpretation and application of this chapter, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of health, safety, morals and general welfare of the Town. To protect the public, among other purposes, provisions herein are intended for the following purposes:

a. To provide for adequate light, air, convenience of access, and safety from fire, flood 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 expedite the provision of adequate police and fire protection, disaster, evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

e. To protect against destruction of or encroachment upon historic areas; and

f. To protect against one or more of the following: overcrowding of land, undue densities of populations 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, panic or other dangers, in accordance with §15.2-2283, Code of Virginia (1950), as amended.

The zoning regulations and districts as herein set forth have been drawn with reasonable consideration for the existing use of property, the suitability of properties for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies, the transportation requirements of the community, and the requirements for schools, parks, playgrounds, and other public services; and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the Town, in accordance with §15.2-2284, Code of Virginia (1950), as amended.

Section 22-3. Jurisdiction

This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises that area within the corporate boundaries of the Town of Tappahannock, Virginia.

Section 22-4. Zoning Districts - Established

For the purpose of this chapter, the Town is hereby divided into the following zoning districts:

Resource Protection District - RP
Residential District - R-1
Residential District - R-2
Town Scale Residential District - R-3
Mixed Residential District - R-4
Mobile Home Park District - MH-1
Central Business District - CC-1
General Commercial District - CG-2
Industrial District - I-1
Business Park District - B-P

Section 22-5. Interpretation

a. The regulations set by this Ordinance within each district shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, environment and natural resources, and general welfare, and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

b. It is not intended by this Zoning Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating the use of buildings or premises, or with any private restrictions placed upon property by covenant, deed, or recorded plat, provided, however, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, or other open spaces than are imposed or required by such existing provisions of law, ordinance, or resolution, or by such rules, regulations, or permits, or by such private restrictions, the provisions of this Zoning Ordinance shall control.

c. Whenever these regulations, subdivision plats, or development plans approved in conformance with these regulations, are in conflict with other local ordinances, regulations, or laws, the more restrictive ordinance, regulation, law, plat, or plan shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Zoning Administrator, contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown on the approved plan shall govern and shall be enforced by the local permit official. Private deed restrictions or private covenants for a subdivision do not fall within the jurisdiction of enforcement and will not be enforced by the Town.

d. To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require change in the plans, construction, or designated use of any building or premises on which an application for a certificate or permit was filed with the Zoning Administrator prior to the date of adoption of this Ordinance or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The issuance of said certificate or permit shall be valid only if it is exercised within 180 days from the date of issuance of the certificate or permit. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other main improvement have been let, or in the absence of contracts, that the main building or other main improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investments shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that

the use is in operation in compliance with the conditions as set forth in the permit or certificate.

Section 22-6. Severability

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Section 22-7. Location and Boundaries of Zones

a. The location and boundaries of zones established in the district shall be as shown on the Official Zoning Map for the Town of Tappahannock. This map, sections or portions thereof, together with all notations, dimensions, designations, references, and other data shown thereon, are made a part of this Ordinance to the same extent as if the information set forth on the map were fully described and incorporated herein.

b. Where uncertainty exists as to the boundaries of any of the zones established in this chapter, as shown on the Zoning Map, the following rules shall apply:

1. Zone boundary lines are intended to follow street, alley, or lot lines or lines parallel or perpendicular thereto, unless such zone boundary lines are otherwise identified on the zoning map;

2. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries;

3. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 10 feet distant therefrom, such lot lines shall be such boundaries;

4. In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is identified on such maps, shall be determined by the use of the map scale shown thereon and scaled to the nearest foot.

c. Any area annexed to Tappahannock after the date of adoption shall immediately upon such annexation be automatically classified in the most nearly comparable zone until a zoning map amendment for such area has been adopted by the Town Council. The Planning Commission shall recommend to the Council appropriate zoning for the annexed area within six (6) months after the effective date of such annexation.

Section 22-8. Permitted Uses

a. For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the list of permitted uses or other regulations contained within

this Ordinance, uses not specifically permitted are prohibited , except that a use may be declared by the Planning Commission and Mayor and Council to be allowed upon application following public hearing and finding that:

1. The use reflects the nature of the permitted uses; and

2. That there is no appreciable difference in the quality, character, or degree of the requested use as compared with the permitted uses.

b. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:

1. Uses lawfully existing on the effective date of this Ordinance.

2. Special exceptions, approved by the Board of Zoning Appeals, in accordance with the provisions of Article IV of this Ordinance.

3. Planned Developments approved by the Town Council, in accordance with the provisions of Article XII, Section 22-152 of this Ordinance.

c. Uses lawfully existing on the effective date of this Ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Article VIII of this Ordinance.

Section 22-9. Accessory Uses on Vacant Lots

Accessory uses on vacant lots are permitted subject to the approval of the Zoning Administrator as permitted by the provisions of Article X, 22-121 of this Ordinance.

Section 22-10. No Use or Sale of Land or Buildings Except in Conformity with Chapter Provisions

a. Subject to Article VIII of this chapter, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.

b. For the purposes of this section, the "use" or "occupancy" of a building or lands relates to anything and everything that is done to, on, or in that building or land.

Section 22-11. Violations and Penalties

Violation of this Ordinance shall be punishable as provided in Article VII, 22-75.

Section 22-12. Relationship to Existing Zoning, Subdivision, and Flood Control Ordinances

To the extent that the provisions of this chapter are the same in substances as the previously adopted provisions that they replace in the town's zoning or subdivision ordinances, they shall be considered as

continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted Zoning Ordinance does not achieve lawful, nonconforming status under this chapter merely by the repeal of the Zoning Ordinance.

Section 22-13. Fees

Fees established by resolution of the Town Council shall be paid upon submission of a signed application or notice of appeal, unless otherwise determined by the Zoning Administrator.

Section 22-14. Computation of Time

a. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.

b. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

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ARTICLE II. Basic definitions and interpretations.

Section 22-15. Definitions of Basic Words and Terms.
22-15.1 General Usage.

For the purpose of this ordinance, certain words and terms are herein defined a follows:

a. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number and words in the plural number shall include the singular number; unless the obvious construction of the wording indicates otherwise.

b. The word "shall" is mandatory.

c. The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel".

d. The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".

e. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building".

f. The term "state" means Commonwealth of Virginia.

g. The word "town" means the Town of Tappahannock.

h. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.

i. The term "Code of Virginia" shall include "as amended".

j. The word "adjacent" means "nearby" and not necessarily "contiguous".

22.15.2 Interpretations by Zoning Administrator or Zoning and Code Compliance Officer.

In case of any dispute over the meaning of a word, phrase, or sentence, whether defined herein or not, the Zoning Administrator or Zoning and Code Compliance Officer is herby authorized to make definitive determination thereof, being guided in such determination by the purposes and intent of this ordinance as set forth in Article I, provided however, that an appeal may be taken from any such determination as provided in Article V.

22.15.3 Specific Definitions.

Accessory Apartment. (See 22-140)

Accessory building, use, or structure. A subordinate building, use of land, structure, or a portion of a main building or use which is clearly incidental to or customarily found in connection with a and located on same lot, or contiguous lots as the principal use of the premises and in the same ownership as the principal use.

Acreage. Gross. A unit measure, the total land area to be developed including rights-of-way, easements and land set aside for public purpose.

Agriculture. Any activity involving the growing or raising of food or raw material by tilling the soil, raising crops, keeping or raising of animals and including incidental agricultural business, as fruit packing plants, dairies, or similar uses.

Airport, Commercial. An area of land or water which is used, or intended for private or public use, for the landing and take off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon.

Airport, Licensed. The Tappahannock Municipal Airport and the Essex County Airport.

Airport Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Article IX, Part III of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Airport Approach, Transitional, Horizontal, and Conical Zones. The airspace zones as set forth in Article IX, Part III of this ordinance.

Airport Conical Surface. A surface extending horizontally twenty feet for every one foot vertically from the periphery of the horizontal surface.

Airport Elevation. The highest point on any usable landing surface expressed in feet above mean sea level.

Airport Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Airport Primary Surface. A surface, with a specified width as provided in Section 22-3 of this ordinance, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Airport Safety Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Article IX, Part III of this ordinance.

Airport Transitional Surfaces. Surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Airport Zones. All areas provided for in Article IX, Part III of this ordinance, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article IX, Part III of this ordinance.

Alteration Any change in the supporting members of a building or structure including bearing walls, partitions, columns, beams, girders or similar parts of a building structure; or change in the total floor area or use of an existing building or structure.

Alley. A right of way that provides secondary service access for vehicles to the side or rear of abutting properties.

Amend or Amendments. Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map, part thereof or addition thereto.

Amusement enterprises. Establishments in which a principal use is in the operation of mechanical, electronic, and/or coin-operated games and/or devices for the general amusement of the public. This definition shall include pool halls and billiard parlors.

Antenna. Equipment designed to transmit or receive electronic signals.

Apartment. A building containing three or more dwelling units for rent.

Application. A written request for a zoning permit, an amendment, Special Exception or for action by the Board of Zoning Appeals which has been properly executed on forms supplied by the Zoning Administrator or Zoning and Code Compliance Officer.

Automobile Repair Service. Buildings and premises where the following services may be provided and sales made:

A. Major mechanical and body work
B. Straightening of frames and body parts
C. Steam cleaning, painting, and welding
D. Upholstering and replacement of glass

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement. That portion of a building below the first floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground and with a floor-to-ceiling height of not less than six and a half feet..

Bed and Breakfast Home. "Bed and breakfast home" or "tourist home" means a single-family, owner-occupied dwelling for the lodging of up to four (4) transient guests at any one time, none of whom remain for more than seven (7) consecutive nights each, and that provide no food or beverage service for the transient guests other than for breakfast provided in the area of the dwelling that are generally used by the resident family for the consumption of food.

Best Management Practices or "BMPs". Means a practice, or a combination of practices, that is determined by a State or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point resources to a level compatible with water quality goals.

Board, The. Refers to The Board of Zoning Appeals of Tappahannock, Virginia.

Boarding House or Rooming House. A residential use consisting of at least one dwelling unit and where meals and/or lodging for compensation are provided for three or more persons. A rooming house or boarding house is distinguished from a bed and breakfast home or a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Body Piercing Salon. Means any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or ear lobe of the ear or both.

Buffer. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Building. Any structure having a roof supported by columns, walls, or other means.

Building, Accessory. A minor building that is located in the side or rear yard on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

Building Area. The area of that part of the lot not included within the open spaces herein required.

Building, Completely Enclosed. Any building having no outside openings other than ordinary doors, windows, and ventilators.

Building Coverage; (Lot Coverage). That percentage of a lot which, when viewed from above, would be covered by a structure or structures or any part thereof, including roof eaves and steps.

Building, floor area of. The total number of square feet area in a building, excluding cellars, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

Building, height of. The vertical distance measured from the average grade to the highest point of the roof surface. On corner lots exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For lots extending through from street to street, the height may be measured from either curb grade.

Building line. A line beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building shall not project.

Building, Main. A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be main building on the lot on which the same is located if the lot is used primarily for residential purposes.

Building, Public. A building, or part thereof, owned or leased and occupied by an agency or political subdivision of the United States of America, the Commonwealth of Virginia, the County of Essex, or the Town of Tappahannock.

Building, Semipublic. A building part, or part thereof, owned or leased and occupied by a nonprofit organization and which is primarily used for nonprofit activities.

Building setback line, required. That line which is the minimum distance between any property line, right of way, or protected feature and that establishes the area within which the principal structure must be erected or placed.

Campground. Any lot or land used, maintained, or held out to be public as a place for use for camping or lodging purposes, whether equipped with tents, tent houses, huts, cabins, cottages, campers, or trailers, or not so equipped, and by whatever name the same may be called, whether any fee is charged for the use thereof or not.

Camper park. Any site, lot, parcel or tract of land which is improved, used or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping or recreational purposes.

Cellar. A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less and six and a half feet.

Central Sewer System. A publicly or privately owned sewer system, approved by either the State Department of Health or the State Water Control Board, which serves five (5) or more dwelling units or other structures, and which consists of collection and transmission lines or mains, pumping stations, if necessary, and a sewage treatment and disposal facility. Such system functions by transmission of sewage away from the points of origin, collection and treatment of the sewage treatment facility which is not located on any of the lots or parcels served by the system, and disposal or discharge of the treated effluent either on land or in surface waters.

Certify. Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other document.

Central Water System. A publicly or privately owned water system which meets State Department of Health requirements for an approved water supply, and which serves five (5) or more dwelling units or other structures. Such system consists of a well or wells which are not located on any of the lots or parcels served by the system, pump houses, transmission lines or mains, and storage tanks, if necessary.

Chesapeake Bay Preservation Area or CBPA. Means any land designated by the Tappahannock Town Council, pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-70 et. Seq., and Section 10.1-2107 of the Code of Virginia (1950), as amended. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

Chesapeake Bay Preservation Area (CBPA) Buffer Area. Means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and State waters from significant degradation due to land disturbances.

Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading

areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clinic. An establishment where patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

Club and Lodges. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not for profit or to render a service which is customarily carried on as a business.
Coliseum. A large building, amphitheater or stadium used for sports events, shows, exhibitions, etc.

Combination Use. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, 22-125. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established, See 22-124. In addition, when two or more separately owned or separately operated enterprises occupy the same lot and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

Commission, The. Refers to The Town of Tappahannock Planning Commission.

Community Center. A building, group of buildings or other place designed and/or used for the cultural, educational, and/or recreational activities of the inhabitant of a definable geographic area and not operated for profit.

Construction Footprint. Means the area of all impervious surface, including but not limited to, buildings, road and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

Construction Equipment Yard. An establishment where equipment including, construction machinery, equipment vehicles, and other material used for construction purposes is stored and/or maintained.

Convalescent, Nursing or Rest Home. Any institution however named, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for persons admitted thereto for the purpose of nursing or convalescent care. Nursing and convalescent care includes care given because of prolonged illness or defect or during the recovery from injury or disease, and includes any and all of the procedures commonly employed in waiting on the sick, such as administration of medicine, preparation of special diets, giving of bedside care, application of dressing and bandages, and carrying out of treatments prescribed by a duly licensed practitioner of medicine. Nursing care and medical supervisions is provided at a lower level than that available in a hospital.

Convenience Store. A retail store less than 5,000 square feet that is designed and stocked to sell primarily food, fuel, beverages, and other household supplies to customers who purchase only a relatively few items. It is designed to attract, and depends upon a large volume of, stop-and-go traffic.

Courtyard. An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings

Country Inn. A single-family, manager occupied dwelling that:

A. Provides nightly lodging for up to twenty (20) transient guests in no more than eight (8) rooms

with no one guest remaining for more that fourteen (14) consecutive nights.

B. May provide meals for the transient guests in the area or areas customarily used by a single family for dining in the structure.

Detached buildings located on the same property may be used to provide additional guest rooms, provided that no more than eight (8) guest rooms are used at any one time and rooms are also offered in the single-family, manager occupied dwelling on the property.

Day Care Center. A building and premises used to provide supervision and/or instruction of nonresidents and where meals, toilet facilities, and recreation facilities are provided.

Density. The number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.

Developer. A person who is responsible for any undertaking that requires a zoning permit.

Development. The construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.

Diameter at Breast Height or "DBH". Means the diameter of a tree measured outside the bark at a point *4.5* feet above ground.

Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

District. A part, zone, or geographic area within the municipality within certain zoning regulations.

Drive-in establishment. A place of business being operated for the retail sale of food and other goods, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their automobiles or allows the consumption of any food or beverage obtained from a carryout window in automobiles or elsewhere on the premises.

Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dustless surface. A surface adequately covered, in accordance with good construction standards, with a minimum of either two (2) applications of bituminous surface treatment, concrete, or bituminous concrete, or equivalent paving material approved by the Zoning Administrator or Zoning and Code Compliance Officer. And maintained in good condition at all times.

Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, but not including boats, trailers, mobile homes, motor homes, hotels, motels, motor lodges, tourist courts, or tourist homes, or accessory buildings.

Dwelling, Attached. A dwelling, which is joined to another dwelling at one or more sides by a part wall or walls.

Dwelling, Detached Single-Family. A single-family dwelling entirely surrounded by a yard or other separation from other main buildings on the same lot or on adjacent lots. The term "single-family dwelling" as used in this ordinance shall be considered to mean a detached single-family dwelling.

Dwelling, Duplex. Two single-family dwellings attached by a common vertical wall without openings between them and with separate entrances for each dwelling unit used as a two-family residence in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling, industrialized building unit (modular home). A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilation, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two or more industrialized building units, and not designated for ready removal to or installation or erection on another site. For the purpose of this ordinance, an industrialized building unit shall be deemed a single-family dwelling and shall not be deemed a mobile home dwelling.

Dwelling, Manufactured home (mobile home). A structure subject to federal regulatory standards (42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act), which is transportable in one or more sections; is eight feet or more in width with a body forty feet or more in length in traveling mode, or is three hundred twenty or more square feet when erected on site; is build 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, Multi-Family. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). For purposes of this Ordinance, a multi-family residence is a structure arranged or designed to be occupied by three or more families on a single parcel or on contiguous parcels under the same ownership. Density for Multi-family dwellings shall be as per provisions of this ordinance.

Dwelling, Multi-Family Townhouse. A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. For purposes of this Ordinance, a townhouse is defined as one of a group of attached, single-family dwellings, which are designed as single structures, with each dwelling unit separated by firewalls, fire separations, or similar party wall. No more than eight (8) dwelling units shall be attached.

Dwelling, Single-Family. A residential building designed for or occupied exclusively by one family.

Dwelling, Single-Family Detached, One Dwelling Unit Per Lot. A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Family. One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Flea Market/Antique Market. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell

articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling or auctioning of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition shall not include private garage and private yard sales

Floodplain. Means all lands that would be inundated by flood water as a result of a storm event of a 100-year return interval.

Floor Area. For the purpose of determining the number of off-street parking spaces required by this Ordinance, floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls,

Foundation, Permanent. A wall below the floor nearest grade serving as a support. For the purpose of this Ordinance a permanent foundation shall include a perimeter wall, piers, and/or columns.

Frontage. The length of all property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street; or, if dead-ended, then all of the property abutting on one side between an intersection street and dead end of the same.

Garage, Commercial. A building or portion thereof, other than a private garage, designed or used for repairing, servicing, quipping, or storing motor vehicles in exchange for compensation.

Garage, Private. An accessory building intended for storage of motor vehicles, which are owned and used by the occupants of the dwelling unit.

Golf Course. An area publicly or privately owned, on which the game of golf is played, containing at least nine (9) holes; together with such necessary and usual accessory uses as a club house, caretakers' dwellings, dining and refreshment facilities, and other such uses, provided that the operation of such facilities is incidental and subordinate to the operation of a golf course.

Golf Driving Range. An area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing Body. Refers to The Tappahannock Town Council of Tappahannock, Virginia.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group Care Facility. A building or group of buildings containing one (1) or more dwellings units designed and/or used for housing mentally retarded or otherwise developmentally disabled persons.

Group Home, Private A home for not more than eight people who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two people providing supervision and other services to such persons, all of who live together as a single housekeeping unit.

Hazard to Air Navigation. An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

Highly Erodible Soils. Means soils (excluding vegetation) with an erodability index (El) from sheet and rill erosion equal to or greater than eight. The erodability index for any soil is defined as the product of

the formula RKLS/T,where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and, T is the soil loss tolerance.

Highly Permeable Soils. Means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Conservation Service.

Home Occupation. An occupation, profession, or activity conducted by the occupant of a dwelling which is incidental and secondary to the use of the premises for dwelling purposes, provided that.

A. The home occupation is contained wholly within the principal building;

B. There is no exterior sign or indication of the home occupation except for one permitted sign not to exceed four (4) square feet in area;

C. No alteration is made to the exterior of thc principal building;

D. No outside display or storage of equipment or materials used in conjunction with the occupation shall be permitted;

E. No more than one person not a member of the family living on the premises shall be employed in the occupation;

F. The occupation shall not generate more noise, smoke, fumes, glare,traffic or fire hazards than uses permitted in the same District;

G. The occupation shall not occupy more than *25%* of the floor area of the principal structure.

Hospital. Any institution receiving in-patients and rendering medical, surgical, and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics.

Hotel, Motel. Motor Court. Tourist Court or Motor Lodge. A building in which lodging or boarding and lodging are provided for persons, primarily transient and offered to the public for compensation and in which room assignments are made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to keeping of boarders or roomers, or a multiple-family dwelling which is herein separately defined. A hotel or motel may include restaurants, taverns or club rooms, public banquet halls, ballrooms, and meeting rooms.

Hydric Soils. Means soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophylic vegetation.

Impervious Cover. Means a surface composed on any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Junkyard. Any establishment or place of business which is maintained, operated or used for storage, keeping, buying, or selling old scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked or dismantled or wrecked automobiles, or parts thereof, iron or steel, and other old or scrap materials, operation of a automobile graveyard.

Kennel, commercial. Any place which is equipped and/or used to house, board, breed, handle, train, or otherwise care for three (3) or more dogs for sale or in return for compensation.

Laundry Service. Establishment that provides services to individual customers for the washing, dying, and/or ironing of clothes. This definition shall include coin operated and self-service facilities.

Livestock Market. A commercial establishment wherein livestock is collected for sale and auctioned off.

Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of 22-208.

Loading Space Any off-street space available for loading or unloading of goods from a truck or similar vehicle.

Lot. A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having at least the minimum area required by this ordinance for a lot in the zone in which such lot is situated.

Lot, Corner. A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

Lot Coverage. The computed ground area occupied by all buildings within a lot.

Lot Depth of. The average horizontal distance between the front and rear lot lines, measured along a straight line.

Lot, Frontage. The distance from which the front boundary line of the lot coincides with the abutting street or road. Yards shall be provided as indicated under Yards in this section.

Lot, Interior. A lot other than a corner lot, but including a through lot.

Lot Lines. The property lines bounding the lot.

Lot Line, front. That boundary of a lot which is along an existing private or dedicated public street, or where no public street exists, is along a public way. In the case of a corner lot, both boundaries along a public way shall be considered front lot lines.

Lot Line, Rear. Any boundary of a lot which is neither a front lot line nor a side lot line.

Lot Line, Side. Any boundary of a lot which is neither a front lot line nor a rear lot line.

Lot of Record. A lot which has been recorded in the Circuit Court Clerk's Office of Essex County.

Lot, Through. An interior lot, fronting on two parallel or approximately parallel streets.

Lot Width. The horizontal distance between the side lot lines of a lot measured at the front and rear yard setback lines. The front and year line shall be at least the minimum required by this Ordinance, but may be greater.

Manufacture. Manufacturing. The process of converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for different purpose.

Manufactured home. (See Dwelling, manufactured home)

Marina, commercial. Dock or similar structure, which provides for boat mooring and related services to the general public for a fee.

Marina, private. A dock or similar structure, which provides for boat moorings and related services for private use only**.**

Manufactured Home Park. Any area of land designed to accommodate two or more manufactured homes intended for residential use where residence is in manufactured homes exclusively. For the purposes of this ordinance, the terms "manufactured home park" and "Manufactured Home Park District (MH-l)".

Modular home. (See Dwelling, industrialized building unit).

Motor vehicle sales. Storage and display for sale of more than one (1) motor vehicle or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales.

Neighborhood, Essential Services. Any utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

Nonconforming Building. A structure which, due to excessive height or its location on lot, does not comply with the requirements of the district in which it is located.

Nonconforming Lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located, either at the effective date of this ordinance or as result of subsequent amendments to this ordinance.

Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Sign. A sign that, on the effective date of this chapter does not conform to one or more of the regulations set forth in this ordinance, particularly Article XVI.

Nonconforming Situation. A situation that occurs when, on the effective date of this chapter, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in

conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Article VIII but shall be governed by the provisions of Sections 22-186 and 22-187.

Nonconforming Structure. A otherwise legal building or structure that does not conform with the lot area, yard, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to Article VIII.

Nonconforming Use. An otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to Article VIII.

Nonconformity, Dimensional. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Non-point Source Pollution. Means pollution consisting of constituents such as sediment, nutrients, organic, and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and use.

Nontidal Wetlands. Means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency, pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R.328,3b.

Noxious Weeds. Means weeds that are difficult to control effectively, such as Johnsongrass, Kudzu, and multiflora rose.

Occupancy, Certificate of. The certificate issued by the Building Official, after approval by the Administrator, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of the law for the use and occupancy of the building as specified in the Building Code and in this Ordinance.

Office, General. An office for the use of (1) professional people such as doctors, lawyers, accountants, etc., or (2) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

Office Park. A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designated, planned, constructed and managed on an integrated and coordinated bases

Office, Professional. A structure used for professional office purposes by any member of a recognized profession, including doctors, lawyers, architects, accountants, engineers, and medically related offices. Professional offices do not include general business offices, such as the offices of insurance companies, trade associations, manufacturing companies, investment concerns, banks or real estate companies.

Office, Professional - Residential. The office, studio, or occupational room used by one of the

following licensed professions: doctor, dentist, lawyer, architect, surveyor, engineer, real estate broker, provided no other persons are engaged in the occupation except two employees of the principal practitioner, and provided such use is incidental to and subordinate to residential use and is conducted within a building retaining the residential character of the neighborhood.

Off-Street Parking Area. Space provided for vehicular parking not on a street or roadway.

On-site Sewer. A septic tank or similar installation, approved by the State Department of Health, located on an individual lot or parcel and serving a single dwelling unit or other structure located on that lot, which provides proper and safe treatment and disposal of sewage.**Parapet.** The extension of the main walls of a building above the roof.

Parking Area, Lot, or Structure. A structure, or an off-street area for parking or loading and unloading, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

Parking Area Aisles. A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space. A portion of the vehicle accommodation area set aside for the parking of one vehicle.

Permit, Sign. A permit issued by the land-use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Personal commercial services. Small retail establishments which serve the regular needs of the immediate community including, but not limited to, hair stylists, laundry and dry-cleaning, pharmacy, specialty food services, florists.

Petroleum Storage. The keeping of gasoline, oil, and/or grease and related products in quantities **Pharmacy.** A place where drugs and medicines are prepared and dispensed.

Pier, commercial. A wharf, dock, quay or other structure which provides access to or from a body of water from land for recreational or commercial activity where a user fee is required or the use of the pier involves goods which are introduces into commerce.

Pier, private. A wharf, dock, quay, or other structure, which provides access to or from a body of water from land for private use.

Plan of Development. Means the process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia (1950), as amended, and this Article, prior to any clearing or grading of a site or the issuance of a building permit.

Porch. A roofed open area, which may be screened, usually attached to a part of and with direct access to or from a building.

Premises. A lot or parcel, together with any building or structure thereon.

Primary Highway. A highway designated as a State Primary Highway or U.S. Highway by the Virginia Department of Transportation.

Private Landing Area. An area for landing aircraft which has been constructed by a person for private

use and which is not open to the general public.

Property Lines. The lines bounding a zoning lot, as defined herein.

Public Health Clinic. A building or complex in which physicians or dentists, or both, and nurses offer diagnosis and treatment to the sick and injured. A clinic shall not include inpatient care.

Public Way. Any sidewalk, street, alley, highway, or other public thoroughfare.

Public Water and Sewerage Systems. A water or sewerage system owned and operated by the Town or an authority or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

Recreation Facility. A place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Redevelopment. Means the process of developing land that is or has been previously developed.

Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this Ordinance.

Repair Service Establishment. Any building wherein the primary occupation is the repair and general service of common appliances such as musical instruments, sewing machines, televisions, radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators, and lawn mowers not exceeding thirty (30) horsepower; or any building wherein the primary occupation is interior decorating, including reupholstering and the making of draperies, slipcovers and other similar articles. All activities, including storage, must be within an enclosed building.

Required Open Space. Any space in any front, side, or rear yard, excluding required off-street parking areas.

Residence, Commercial Apartment. A multi-family residence located above and or behind the principal commercial use.

Residence, Primary with Accessory Apartment. A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Resource Management Area or RMA. Means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

Resource Protection Area or RPA. Means that component of the Chesapeake Bay Preservation Area comprised of land adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological land biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

Restaurants.

A. Restaurant, standard - A food-serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons shall not be considered a restaurant.

B. Restaurant, fast food - an establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.

C. Restaurant, fast food cafeteria - any establishment where ready-to-eat food is available upon a short waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth or counter inside the establishment.

D. Restaurant, fast food carryout - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so it can readily be eaten away from the premises, as there are no facilities for on premises consumption of food.

E. Restaurant, drive-in or drive-thru - any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

Retail Stores and Shops. Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchasers.

Right-of-way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, and bridges.

Roads, Public. - Any vehicular way designed or used primarily for automobile traffic that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law as a proposed state, county, or municipal roadway; or (3) is approved by other official action by the Commonwealth of Virginia or the Town of Tappahannock as a state or municipal roadway. For the purposes of Article IX, Part II public roads shall be further defined as: (4) a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, (VDOT), including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the Town of Tappahannock in accordance with Town standards.

Runway. A specified area on an airport prepared for landing and takeoff of aircraft.

Sand, Gravel, or Soil Operations. Any mining, quarrying, excavating, processing, storing, separating,

cleaning or marketing of sand, gravel, stone, or soil conducted as an integral part of or connected with any full or part-time ongoing business or industry. Any such operations conducted by or for the State Department of Transportation in connection with highway construction or maintenance are excluded from this definition and are not subject to the regulations and restrictions of this Ordinance.

Sawmill. A permanently located mill or machine for sawing, planning, or otherwise converting logs into marketable wood products, and including any office or accessory building and storage areas.

Seat. For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Secondary Highway. A highway designated as a State Secondary Highway by the Virginia Department of Highways and Transportation.

Setback. The minimum distance by which any regulated activity must be separated from any property line, right-of-way, or protected feature.

Sexual Oriented Business. An adult arcade, adult bookstore, adult novelty store, adult video store, adult live entertainment, adult motel, adult movie theater, adult theater, escort agency, massage parlor, nude model studio, or sexual encounter center.

Sign. A sign is any identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

Sign, Billboard. An off-premises sign, not to exceed fifty (50) square feet in area, owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

Sign, Building. This is a sign that is attached to or painted on a building for the sole purpose of identifying the activity on the lot or premise (i.e. name of the business, building, etc.) or if the building houses more than one (1) tenant with one (1) entrance/exit, then it can be sign used to identify each tenant housed in the building as well as the name of the building. Suspended signs and Canopies are considered to be a building sign.

Sign, Building/Professional Center Identification . A individual sign, for tenants of an office building or professional center (i.e. Business Park) where each tenant has their own entrance and exit. Identification signs are not internally illuminated, bear no advertising, and do not exceed four (4) square feet.

Sign, Church Bulletin Board or Identification. An external sign up to sixteen (16) square feet in area on church property which identifies the church on the premises of which it is located and which contains the name of the church, the names of the individuals connected with in and general announcements of events or activities occurring at the church or similar messages.

Sign, Directional - External. Signs up to sixteen (16) square feet in area and at least five (5) feet from any street right-of-way for the sole purpose of giving directions to specified churches, community buildings, or business establishments.

Sign, Directional - Internal A sign up to four (4) square feet in area for the purpose of directing traffic

within private property which is not internally illuminated and do not bear any advertising matter.

Sign, Governmental. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Sign, Hunting, Fishing, or Trespassing. A sign up to one and one half (1.5) square feet in area erected for the purpose of informing individuals of the ability to hunt, fish, or enter onto the property on which the sign is located.

Sign, Freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Freestanding signs are erected on the same lot as the activity identified for the purpose of identifying the activity on the lot or premises (name of business, hours of operation, etc.). A sign that stands without supporting elements, such as "sandwich sign," is also a free-standing sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

Sign, Internally Illuminated. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (1) are filled with neon or some other gas that glows when an electric current passes through it and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Sign, Marquee. A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by ordinance. A marquee sign does not project above, below, or beyond the awning, canopy or marquee.

Sign, Menu. A freestanding sign no more than twenty-five (25) square feet in area and less than seven (7) feet in height used for the purposes of advertising a carry out food product at a fast food restaurant. Menu signs are located along the drive-through/ carryout lane no more than ten (10) feet from the structure selling the food.

Sign, Off-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message shall also be an off-premises.

Sign, On-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Sign, Portable/Moveable. A sign that is not permanently attached to, erected on, or supported by some structure (such as a pole, building, mast, frame, or other structure) and is manufactured or constructed with the intent that the sign can be moved or relocated with ease.

Sign, Projecting. A sign which is attached to and projects more than 18 inches from the face of a wall or from any other location on the structure (e.g., a porch or foyer).

Sign, Public or Private School. A signs shall not exceed thirty-two (32) square feet in area and shall not be internally illuminated in order to identify a school facility

Sign, Public Utility. A sign, noncommercial in nature, indicating the presence of a public utility overhead or underground in the area**.**

Sign, Residential Identification. A sign up to three (3) feet in area, which is customarily associated with residential use and are not of a commercial nature, such as (1) signs giving property identification names or numbers or names of occupants and (2) signs on mailboxes or newspaper tubes

Sign, Roadside Produce Stand. A sign not internally illuminated up to eight (8) square feet in area erected on a lot for the sole purpose of advertising produce to be sold. A roadside produce sign stand may be portable and not on display when the stand is not in operation or it may be freestanding.

Sign, Sandwich. A portable sign, not internally illuminated up to eight (8) square feet in area that is put out at the beginning of each day when such activity opens for business and must be brought in at the end of each day at the close of business. Sandwich signs are not used for any other reason than for the intended purpose such as the advertisement of a sale, menu, etc. (i.e. is not used to express political or religious agendas, negative campaigns, sexual preferences, slandering other businesses, etc.).

Sign, Shopping Center/Industrial Park Identification. A single building sign up to fifty (50) square feet for each shopping center or industrial park tenant which may be internally illuminated.

Sign, Subdivision and Multi-family Entrance. A combination of one or two signs up to sixteen (16) square feet each which is place at any entrance to a residential subdivision or multi-family development

Sign, Temporary. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sign, Temporary - Banner. A banner is a temporary sign bearing information such as advertising a product or service and not a special event. Such sign must be attached to a building and shall not be attached to a freestanding sign, a utility pole, or a highway sign.

Sign, Temporary - Construction Site Identification. A temporary sign during the period of construction, not illuminated and up to thirty (32) square feet in area, erected and maintained on a lot where a project is being done to identify the project, the owner or developer, architect, engineer, contractor and subcontractors, and funding resources and may contain information including, but not limited to, sale or leasing information. Construction Site Identification signs are removed within ten (10) days of issuance of the final occupancy permit.

Sign, Temporary - Election. A temporary sign up to sixteen (16) square feet in area and is not internally illuminated that is erected in connection with an election or political campaign.

Sign Temporary – Sail or Feather Flag – A temporary sign no more than thirty-two (32) square feet in area and no more than twelve (12) feet in height supported by a single pole in the ground. Shall be removed after thirty (30) days. Cannot be placed in the right of way, must be kept in good condition and well maintained. One (1) flag per business.

Sign, Temporary - For Sale Signs (non-Real Estate signs). A temporary sign not internally illuminated up to one and one half (1.5) square feet in area erected for the purpose of advertising personal property for sale (i.e. car, building for sale by owner, etc.) attached to or near the property that is for sale.

Signs, Temporary - Holiday display or sign. A temporary display or sign, including lights that is erected in connection with the observance of a holiday.

Sign, Temporary - Real Estate. A temporary sign up to four (4) square feet in area that contains the message that the real estate on which the sign is located (including building) is for sale, lease, or rent, together with information identifying the owner or agent which is removed immediately after the sale, rental or leasing of the property.

Sign, Temporary - Special Event. A temporary sign (to include banners) up to sixteen (16) square feet in area for the purpose of indicating that a special event such as a grand opening, special sale, fair, carnival, festival, or similar event is to take place on the lot where the sign is located. Special event signs are not erected sooner than two (2) weeks before the event do not remain erected later than three (3) days after the event

Sign, Temporary - Yard/Garage/Estate Sale. A temporary sign, not internally illuminated up to one and one half square feet, erected on a piece of property for the purpose of advertising a yard/garage/estate sale.

Silvicultural Activities. Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to §10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under §58.1-3230 of the Code of Virginia.

Site Plan. A drawing illustrating a proposed development and prepared in accordance with the specifications of this Ordinance.

Special Events. Grand openings, special sales, circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but not longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Exception. A permit issued by the Board of Zoning Appeals that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board.

Special Exception Permit. A permit issued by the Administrator upon approval by the Board to allow a special exception to be established within a district.

Storage. The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession.

Storm water Management.

A. For quantitative control, a system of vegetative and/or structural measures that control the

increased volume and rate of surface runoff caused by man-made changes to the land; and

B. For qualitative control, a system of vegetative, structural, and/or other measures that reduce or eliminated pollutants that might otherwise be carried by surface runoff.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above the space between the floor and the ceiling next above it.

Story, half. A space under a sloping roof, which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Street (Road). A public street or a street with respect to which an offer of dedication has been made.

Street, Arterial. A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the county and carries high volumes of traffic.

Street, Center Line. The centerline of a street shall mean the center line thereof as shown in any of the official records of the Town or as established by the Virginia Department of Transportation. If no such centerline has been established, the centerline of a street shall be a line lying midway between the sidelines of the right-of-way thereof.

Street, Collector. A street whose principal function is to carry traffic between minor, local and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

Street, Cul-de-sac. A street that terminates in a vehicular turn around.

Street Line (Right-of-Way). A public or private thoroughfare which affords the principal means of access to abutting properties.

Street, Local. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but not more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day.

Street, Marginal Access. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, Minor. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75 trips per day.

Street, Sub-collector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per

day.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

Structural Alteration. Any change in the supporting members of a building or structure, including bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any substantial change in the roof of a building.

Subdivision. The division of land as defined in the Subdivision Ordinance of Tappahannock, Virginia.

Substantial Alteration. Means expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

Tidal Shore or Shore. Means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal Wetlands. Means vegetated and nonvegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia *(1950),* as amended.

Travel Trailer, Motor Home or Camper. A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath or shower facilities, designed to be used for temporary human habitation, for travel, recreational and vocational uses. Use of these vehicles as permanent dwelling units is expressly prohibited by this Ordinance.

Tattoo Parlors and Schools. Means a place in which is offered or practiced the placing of designs, letters. Scrolls figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, by the aid of needles or any other instrument designed to touch or puncture the skin.

Tower. Any structure whose principal function is to support an antenna.

Townhouse. See **Dwelling, Multi-Family Townhouses.**

Tract. (See definition of Lot). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

Use. The activity or function that actually takes place or is intended to take place on a lot.

Use, permitted. A use, which may be lawfully established in a particular district or districts, provided it conforms with all regulations, requirements, and standards of such district.

Use, Principal. A use listed in the Table of Permissible Uses.

Utility Facilities. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility by Virginia State law and used in connection with the production, generation, transmission, delivery, collection, or storage

of water, sewage, electricity, gas oil, or electronic signals.

Utility Facilities, Community or Regional. All utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Variance. A variance from application of the strict terms of this Ordinance which may be granted in a specific case by the Board of Zoning Appeals under the terms of this Ordinance and applicable State law.

Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Veterinary Hospital. A place designated or maintained for the treatment of disease of animals. May also include as a secondary use the housing, boarding, breeding, or otherwise keeping of or caring for animals.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of water.

Water-Dependent Facility. Means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reasons of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

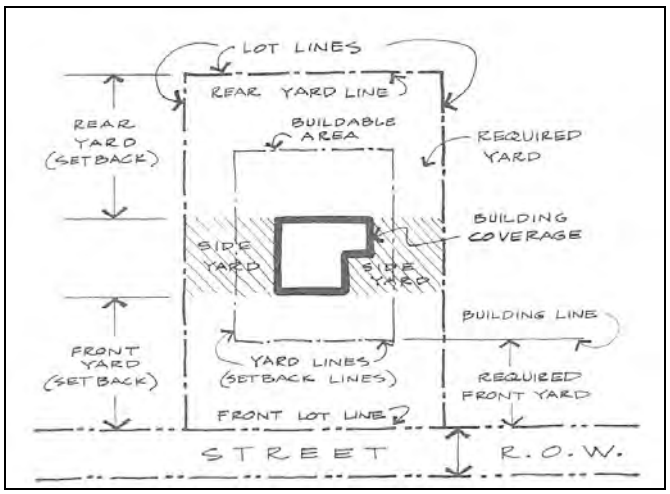
Wayside Stand, Roadside Stand. Wayside Market. Any structure designed and/or used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

Wetlands. Means tidal and nontidal wetlands.

Wholesale Sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wooded Area. An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard. An open green space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance. A "yard" extends along a lot line and to a minimum depth or minimum width specified in the yard requirements for the zoning district in which such zoning lot is located.



Yard, Front. An open space on the same lot as a principal building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

Yard, Rear. A yard extending along the full length of the rear lot line of the zoning lot.

Yard, Side. A yard extending along a side lot line measured from the front yard to the rear yard.

Yard, Corner Side. A side yard, which adjoins a public street.

Yard, Interior Side. A side yard, which is locate immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

Yard, Transitional. That yard which must be provided on a zoning lot in a business-commercial district which adjoins a zoning lot in a residential district, or that yard which must be provided on a zoning lot in either a residential or business-commercial district.

Zoning Administrator. The official designated by the Town as the official responsible for enforcing and administering all requirements of the Town of Tappahannock Zoning Ordinance.

Zoning and Code Compliance Officer. An authorized agent of the Zoning Administrator whose duties involve the reviewing and approval of plats, subdivisions, site plans, and other planning, zoning, and land development documents to ensure compliance with the provisions of this ordinance and related ordinances, specifications, and regulations.

Zoning Overlay District. A district which is placed over the existing regular or parent zoning because of sighting of a zoning district or imposes additional restrictions and includes all those districts listed as Special Districts in this Ordinance.

Zoning Parent District. Those basic districts initially listed other than Special Districts in this Ordinance.

Zoning Permit. A document issued by the Administrator or the Zoning and Code Compliance Officer authorizing the use of lots, structures, lots and structures, and the characteristics of uses.

Section 22-16. Reserved

ARTICLE III ADMINISTRATIVE MECHANISMS

Section 22-17. Appointment and Terms of Planning Commission Members

a. A Town Planning Commission has been created for the Town of Tappahannock, in accordance with the provisions of sections 15.2-2210 to 15.2-2221 of the Code of Virginia.

b. The Planning Commission shall consist of ten (10) members; one of whom shall be a member of the Town Council, one of whom shall be the Town Manager and one of whom shall be the Mayor, who shall serve in a non-voting capacity. The remaining seven members shall be referred to as appointed members.

c. The term of the Mayor, councilmember and the Town Manager shall in all cases correspond to their tenure in office. The other original members are appointed for terms of one, two, three and four years, these terms being divided as nearly as equal as possible among the membership. Their successors shall be appointed for terms of four years by the Town Council. Any vacancy in membership shall be filled by appointment by the Town Council and shall be for an unexpired term only.

d. Any member of the Town Planning Commission may be removed by the Council for malfeasance in office; provided, that such removal may be made only after a public hearing at which time such member is given an opportunity to appear and be heard on the charges against him.

Section 22-18. Meetings of the Planning Commission

a. The Planning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on all complete applications in an expeditious manner.

b. The Planning Commission need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Article V and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

c. Minutes shall be kept of all Planning Commission proceedings.

d. All Planning Commission meetings shall be open to the public, and whenever feasible the tentative agenda for each Commission meeting shall be made available in advance of the meeting.

e. Whenever the Planning Commission is called upon to make recommendations, on any proposal requiring a public hearing such hearing shall be held in accordance with Section 15.2-2204 1950 Code of Virginia, as amended.

Section 22-19. Quorum and Voting

a. A quorum for the Planning Commission shall consist of a majority of the Commission membership (excluding vacant seats). A quorum is necessary for the Commission to take official action.

b. All actions of the Planning Commission shall be taken by majority vote, a quorum being present.

c. A roll call vote shall be taken upon the request of any member.

d. All Advisory members shall have all the privileges of membership except the right to vote.

Section 22-20. Planning Commission Chairman

a. The Planning Commission shall annually elect one chairman and one vice chairman from among its members.

b. The chairman and vice chairman may take part in all deliberations and vote on all issues.

Section 22-21. Powers and Duties of Planning Commission

a. The Planning Commission may:

1. Make studies and recommend to the Town Council plans, goals, and objectives relating to the growth, development and redevelopment of the Town.

2. Develop and recommend to the Town Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

3. Make recommendations to the Town Council concerning proposed zoning amendment requests.

4. Review and make recommendations to the Administrator concerning applications for land development, subdivision plats and site development plans.

5. Review and authorize approval of site plans by the Zoning Administrator.

6. Perform all duties required and in accordance with the 1950 Code of Virginia, as amended.

b. The Planning Commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

Section 22-22. Advisory Committees

a. From time to time, the Town Council may appoint one or more individuals to help the Planning Commission carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Town Council may appoint advisory committees to give advice to the Planning Commission.

b. Members of such advisory committees shall sit as nonvoting members of the Planning Commission when such issues are being considered and lend their talents, energies, and expertise to the Planning Commission. However, all formal recommendations to the Town Council shall be made by the Planning Commission.

c. Nothing in this section shall prevent the Town Council from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Town Council.

Section 22-23. Appointments and Terms of Board of Zoning Appeals

a. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members who shall be appointed by the Circuit Court of Essex County. Their terms of office shall be for five (5) years each, except that original appointments shall be made as follows: one member who shall serve for one (1) year, one member who shall serve for two (2) years, one member who shall serve for three (3) years, one member who shall serve for four (4) years, and one member who shall serve for five (5) years. The secretary of the Board of Zoning Appeals 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 Circuit Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the Board of Zoning Appeals hold no other public office in the Town of Tappahannock, except that one shall be an active member of the Planning Commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. Members shall serve without compensation other than for reasonable and necessary expenses.

b. Any member of the Board of Zoning Appeals may be removed for malfeasance, misfeasance or nonfeasance in office, or other just cause, by the Circuit Court of Essex County, after hearing held after at least fifteen days' notice; notice to be served upon the member by hand delivering or sending by certified mail, return receipt requested, a copy of all charges against him.

c. The Board of Zoning Appeals shall elect from its own membership a Chairman and Vice Chairman or his designee, who shall serve annual terms and may succeed themselves. The Town Manager shall serve as Secretary to the Board of Zoning Appeals. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board of Zoning Appeals. The Board may make, alter and rescind rules and forms for its procedures, consistent with the Town Code and general laws of the Commonwealth of Virginia. The Board of Zoning Appeals shall keep a public record of its proceedings and shall submit a report of its activities to the Town Council at least once a year.

d. Within the limits of the funds appropriated for its use by the Town Council, the Board of Zoning Appeals may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

Section 22-24. Meetings of the Board of Zoning Appeals

a. The Board of Zoning Appeals shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on all complete applications in an expeditious manner.

b. The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.

c. All meetings of the Board shall be open to the public, and whenever feasible the tentative agenda for each Board meeting shall be made available in advance of the meeting.

d. The Board shall keep a record of all proceedings and minutes showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the Board and shall be a public record.

Section 22-25. Quorum

a. A quorum for the Board of Zoning Appeals shall consist of a majority of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.

b. A member who has withdrawn from the meeting without being excused as provided in Section 22-26, c. shall be counted as present for purposes of determining whether a quorum is present.

Section 22-26. Voting

a. The concurring vote of the majority of the Board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the Administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to grant any variance.

b. Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection c. or has been allowed to withdraw from the meeting in accordance with Subsection d.

c. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

1. If the member has a direct financial interest in the outcome of the matter at issue, or

2. If the matter at issue involves the member's own official conduct, or

3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or

4. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

d. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

e. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

f. A roll call vote shall be taken upon the request of any member.

Section 22-27. Powers and Duties of Board of Zoning Appeals

a. The Board of Zoning Appeals shall hear and decide:

1. Appeals from any order, decision, requirement, or interpretation made by the

Administrator, as provided in Section 22-60.

2. Applications for Special Exception Uses, as provided in Section 22-52.

3. Applications for Variances, as provided in Section 22-61.

4. Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Section 22-62.

5. Any other matter the Board is required to act upon by any other Town ordinance or the General Laws of the Commonwealth of Virginia.

b. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter or the General Laws of the Commonwealth of Virginia.

Section 22-28. Zoning Administrator

Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance shall be the Zoning Administrator or his designee. The term or "staff" is sometimes used interchangeably with the term "Administrator".

Section 22-29. Powers and Duties of the Zoning Administrator

The Zoning Administrator, or his designee, shall have the power to:

a. To administer this ordinance on a day-to-day basis.

b. Hear and decide applications for land development and approve subdivision plats. In this respect the Zoning Administrator is the approving authority for major and minor subdivisions, unless otherwise provided.

c. To sign as approved site development plans.

d. To prepare staff comments on such matters as required by this ordinance or when so directed by the Town Council, Planning Commission, or Board of Zoning Appeals.

Section 22-30. Town Council

The Town Council is the local elected legislative body. The Town Council's primary responsibility relative to this ordinance shall be to make final decisions on zoning amendment petitions and to make such appointments as identified in this ordinance. In considering proposed changes in the text of this ordinance or in the zoning map, the Council acts in its legislative capacity and must proceed in accordance with the requirements of Article XIX and the General laws of the Commonwealth of Virginia.

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ARTICLE IV DEVELOPMENT APPROVAL

Part I Zoning Permits

Section 22-31. Permits Required

a. No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered, and no excavation that disturbs over 2,500 square feet shall begin without the issuance of a Zoning Permit therefor by the Zoning Administrator.

b. No building, or other structure, or land shall be used, nor shall any building, structure, or land be converted, wholly or in part, to any other until a Zoning Permit, certifying compliance with these regulations, has been issued by the Zoning Administrator.

c. Before the zoning permit is issued the following permits may be required by the Zoning Administrator:

1. Permits Authorized by the Board of Zoning Appeals. The Zoning Administrator shall issue permits in conformance with the written authorization of the Board of Zoning Appeals concerning administrative review appeals, special exception permit appeals, dimensional variance appeals, or other appeals as authorized in this Zoning Ordinance.

2. Grading Permits. As provided in Tappahannock Sediment and Erosion Control Ordinance.

3. Sign Permits. No sign shall be created, erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a sign permit.

4. Other Permits. Additional permits, including approvals by other agencies, may be required to enforce the provisions of this Ordinance.

d. Permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, all development shall occur strictly in accordance with such approved plans and applications.

e. In the discharge of his duties, the Zoning Administrator shall have the authority to enter at any reasonable hour any building, structure, or premise in the Town to enforce the provisions of this Ordinance. He may adopt a badge of office for himself and assistants that shall be displayed for the purpose of identification. The assistance and cooperation of sheriffs and/or police, fire, and health departments and all other Town officials shall be available to him as required in the performance of his duties.

Section 22-32. Severability

a. Compliance with Other Codes, Statutes, and Regulations. Nothing in this section or other sections of the Zoning Ordinance shall be construed to exempt any applicant for a permit from compliance with all local, state, and federal codes, statutes, and regulations.

b. Conflict with Other Permits. Except as provided herein, no permit pertaining to the use of land or buildings shall be issued by any agency, department or employee unless a Zoning Permit has been issued by the Zoning Administrator. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

Section 22-33. Time Limits for Zoning Permits

If work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Administrator; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2-1/2) years of the date of the issuance thereof, said permit shall expire and be revoked by the Administrator, and written notice shall be given to the persons affected, together with notice that further work as described in the cancellation permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 22-34. Permit Application Requirements and Procedures

a. All applications for permits shall be accompanied by such plans and information as the Zoning Administrator deems to be necessary to determine compliance and provide for enforcement of this Zoning Ordinance. The application materials listed in Appendix A and the owner's signature of authorization shall be the minimum. Additional information may be required.

b. After reviewing the application materials, the Zoning Administrator shall mark the application either as "Approved" or "Disapproved" and attest to the same by signature on such copy. The Zoning Administrator shall notify the applicant in writing not later than 90 days after receipt of the site plan.

c. Site Plans Required:

1. Minor Site Plan. A minor site plan shall be filed for a single-family dwelling, a duplex, a residence with an accessory apartment, any accessory building, an addition or change of a commercial or industrial structure, or for a special exception use which does not require a zoning permit.

Upon determination by the Zoning Administrator, in those above cases where a field inspection indicates that the scope of the proposed building, addition, accessory use, or special exception is of such a nature that the provisions for the handling of natural and stormwater, sediment control, off-street parking, set-backs, water and sewerage, and other requirements cannot be adequately addressed with a minor site plan, a major site plan shall be required.

2. Major Site Plan. All applications for zoning permits, other than those accompanied by a minor site plan, or those that are considered minor or major subdivisions (see definitions), shall be accompanied by a major site plan.

Prior to filing any site plan, the developer shall furnish to the Town an irrevocable letter of credit, cash escrow, or bonds from a certified Virginia Lending Institution by corporate surety in a form and amount sufficient to guarantee the completion of all required

improvements. These improvements include, but are not limited to, Erosion and Sediment Control Ordinance requirements, landscaping requirements, conditional zoning or Board of Zoning Appeals requirements, and other improvements deemed necessary by the Zoning Administrator. The cost of required improvements shall be determined by a bona fide estimate of construction cost prepared by a duly licensed engineer, such estimate shall be provided at the expense of the developer. The amount of the performance bond or other guarantee shall be 110% of the estimated construction cost. If such Bond or other instrument contains an expiration date, provisions shall be made for the extension thereof in the event that all improvements have not been completed thirty (30) days prior to the expiration date. In the event the agent has rejected any such agreement or Bond, the owners or developer shall have the right to have such determination made by the Board of Zoning Appeals.

3. General Development Plan.

(a) A general development plan is a site plan by which, at the early stages of development design, the Planning Commission may consider, approve, or restrict major aspects of the development without requiring an undue amount of final design work on the part of the developer. The general development plan is less detailed and specific than a major site plan in terms of exact arrangement of buildings, parking areas, open spaces, access points, and any other site design features. No zoning permits can be issued based upon a general development plan.

(b) General development plans shall be required as follows:

(1) All applications for zoning map amendments shall be accompanied by a general development plan.

(2) General development plans shall be required to permit more than one principal structure and its accessory structures on a lot or parcel of land.

4. Grading Permits. As provided in Tappahannock Sediment and Erosion Control Ordinance.

5. Subdivision Plat. If the permit involves the subdivision of land, an approved subdivision plat shall be required as provided in the Tappahannock Land Subdivision Rules and Regulations.

6. Sign Permits. Requirements for sign permits shall be as provided in Article XVI.

7. Transportation Plan

(a) General Development Plans shall demonstrate that proposed streets comply with the Town's Transportation Plan as shown in the Tappahannock Comprehensive Plan.

(b) The owner of the property so affected, however, shall have the right to appeal the refusal of a zoning permit to the Board of Zoning Appeals, and the Board may grant a permit to build if it should find, upon the evidence and arguments presented to it upon such appeal:

(1) That the entire property of the appellant of which the area affected by the Transportation Plan forms a part, cannot yield a reasonable return to the owner unless such appeal be granted; and

(2) That balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of such permit is required consideration of reasonable justice and equity.

c. Before taking any action, the Board of Zoning Appeals shall hold a public hearing at which time the parties in interest shall have an opportunity to be heard. In the event the Board grants a zoning permit in any such appeal, it shall have the power to specify the exact location, extent, area, height, duration, and other details and conditions to govern the building, structure, or part thereof for which the permit is granted.

d. The following additional requirements shall be applicable to site plans required under this section:

1. Compliance with applicable established design criteria, construction standards, and specifications for all improvements as may be required by the Town Council and this Zoning Ordinance.

2. The zoning permit shall not be issued unless and until the Virginia Department of Transportation has approved the site plan as it relates to access point design details on a state highway.

3. Other Approvals. If this Zoning Ordinance requires approval by another agency of certain site plan features, such approval shall be obtained prior to issuance of a zoning permit.

4. Development Plan as Site Plan. In any case, where the Zoning Administrator has approved a detailed final development plan showing essentially the same information as required above for the property seeking a zoning permit, no separate site plan shall be required to be prepared. The applicant shall be required to supply such supplementary information as necessary to comply with all requirements of this Section.

5. Any or all of the information required for a minor or major site plan may be waived if the Zoning Administrator finds that it is not needed to make a determination of zoning compliance.

6. The basic information required with zoning permit applications is shown in Appendix A.

Section 22-35. Certificate of Occupancy

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of compliance has been issued by the Administrator. Such permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of compliance either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten days after the

erection or structural alteration of such building or part has conformed with the provisions of this chapter.

Section 22-36. Inspection And Supervision During Installation

a. Unless specifically provided in this chapter, the construction standards for all off-site improvements and on-site improvements required by this article shall conform to the Town design and construction standards contained in Appendices B, C, and D, and standard specifications for water and sewer construction. Appropriate Town authorities shall approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to assure conformity thereto.

b. Inspection during the installation of the off-site improvements shall be made by the department responsible for such improvements as required to certify compliance with the approved site plan and applicable standards.

c. The owner shall notify the appropriate Town agencies in writing three (3) days prior to the beginning of all street, water sewer, or storm sewer work shown to be constructed.

d. The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one (1) set of approved plans, profiles, and specifications available at all times when work is being performed.

e. Upon satisfactory completion of the required improvements and after having received verification by the appropriate Town approving authorities, the Zoning Administrator shall authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements of parts thereof. This release shall provide for 25 percent of the total bond to be retained for a period of 12 months after completion of all work. Bond retention period may be extended for an additional 12 months if major failures or deficiencies occur as determined by the Zoning Administrator. Said retainer shall be for the protection of the Town to cover failures, discrepancies, etc., in the previously approved improvements.

f. The installation of improvements as required in this article shall in no case serve to bind the Town to accept such improvement for the maintenance, repair, or operation thereof.

Section 22-37. Who May Submit Permit Applications

a. Applications for zoning, special exception, sign permits, other permits, or minor subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the minor subdivision plat approval. Any amendment may be initiated (i) by resolution of the Tappahannock Town Council, or (ii) by motion of the Planning Commission or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is subject of the proposed zoning map amendment.

b. The Zoning Administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection a. whenever there appears to be a reasonable basis for questioning this authority.

Section 22-38. Applications To Be Complete

a. All applications for zoning, special exception, sign permits, or other permits must be complete before the permit-issuing authority is required to consider the application.

b. Subject to Section 22-31, an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.

c. In this Ordinance, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one or more of the appendices to this ordinance. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in the light of the substantive requirements set forth in this text of this Ordinance.

However, whenever this Ordinance requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the Zoning Administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in Article VII.

d. The presumption established by this Ordinance is that all of the information set forth in the Appendix A is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Zoning Appeals, the applicant may rely in the first instance on the recommendations of the Zoning Administrator as to whether more or less information than that set forth in the Appendix A should be submitted.

e. The Zoning Administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the Zoning Administrator to determine compliance with this Ordinance, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the Zoning Administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

Section 22-39. Staff Consultation Before Formal Application

a. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this ordinance, a preapplication meeting between the developer and the Zoning Administrator is encouraged or required as provided in this section.

b.

Section 22-40. Staff Consultation After Application Submitted

a. Upon receipt of a formal application for a zoning, or special exception permit, the Zoning Administrator shall review the application and confer with the applicant to ensure that he understands the Town staff's interpretation of the applicable requirements of this ordinance, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to do.

b. If the application is for a special exception permit, the Zoning Administrator shall place the application on the agenda of the Board of Zoning Appeals when the applicant indicates that the application is as complete as he intends to make it. However, if the Zoning Administrator believes that the application is incomplete, he shall recommend to the Board that the application be denied on that basis.

Section 22-41. Authorizing Use Or Occupancy Before Completion Of Development Under Zoning Permit

In cases when, because of weather conditions or other factors beyond the control of the zoning-permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning-permit recipient to comply with all of the requirements of this chapter prior to commencing the intended use of the property or occupying any buildings, the Zoning Administrator may authorize the commencement of the intended use or the occupancy of buildings if the permit recipient provides a performance bond or other security satisfactory to the Town to ensure that all of the requirements of this ordinance will be fulfilled within a reasonable period (not to exceed 12 months) determined by the Zoning Administrator. The recipient is responsible for complying with all other codes prior to commencing the use or occupying the structure.

Section 22-42. Completing Developments In Phases

a. If a development is constructed in phases or stages in accordance with this section, then, subject to Subsection c., the provisions of Sections 22-10 and 22-37 shall apply to each phase as if it were the entire development.

b. As a prerequisite to taking advantage of the provisions of Subsection a., the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Ordinance that will be satisfied with respect to each phase or stage.

c. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

1. If the improvement is one required by this ordinance then the developer may use the provisions of Subsections 22-41 a. or b.

2. If the improvement is an amenity not required by this ordinance or is provided in response

to a condition imposed by the Board of Zoning Appeals, then the developer may use the provisions of Subsection 22-41 b.

Section 22-43. Expiration Of Permits

a. Zoning, special exception, sign, and other permits shall expire automatically if, within one year after the issuance of such permits:

1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or

2. Less than 10 percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 22-42), this requirement shall apply only to the first phase.

b. If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 22-44.

c. The permit-issuing authority may extend for a period up to six months the date when a permit would otherwise expire pursuant to Subsections a. or b. if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

d. For purposes of this section, the permit within the jurisdiction of the Board of Zoning Appeals is issued when such Board votes to approve the application with or without conditions (written minutes of such Board action will state conditions in full) and the Zoning Administrator issues the permit. A permit within the jurisdiction of the Zoning Administrator is issued when the earlier of the following takes place:

1. A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand-delivered or mailed to the permit applicant; or

2. The Zoning Administrator notifies the permit applicant that the applicant has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required.

e. Notwithstanding any of the provisions of Article VIII, this section shall be applicable to permits issued prior to the date this section becomes effective.

Section 22-44. Effect Of Permit On Successors And Assigns

a. Zoning, special exception, sign, and other permits authorize the permittee to make use of land and structures in a particular way. Such permits are not transferable.

Section 22-45. Amendments To And Modifications Of Permits

a. Insignificant deviations from the permit (including approved plans) issued by the Board of Zoning Appeals or the Zoning Administrator are permissible and the Zoning Administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

b. Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

c. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Zoning Appeals, new conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

d. The Zoning Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in Subsections a., b., and c.

e. A developer requesting approval of changes shall submit a written request for such approval to the Zoning Administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

Section 22-46. Reconsideration Of Board of Zoning Appeals Action

a. Whenever the Board of Zoning Appeals disapproves an application for a special exception permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the Board at a later time unless the applicant clearly demonstrates that:

1. Circumstances affecting the property that is the subject of the application have substantially changed, or

2. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Zoning Administrator within the time period for an appeal to the Court (see Section 22-77). However, such a request does not extend the period within which an appeal must be taken.

b. Notwithstanding Subsection a., the Board of Zoning Appeals may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

Section 22-47. Maintenance Of Common Areas, And Facilities

The recipient of any zoning, special exception, sign, or other permit, or his successor, including a home owners association, shall be responsible for maintaining all common areas, improvements, or facilities required by this ordinance or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the Town. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and require vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Section 22-48. Records of Zoning Administrators

The Zoning Administrator shall keep records of all zoning permits issued under this Ordinance; maintain permanent and current records related to the Ordinance, including zoning maps, amendments, special exceptions, variances, appeals, and planned development site plans; and make annual reports and recommendations to the Planning Commission and Town Council on matters pertaining to this Ordinance.

Section 22-49. Structures And Uses To Be As Provided In Zoning Permits, Plans, And Certificates of Occupancy

Zoning permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Zoning Administrator or Building Official authorize only the use, arrangement, and construction set forth in such permits, plans, and certificates, and no other. The use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

Part II Special Exception Permits

Section 22-50. Intent

a. The development and execution of this Ordinance are based upon the division of the Town into zoning districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

b. The intent of this Article is to establish procedures and minimum standards to be used as guidelines for the consideration and authorization of those uses classified as special exceptions under the respective District regulations.

c. The granting of a special exception does not exempt the applicant from complying with all other requirements of this Ordinance or of the law.

Section 22-51. Initiation of Special Exceptions

Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one or more of the special exceptions provided in the zoning district in which the land is located.

Section 22-52. Application for Special Exception

a. Such application for special exception shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data as required in Section 22-34, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards hereinafter set forth.

b. The special exception the Zoning Administrator shall forward the application to the Board of Zoning Appeals for review and decision.

Section 22-53. Hearing on Application

a. The Board of Zoning Appeals shall hold a public hearing in accordance with Article VI of this Ordinance on each application for a special exception at such time and place as shall be established by the Board of Zoning Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Zoning Appeals shall, by rule, prescribe from time to time.

b. Notice is required as provided by the 1950 Code of Virginia, as amended.

Section 22-54. Authorization

For each application for a special exception, the Board of Zoning Appeals shall normally, within sixty (60) days of receipt of the application, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.

Section 22-55. Standards - General

No special exception shall be approved by the Board of Zoning Appeals unless such Board shall find:

a. That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.

b. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

c. That the exterior architectural appeal and functional plan of any proposed structure will not be so at

variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

d. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary improvements have been or are being provided.

e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

f. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the Town of Tappahannock.

g. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use.

h. In accordance with §15.2-2309, 1950 Code of Virginia, as amended.

i. Conditions and Guarantees. Prior to the granting of any special exception, the Board of Zoning Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance. In all cases in which special exceptions are granted, the Board of Zoning Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Section 22-56. Effect of Denial of a Special Exception

No application for a special exception which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for a period of two (2) years from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning Appeals.

Section 22-57. Complaints

Notice of complaints received by any representative of the Town concerning the operation of any special exceptions shall be transmitted promptly to the Board of Zoning Appeals which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.

Section 22-58. Revocation (See Article VII for enforcement provisions.)

a. Failure to Comply with Conditions. Whenever the Board of Zoning Appeals shall find, in case of any permit heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Board of Zoning Appeals is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing (in accordance with 1950 Code of Virginia, as amended) to

suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board of Zoning Appeals is authorized to request and obtain investigations and reports as to compliance from such Town or state agencies or administrative officers as may be appropriate.

b. Abandonment, etc. Whenever the Board of Zoning Appeals shall determine that a special exception appears to have been abandoned, that an approved special exception is not initiated within one (1) year after the date of approval, or that all of the terms and conditions of its grant are not being complied with, the Zoning Administrator shall notify the Board Zoning Appeals and the Town attorney's office. Upon receipts of notice of such determination by the Board, the Board shall issue an order to show cause why such special exception should not be revoked. Notice thereof shall be given to the party to whom the special exception has been granted and to all parties who would be entitled to receive notice of a new application for special exception concerning the property. The applicant shall have thirty (30) days from the date of written notice of expiration to file an appeal of said notice.

Section 22-59. Standards for Specific Special Exceptions

Certain buildings, structures, and uses of land developed as special exceptions are of such substantially different character from other special exceptions that they require specific and additional standards to guide the decision of the Board of Zoning Appeals. Minimum standards required in Article XI of this Ordinance shall be complied with for a Special Exception.

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ARTICLE V APPEALS, VARIANCES, INTERPRETATIONS

Section 22-60. Appeals

a. An appeal from any final order or decision of the Zoning Administrator may be taken to the Board of Zoning Appeals by any person. An appeal is taken by filing with the Zoning Administrator and the Board of Zoning Appeals a written notice of appeal specifying the grounds therefore. A notice of appeal shall be considered filed with the Zoning Administrator and the Board of Zoning Appeals when delivered to the Town office, and the date and time of filing shall be entered on the notice by the Zoning Administrator.

b. An appeal must be taken within 30 days after the date of the decision or order appealed from.

c. Whenever an appeal is filed, the Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record relating to the action appealed from.

d. An appeal stays all actions by the Zoning Administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Zoning Administrator.

e. The Board of Zoning Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Zoning Appeals shall have all the powers of the officer from whom the appeal is taken.

Section 22-61. Variances

a. An application for a variance shall be submitted to the Board of Zoning Appeals by filing a copy of the application with the Zoning Administrator in the planning department. Applications shall be handled in the same manner as applications for zoning permits and special exceptions in conformity with the provisions of Sections 22-37, 22-38, and 22-39.

b. A variance may be granted by the Board of Zoning Appeals if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property,

2. That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this Ordinance would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

(a) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public,

(b) The hardship relates to the applicant's land, rather than personal circumstances,

(c) The hardship is unique, or nearly so, rather than one shared by many surrounding properties,

(d) The hardship is not the result in the applicant's own actions, and

(e) That strict enforcement of the provisions of this Ordinance would deprive the property owner of rights commonly shared by other owners of property in the area.

3. That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the Zoning District.

4. That the variance request is not based upon conditions or circumstances which are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming which are related to adjacent parcels.

5. That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.

6. That the proposed variance is consistent with the Town of Tappahannock Comprehensive Plan.

7. The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.

c. In granting variances, the Board of Zoning Appeals may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

d. A variance may be issued for an indefinite duration or for a specified duration only.

e. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

Section 22-62. Interpretations

a. The Board of Zoning Appeals is authorized to interpret the zoning map and to pass upon disputed questions of lot or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Zoning Administrator, they shall be handled as provided in Section 22-60.

b. An application for a map interpretation shall be submitted to the Board of Zoning Appeals by filing a copy of the application with the Zoning Administrator. The application shall contain sufficient information to enable the Board of Zoning Appeals to make the necessary interpretation.

c. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of alleys, streets, highways, streams, or railroads shall be construed to follow such centerline,

2. Boundaries indicated as approximately following lot lines, and Town boundary lines shall be construed as following such lines, limits or boundaries,

3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines,

4. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map.

5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

d. Interpretations of the location of floodway and floodplain boundary lines may be made based on the FEMA Maps.

Section 22-63. Requests To Be Heard Expeditiously

The Board of Zoning Appeals shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article VI, and obtain the necessary information to make sound decisions.

Section 22-64. Burden of Proof in Appeals and Variances

a. When an appeal is taken to the Board of Zoning Appeals in accordance with Section 22-60, the Zoning Administrator shall have the initial burden of presenting to the Board of Zoning Appeals sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

b. The burden of presenting evidence sufficient to allow the Board of Zoning Appeals to reach the conclusions set forth in Subsection 22-61 b., as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

Section 22-65. Board of Zoning Appeals Action on Appeals and Variances

a. With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or

findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the majority vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the Board's decision if supported by a majority of the Board's membership (excluding vacant seats).

b. A motion to deny a variance may be made on the basis that any one or more of the six criteria set forth in Subsection 22-61.b. are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by a majority of the Board's membership (excluding vacant seats).

ARTICLE VI HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 22-66. Hearing Required on Appeals and Applications

a. Before making a decision on an appeal or an application for a variance, special exception, or a petition from the Zoning Administrator to revoke a special exception, the Board of Zoning Appeals shall hold a hearing on the appeal or application.

b. Subject to Subsection c., the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

c. The Board of Zoning Appeals may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.

d. The Board of Zoning Appeals may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

Section 22-67. Notice of Hearing

The Zoning Administrator shall give notice of any hearing required by Section 22-66 as per the requirements of Title 15.2, Section 2204 of 1950 Code of Virginia, as amended and as follows:

a. Notice shall also be given by prominently posting signs in the vicinity of the property that is the subject of the proposed action. Such signs shall be posted not less than seven days prior to the hearing.

b. The Town may charge reasonable fees to cover the expense of the notice and hearing requirements contained herein.

Section 22-68. Evidence

a. The provisions of this section apply to all hearings for which a notice is required by Section 22-66.

b. All persons who intend to present evidence to the Board of Zoning Appeals, rather than arguments only, shall be sworn.

c. All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

Section 22-69. Modification of Application at Hearing

a. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Zoning Appeals, the applicant may agree to modify his application, including the plans and specifications submitted.

b. Unless such modifications are so substantial or extensive that the Board of Zoning Appeals cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board of Zoning Appeals may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

Section 22-70. Record

a. A record shall be kept of all hearings required by Section 22-66, and such record shall be kept for at least two years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.

b. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the Town for at least two years.

Section 22-71. Written Decision

a. Any decision made by the Board of Zoning Appeals regarding an appeal or variance or issuance or revocation of a special exception shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

b. In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions, as well as supporting reasons or facts.

ARTICLE VII ENFORCEMENT AND REVIEW

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permits, plans, and certificates, and no other. The use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter (Zoning Ordinance).

Section 22-72. Complaints Regarding Violations

Whenever the Zoning Administrator receives a written, signed compliant alleging a violation of this chapter, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

Section 22-73. Persons Liable

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 22-74. Procedures Upon Discovery of Violations

a. If the Zoning Administrator finds that any provision of this chapter is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Administrator's discretion.

b. The final written notice (and the initial written notice may be the final notice) shall state what action the Zoning Administrator intends to take if the violation is not corrected and shall advise that the Zoning Administrator's decision or order may be appealed to the Board of Zoning Appeals in accordance with Section 22-60.

c. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 22-75.

Section 22-75. Penalties and Remedies for Violations

a. If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. If such violation continues, the Zoning Administrator shall immediately notify the Town Attorney of such violation.

b. In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, concerted, maintained, or used in violation of this chapter, the Zoning Administrator, with the assistance of the Town Attorney, in addition to other remedies, may institute in the name of the Town any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

c. All departments, officials, and public employees of the Town of Tappahannock which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter shall be null and void.

d. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise violating, causing, or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to $100.00. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of the violation of this chapter is committed, continued, or permitted by such person, firm or corporation, and shall be punished as herein provided.

Section 22-76. Permit Revocation

a. A zoning, sign, or special exception permit may be revoked by the permit-authorizing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed by the permit-issuing Board.

b. Before a special exception permit may be revoked, all of the notice and hearing and other requirements of Article VI shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

1. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in Subsection a. shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

2. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

c. No persons may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special exception permit after such permit has been revoked in accordance with this section.

Section 22-77. Judicial Review

Every decision of the Board of Zoning Appeals granting or denying a special exception permit shall be subject to review by the Circuit Court of Essex County, Virginia.

ARTICLE VIII NONCONFORMING USES

Section 22-78. Effective Date of Chapter

Whenever this article refers to the effective date of this chapter, the reference shall be deemed to include the effective date of any amendments to this chapter if the amendment, rather than this chapter as originally adopted, creates a nonconforming situation.

Section 22-79. Continuation

a. If, on the effective date of adoption or amendment of this chapter, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as herein provided.

b. If a change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

c. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this chapter.

d. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to becoming nonconforming are excluded.

e. The construction or use of a nonconforming structure or land for which a permit was legally issued prior to the date on which such structure or use became nonconforming may proceed, provided that such structure is completed within one (1) year, or such use of land established within thirty (30) days after the date on which such use became nonconforming.

Section 22-80. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 22-81. Changes in District Boundaries

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

Section 22-82. Expansion or Enlargement

a. A nonconforming structure may be expanded or enlarged by up to fifty (50) percent of its size prior

to becoming nonconforming, provided that applicable yard requirements for the district in which such structure is located are met. No additional land may be purchased for expansion of a nonconforming structure.

b. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity.

Section 22-83. Nonconforming Lots

a. Any nonconforming lot of record not occupied by a use on the date on which such lot becomes nonconforming, which is less in area or width than the minimum required by this chapter, may be used by a permitted use provided that setbacks and yard requirements of this chapter are met.

b. Any conforming use occupying a nonconforming lot may restored or replaced; provided that the use is not changed to a nonconforming use; and provided further, that the same side yards and rear yards are maintained.

Section 22-84. Restoration or Replacement

a. If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstruction the entire activity, it shall be restored only if such use complies with the requirements of this chapter.

b. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) percent of the cost of reconstruction the entire structure, it shall be restored only if it complies with the requirements of this chapter.

c. Where a nonconforming structure devoted to a nonconforming activity is damaged less than fifty (50) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored; provided, that any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

d. The cost of land or any factors other than the cost of structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

ARTICLE IX ZONING DISTRICTS AND ZONING MAP

Part I. Zoning Districts

Section 22-85. Districts Established

The incorporated area of the Town of Tappahannock shall be divided into nine (9) zoning districts: "RP" Resource Protection; "R-1" Single-Family Residential; "R-2" Single-Family Residential; "R-3" Town Residential; "R-4" Multiple-Family Residential; "MH-1" Manufactured Home Park; "CC-1" Central Commercial; "CG-2" General Commercial; and "I-1" Industrial. The districts shall be established to regulate and restrict the location of trades, industries, and buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; and to regulate and determine the areas of yards, courts, and other open spaces with and surrounding such buildings. In some areas, these districts have additional regulatory requirements that are established within the provisions of special overlay zones such as the "Chesapeake Bay Preservation (CBPA) Overlay District." In addition, two (2) planned development districts, the "RMX" Residential, Mixed-Use District and the "BP" Business Park District, are provided and may be mapped by action of the Town Council in accordance with procedures set forth herein.

Section 22-86. Residential Districts

a. R-1: Single-Family Residential -- Low Density

The intent of this district is to provide for low-density single-family detached residences (other than manufactured homes) and supporting uses. This zone is located in and adjacent to areas of the Town where low-density, single-family development patterns on larger lots are generally established. This zone is designed to protect property values in these areas by providing for a transitional residential zone between existing large lot subdivisions and residential areas zoned for smaller lot or nonresidential uses. In general, re-subdivision of lots in existing subdivisions to create additional building lots is not permitted.

b. R-2: Single-Family Residential -- Low Density

The intent of this district is to provide for low-density single-family detached residences (other than manufactured homes) and supporting uses. This zone is located in areas of the Town where low-density single-family development patterns are generally established or where services and facilities will be adequate to serve the anticipated population. This zone is designed to secure for residents a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. This zone is also intended to provide for minor in-filling of existing neighborhoods consistent with their zoning and character at the time of enactment of this Ordinance. Such neighborhoods are relatively uniform in character and stable. The regulations permit future development consistent with existing character. Areas identified as having a stable and fixed character will be allowed to continue to exist and develop under the general regulations governing their design and construction or under the actual plat plans previously approved. In general, re-subdivision of lots in existing subdivisions to create additional

building lots is not permitted.

c. R-3: Town Residential -- Medium Density

The intent of this district is to provide for medium-density single-family and multi-family residences and supporting uses. This zone is located in areas of the Town where medium-density single-family and multi-family development patterns are generally established or where services and facilities will be adequate to serve the anticipated population. The comprehensive plan should be used to determine the location and density (units/acre) of this zone. This zone is also intended to provide for minor in-filling of existing neighborhoods consistent with their zoning and character at the time of enactment of this Ordinance. Such neighborhoods are relatively uniform in character and stable. The regulations permit future development consistent with existing character. Areas identified as having a stable and fixed character will be allowed to continue to exist and develop under the general regulations governing their design and construction or under the actual plat plans previously approved. In general, re-subdivision of lots in existing subdivisions to create additional building lots is not permitted.

d. R-4: Multi-Family Residential

This zone is primarily for multi-family dwellings and supporting uses at a higher density than is provided for in either R-1, R-2 or R-3 zones. Within this zone, a variety of housing-types mixes -- including single-family, two-family, townhouses, and garden apartments -- are encouraged in order to provide for a mix in housing prices, household size, age groups, and lifestyles. Residential cluster is encouraged for development on minimum lot areas to provide for additional open space for common use by local residents as well as by the adjacent community. Recreation, health, and social service facilities for the elderly and handicapped are also encouraged in this zone.

e. MH-1: Manufactured Home Park Residential;

The purpose of the MH-1 Park District is to provide a safe, convenient, and attractive environment for manufactured homes within the Town and to facilitate the provision of housing for low- and moderate-income families. The district requires suitable standards to be met for the expansion of existing manufactured home parks or the establishment of new manufactured home parks.

Section 22-87. Commercial/Business Districts

a. CC-1: Central Commercial

The purpose of this district is to provide appropriate locations for select commercial activities. Provision is made for accommodation of a wide range of business pursuits, retail sales and office and service activities which serve the needs of citizens of the region. The district is designed to preserve, and to encourage the continued development, as well as redevelopment, of the central business area consistent with the unique land use mix which currently exists. Generally this district covers the historic commercial center of the Town and as such is intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than incidental light and noise associated with the congregation of people and passenger vehicles. This district also provides for some residential uses.

b. CG-2: General Commercial

The intent of this zone is to provide for area-wide-oriented business with a variety of office and commercial uses that are not suitable for location in other zones. This zone is primarily automobile accessible and allows for more intensive uses than the CC-1 zone. This zone is adjacent to major transportation routes and is in locations where new development can be grouped with existing compatible development.

Section 22-88. Industrial District

a. I-1 Industrial District

The purpose of this District is to provide areas in which the principal use of land and buildings is for light manufacturing and assembly plants, processing storage, warehousing, wholesaling and distribution. It is the intent that permitted uses be conducted so that noise, odor, dust, and glare of each operation is confined within an enclosed building.

Section 22-89. Planned Development Districts

a. RMX: Residential, Mixed-Use.

The intent of the RMX Residential District is to allow flexibility in the development process by permitting a variety of housing types in association with public and commercial services which are designed to serve the resident community. The harmonious development of commercial and residential uses promotes efficient utilization of land and facilities through the clustering of development with open space areas required and designated for open space and recreation use.

b. BP: Business Park

The intent of the BP Business Park District is to provide for the concentration of a variety of business and light industrial uses in planned developments serving as regional employment centers on sites that are developed with a park-like character that protects the environment as well as the surrounding community. These zones are located where larger areas of land permit horizontal expansion of sufficient size to provide on-site storage, parking, and landscaped areas and can be reasonably served by a complete array of community facilities. The office park location also provides for ready access to the regional transportation network.

Section 22-90. Floating Zones

a. Purpose. Floating zones are zones provided for in the Tappahannock Comprehensive Plan but are not mapped out in detail at the time of adoption of the Tappahannock Zoning Ordinance. The purpose of the designated floating zones is to permit the mapping of areas for land uses that require land area over the next 20 years. The designated floating zone provides a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation. Further, the procedure is two-stage so that the initial costs are not prohibitive. The Town Council and Planning Commission find that it is not able to locate these areas with precision in advance and that it is

desirable to leave specific locations and conditions for future determination as the Town grows and specific needs develop.

b. Designation of Floating Zones. The following Special Zoning Districts are designated as floating zones:

1. Residential Mixed Use District: RMX

2. Planned Business Park District: PB

Part II Special Overlay District - Chesapeake Bay Preservation (CBPA) Overlay District

Section 22-91. Title

This Part shall be known and referred to as the "Chesapeake Bay Preservation Area Overlay District" of the Town of Tappahannock, Virginia.

Section 22-92. Findings of Fact

a. The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Tappahannock and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Tappahannock's economy and the welfare of its citizens.

b. The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including non-point source pollution, from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together designated by the Tappahannock Town Council as Chesapeake Bay Preservation Areas ("CBPAs"), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in Tappahannock and the Commonwealth of Virginia.

Section 22-93. Purpose and Intent

a. This Part is enacted to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia (1950), as amended, (The Chesapeake Bay Preservation Act) and Regulation 9 VAC 10-20, et seq. adopted pursuant thereto by the Chesapeake Bay Local Assistance Board (CBLAB).

The Chesapeake Bay Preservation Act (Act), Chapter 21 of Title 10 of the Code of Virginia (1950), as amended, recognizes that healthy State and local economics are integrally related to each other and the environmental health of the Chesapeake Bay. The purpose of this Part is to control and regulate runoff at the source to protect against and minimize pollution and deposition of sediment in

wetlands, streams, and lakes in Tappahannock which are tributaries of the Chesapeake Bay.

The intent of the Tappahannock Town Council and the purpose of the Overlay District are to assist in protection of the Chesapeake Bay and its tributaries from non-point source pollution from land uses or appurtenances within the Chesapeake Bay drainage area. Regulations in this Section shall encourage and promote (1) protection of existing high quality state waters; (2) restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguarding of the clean waters of the Commonwealth from pollution; (4) preventing any increase in pollution; (5) reducing existing pollution; and (6) promoting water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Tappahannock.

b. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for in this Ordinance. Unless otherwise stated in the Overlay District, Appendix A, the Town of Tappahannock Subdivision Ordinance, the Tappahannock Erosion and Sediment Control Ordinance, the Building Regulations Ordinance of Essex County, and any other applicable local ordinance shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

c. This Part is enacted under the Authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.2-22-83, of the Code of Virginia (1950), as amended. Section 15.2-22-83 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-255."

Section 22-94. Areas of Applicability

a. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Town Council and as shown on the Overlay CBPA Map adopted by the Town Council on October 28, 1991. The Overlay CBPA Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

1. The Resource Protection Area includes:

(a) Tidal wetlands;

(b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

(c) Tidal shores;

(d) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections (a) through (c) above, and along both sides of any water body with perennial flow.

2. The Resource Management Area is composed of concentrations of the following land categories; floodplain; highly erodible soils, including steep slopes greater than 25 percent;

highly permeable soils; nontidal wetlands not included in the RPA or other sensitive lands necessary to protect the quality of State waters.

b. The Overlay CBPA Map shows the general location of CBPAs and should be consulted by persons contemplating activities within Tappahannock prior to engaging in a regulated activity. The specific location of RPA on a lot or parcel shall be delineated on each site or parcel as required under Section 22-99.

Section 22-95. Use Regulations

Permitted uses, special permit uses, accessory uses, any other uses and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

Section 22-96. Lot Size

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the RPA to accommodate any intended development, in accordance with the performance standards in Section 22-96, when such development is not otherwise allowed in the RPA.

Section 22-97. Required Conditions

a. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of the Zoning Ordinance or a subdivision plat in accordance with the Subdivision Ordinance unless otherwise provided for.

b. Development in RPAs may be allowed, subject to approval by the Zoning Administrator, only if it: (i) is water-dependent; (ii) constitutes redevelopment; (iii) is a new use subject to the provisions of Section 22-100.c.2 of this Part; or (iv) is a road or driveway crossing satisfying the conditions set forth in Section 22-97b3 below.

1. A new or expanded water-dependent facility may be permitted provided that:

(a) It does not conflict with the Comprehensive Plan.

(b) It complies with the performance criteria set forth in Section 22-100 of this Ordinance.

(c) Any non-water dependent component is located outside of Resource Protection Area.

(d) Access will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

2. Redevelopment on isolated redevelopment sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA.

3. Roads and driveways not exempt under §22-105 and which, therefore, must comply with the provisions of this Article, may be constructed in or across RPAs if each of the following conditions are met:

(a) The Zoning Administrator makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;

(b) The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;

(c) The design and construction of the road or driveway satisfy all applicable criteria of this Article, including the submission of a water quality impact assessment (WQIA);

(d) The Zoning Administrator reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under §22-102 or subdivision plan.

c. Redevelopment shall conform to applicable stormwater management and erosion and sediment control criteria, and may be permitted in the RPA only if there is no increase in the amount of impervious cover and no further encroachment into the RPA.

d. A WQIA shall be required for any proposed land disturbance, development or redevelopment within RPAs and any development within the RMA that involves more than 50 acres or that results in 60 percent or more impervious cover on the lot or parcel being developed.

Section 22-98. Conflict with other Regulations

In any case where the requirements of this Part conflict with any other provision of the Town Code or existing State or Federal regulations, whichever imposes the more stringent restrictions shall apply.

Section 22-99. Determining Resource Protection Area Boundaries

a. Delineation by the Applicant

The site-specific boundaries of the Resource Protection Area shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with Section 22-102, (Plan of Development), or a Water Quality Impact Assessment as required under Section 22-101 of this Article. The CBPA Overlay Map shall be used as a guide to the general location of Resource Protection Areas.

b. Delineation by the Zoning Administrator in RPAs

The Zoning Administrator, when requested by an applicant wishing to construct a single family residence, or additions to existing homes, or utility buildings, garages, and other structures accessory to single family residences may waive the requirement for an environmental site assessment and perform the delineation. The Zoning Administrator may use hydrology, soils, plant

species, and other data, and consult other appropriate resources as needed to perform the delineation.

c. Where Conflict Arises Over Delineation

Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with Section 22-102, (Plan of Development), of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section 22-102.k. (Denial of Plan, Appeal of Conditions of Modification).

Section 22-100. Performance Standards

a. Purpose and Intent

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in non-point source pollution from new development; achieve a 10% reduction in non-point source pollution from redevelopment; and achieve a 40% reduction in non-point source pollution from agricultural and silviculture uses.

b. General Performance Standards for development and Redevelopment.

1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

(a) In accordance with an approved Plan of Development, the limits of land disturbance, including clearing or grading shall be strictly defined. These limits shall be clearly shown on submitted plans and physically marked on the development site.

(b) The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel

2. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use and development permitted by an approved Plan of Development.

(a) Existing trees over twelve (12) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.

(b) Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline of any tree or stand of trees to be preserved, unless otherwise approved on the Plan of Development. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

3. Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development.

(a) Grid and modular pavements which promote infiltration should be used for any required parking area, alley, or other low traffic driveway.

(b) Parking areas and driveways shall be designed so as to minimize impervious surfaces.

4. Notwithstanding any other provisions of this Part or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet including construction of all single-family houses, septic tanks and drain fields, shall comply with the requirements of Tappahannock Erosion and Sediment Control Ordinance.

5. All development and redevelopment within the RMAs and RPAs that exceeds 2500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of the Zoning Ordinance; or a subdivision plan in accordance with the Subdivision Ordinance; or a Water Quality Impact Assessment in accordance with Section 22-101 of this article

6. All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years.

7. A reserve sewerage disposal site shall be required in accordance with the provisions of Chapter 18-101.5 of the Town of Tappahannock Code.

8. For any use, development or redevelopment, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.) For purposes of this subsection the site may include multiple projects or properties that are adjacent to one another or lie within the same drainage area where a single best management practice will be utilized by those projects to satisfy water quality protection requirements.

(a) For new development, the post-development non-point source pollution runoff load shall not exceed the pre-development load, based on the CBLAD default average watershed load of 0.45 pounds of phosphorus per acre per year.

(b) Redevelopment of any site shall achieve at least a 10 percent reduction of the non-point source pollution in runoff compared to the existing runoff load from the site. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

(1) In no case may the post-development non-point source pollution runoff load exceed the pre-development load;

(2) Runoff pollution loads must have been calculated and the BMPS selected for the expressed purpose of controlling non-point source pollution;

(3) If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Part.

(4) Redevelopment of any site not currently served by water quality best management practices shall achieve at least a 10 percent reduction of non-point source pollution in runoff compared to the existing runoff load from the site.

(c) For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development non-point source pollution loadings can be substituted for the existing development loadings.

9. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits or other permits required by Federal, State, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section 22-102, of this Part.

10. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment. Such assessments shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this Article.

c. Buffer Area Requirements

To minimize the adverse effects of human activities on the other components of Resource Protection Areas, State waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff shall be retained if present and established during development where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components. and along both sides of any water body with perennial flow . The full buffer area shall be designated as the landward component of the RPA, in accordance with Sections 22-94 (Areas of Applicability) and Section 22-102 (Plan of Development) of this Part. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

1. Permitted modifications to the buffer area.

(a) In order to maintain the functional value of the buffer area, indigenous vegetation may only be removed, subject to approval by the Zoning Administrator, to provide for reasonable sight lines, access paths, general wood lot management, and best management practices, as follows:

(1) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff.

(2) Any path shall be constructed and surfaced so as to effectively control erosion.

(3) Noxious weeds, dead, diseased, or dying trees or shrubbery may be removed and thinning of trees as permitted by the Zoning Administrator, pursuant to sound horticultural practices.

(4) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

2. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator, through an administrative process, may permit an encroachment into the buffer area in accordance with Section 22-102 (Plan of Development) and the following criteria:

(a) Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

(b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot; and,

(c) The encroachment may not extend into the seaward 50 feet of the buffer area.

3. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. Agricultural activities may encroach into the landward portion of the buffer area as follows:

(a) To a maximum of 50 feet when at least one agricultural best management practice, which, in the opinion of the Three Rivers Soil and Water Conservation District Board, addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management, is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area.

If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the Virginia Nutrient Training and Certification Regulations (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation;

(b) To a maximum of 75 feet when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to at "T", as defined in the "National Soil Survey Handbook" of the November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the Virginia Nutrient Training and Certification Regulations (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation.

(c) It is not required for agricultural and silvicultural drainage ditches if the adjacent agricultural land has in place at least one best management practice in accordance with a conservation plan approved by the Three Rivers Soil and Water Conservation District.

4. When agricultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full 100-foot wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

Section 22-101. Water Quality Impact Assessment

a. Purpose and Intent.

The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed development on water quality and lands with RPAs and other environmentally-sensitive lands; (ii) ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; (iii) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and (iv) specify mitigation which will address water quality protection.

b. Water Quality Impact Assessment Required.

A water quality impact assessment is required for any proposed development with an RPA, including any buffer area modification or encroachment as provided for in Section 22-100.c.2, of this Part, and in any development in the RMA if (i) the proposed development exceeds 50 acres, or (ii) the proposed development results in more than 60 percent impervious cover on the lot or parcel being developed. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

c. Minor Water Quality Impact Assessment

A minor water quality impact assessment pertains only to development within CBPAs which causes no more than 5,000 square feet of land disturbance and proposes any land disturbance, modification of or encroachment into the landward 50 feet of the 100 foot buffer area. A minor assessment must demonstrate through acceptable calculations that the undisturbed buffer area and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff. A minor assessment shall include a site drawing to scale which shows the following:

(1) Location of the components of the RPA, including the 100-foot buffer area;

(2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drain field sites;

(3) Type and location of proposed best management practices to mitigate the proposed encroachment.

(4) Location of existing vegetation on site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification.

(5) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, and erosion and runoff control.

d. Major Water Quality Impact Assessment

A major water quality impact assessment shall be required for any development which (i) exceeds 5,000 square feet of land disturbance within CPBAs and proposes any land disturbance, modification of or encroachment into the landward 50 feet of the 100-foot buffer area; (ii) disturbs any portion of any other component of an RPA or disturbs any portion of the buffer area within 50 feet of any other component of an RPA; or (iii) is located in an RMA and is deemed necessary by the Zoning Administrator. The information required in this section shall be considered a minimum, unless the Zoning Administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

The following elements shall be included in the preparation and submission of a major water quality assessment:

1. All of the information required in a minor water quality impact assessment, as specified in Section 22-101.c;

2. A hydrogeological element that:

(a) Describes the existing topography, soils, hydrology, and geology of the site and adjacent lands.

(b) Describes the impacts of the proposed development on topography, soils, hydrology, and geology on the site and adjacent lands.

(c) Indicates the following:

(1) Disturbance or destruction of wetlands and justification for such action:

(2) Disruptions or reductions in the supply of water to wetlands, streams, rivers, or other water bodies;

(3) Disruption to existing hydrology including wetland and stream circulation patterns;

(4) Source location and description of proposed fill material;

(5) Location of dredge material and location of dumping area for such material;

(6) Estimation of pre and post-development pollutant loads in runoff;

(7) Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;

(8) Percent of site to be cleared for project;

(9) Anticipated duration and phasing schedule of construction project;

(10) Listing of all requisite permits from all applicable agencies necessary to develop project.

(d) Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

(1) Proposed erosion and sediment control concepts beyond those normally required under Section 22-101B4 of this ordinance;

(2) Proposed stormwater management system for nonpoint source quality control;

(3) Creation of wetlands to replace those lost;

(4) Minimizing cut and fill.

3. Landscape and clearing elements that:

(a) Identifies and delineates the location of all significant plant material, including all trees on site twelve (12) inches or greater diameter at breast height. Where there are groups of trees, stands may be outlined.

(b) Describes the impacts the development or use will have on the existing vegetation. Information should include:

(1) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;

(2) Clear delineation of all trees and woody vegetation which will be removed;

(3) Description of plant species to be disturbed or removed.

(4) Describes the potential measures for mitigation. Possible mitigation measures include:

(i) Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;

(ii) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.

(iii) Demonstration that indigenous plants are to be used to the greatest extent possible.

e. Submission and Review Requirements.

1. Five copies of all site drawings and other applicable information as required by Subsections c. and d. above shall be submitted to the Zoning Administrator for review.

2. All information required in this section shall be certified as complete and accurate by a professional engineer or a certified land surveyor.

3. A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with Section 22-102, (Plan of Development) of this Article.

4. A major water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with Section 22-102 of this Article.

5. As part of any major water quality impact assessment submittal, the Zoning Administrator may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Zoning Administrator will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Zoning Administrator provided that such comments are provided by CBLAD within 90 days of the request.

f. Evaluation Procedure.

1. Upon completed review of a minor water quality impact assessment, the Zoning Administrator will determine if any proposed modification or encroachment into the buffer area is consistent with the provisions of this Part and make a finding based upon the following criteria in conjunction with Section 22-102.

(a) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;

(b) Land disturbances and impervious surfaces are minimized;

(c) Proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;

(d) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;

(e) The development, as proposed, meets the purpose and intent of this Part;

(f) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

2. Upon the completed review of a major water quality impact assessment, the Zoning Administrator will determine if the proposed development is consistent with the purpose and intent of this Part and make a finding based upon the following criteria in conjunction with Section 22-102.

(a) Within any RPA, the proposed development is water-dependent or redevelopment;

(b) The disturbance of wetlands will be minimized;

(c) The development will not result in significant disruption of the hydrology of the site;

(d) The development will not result in unnecessary destruction of plant materials on site;

(e) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;

(f) Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve the required standard for pollutants control;

(g) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;

(h) The design and location of any proposed drain field will be in accordance with the requirements of Section 22-100.

(i) The development, as proposed, is consistent with the purpose and intent of the Overlay District;

3. The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed above in subsections 1. and 2.

4. The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria listed in subsections 1. and 2.

Section 22-102. Plan of Development

a. Purpose. This section is enacted to assure compliance with this Part and all applicable ordinances and regulations to protect and enhance the values of the natural environment in Tappahannock, to protect the economic value of the natural environment from unwise and disorderly development, to ensure the efficient use of land, and to create standards in the layout, design, landscaping and construction of development.

b. Applicability.

1. Any development or redevelopment exceeding 2,500 square feet of land disturbance in the CBPA shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any zoning permit, to assure compliance with all applicable requirements of this Part unless otherwise provided for.

2. Pre-Application - Conference.

Prior to submitting a Plan of Development, the applicant should schedule a pre-application conference with the Administrator. Sketched plans may be submitted prior to or on the conference date. Due to the existing site conditions, the Administrator may waive certain requirements of the plan of development process.

c. Required Information.

In addition to the requirements of the underlying Zoning Ordinance, the requirements of Appendix A, the Tappahannock Subdivision Ordinance, and any other related ordinances, regulations, or laws, the plan of development process shall consist of the plans and studies identified below. These required plans or studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

1. A site plan in accordance with the provisions of this Part, Appendix A, and/or a subdivision plat in accordance with the provisions of Appendix A of the Tappahannock Subdivision Ordinance;

2. An environmental site assessment;

3. A landscape and clearing plan;

4. A stormwater management plan;

5. An erosion and sediment control plan in accordance with the provisions of the

Tappahannock Erosion and Sediment Control Ordinance.

d. Site Plan Information.

Two copies of the site plan shall be submitted and shall be clearly drawn to scale and shall show the following, in addition to the information required in Appendix A, unless otherwise indicated by the Administrator:

1. Computation shall include the total site area in acres, the approximate amount and percentage of the site to be covered by open space, and the amount and percentage to be covered by impervious surface after development.

2. The locations of all existing and proposed septic tanks and drain field sites including reserve sites; the location of all existing and proposed wells.

3. The shortest distances from all property lines to all existing and proposed structures.

e. Environmental Site Assessment

An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval applications. The Administrator may waive the requirements of the environmental site assessment provided no part of the lot or parcel being developed is within the RPA boundaries as determined by the Town.

1. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:

a. Tidal wetlands;

b. Tidal shore;

c. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

d. A 100-foot buffer area located adjacent to and landward of the components listed in subsections a. through c. above, and along both sides of any water body with perennial flow.

2. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1986.

3. The environmental site assessment shall delineate the site-specific geographic extent of the RPA.

4. The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer, a soil scientist, a wetlands scientist, a certified land surveyor, a certified landscape architect, or a person or firm competent to make the assessment.

f. Landscape and Clearing Plan.

A landscape and clearing plan shall be submitted in conjunction with site plan approval or as part of subdivision plan approval. The Administrator may waive the requirements of the landscape and clearing plan if the proposed clearing and/or grading is less than 10,000 feet.

Landscape and clearing plans shall be prepared and/or certified by a certified professional or person, firm or corporation, competent to design such plans.

1. Contents of the plan.

(a) The landscape and clearing plan shall be drawn to scale and clearly delineate the location, size and description of existing and proposed plant material. All existing trees on the site twelve (12) inches or greater diameter at breast height (DBH) shall be shown on the landscape and clearing plan. Where there are groups of trees, wood lines of the group may be outlined instead. The specific number of trees twelve (12) inches or greater DBH to be preserved outside of the impervious cover and outside the groups shall be indicated on the plan. Trees proposed to be removed and wood lines to be changed to create a desired impervious cover shall be clearly delineated on the landscape and clearing plan.

(b) Any required CPBA buffer area shall be clearly delineated and any woody vegetation to be added to establish or supplement the buffer area, as required by this Part, shall be shown on the landscape and clearing plan.

(c) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Part, shall be shown on the plan. Woody vegetation required by this Part to replace any existing trees within the buffer area shall also be shown on the landscape and clearing plan.

(d) Trees to be removed for shoreline stabilization projects and any replacement woody vegetation required by this Part shall be shown on the landscape plan.

(e) The landscape and clearing plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

(f) If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the reestablishment of woody vegetation in the 100 foot CBPA buffer area if not already present.

2. Plant Specifications.

(a) All plant material necessary to supplement the CBPA buffer area or vegetated areas outside the impervious cover shall be installed according to standard planting practices and procedures.

(b) All supplementary or replacement plant materials shall be living and in healthy condition.

(c) Where areas to be preserved, as designated on an approved landscape and clearing plan, are encroached, replacement of existing trees and other vegetation will be

achieved at a ratio of two (2) planted trees to one (1) removed. Replacement trees shall be a minimum of two and one-half (2.5) inches DBH at the time of planting.

(d) Use of native or indigenous species.

3. Maintenance.

(a) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Part.

(b) In CBPA buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Part.

g. Stormwater Management Plan.

A stormwater management plan shall be submitted as part of the plan of development process required by this Part and in conjunction with site plan or subdivision plat approval.

1. Contents of Plan. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Part. At a minimum, the stormwater management plan must contain the following:

(a) Location and design of all planned stormwater control devices;

(b) Procedures for implementing non-structural stormwater control practices and techniques;

(c) Pre and post-development non-point source pollutant loadings with supporting documentation of all utilized coefficients and calculations;

(d) For facilities, verification of structural soundness, including a Professional Engineer or Class III-B Surveyor Certification;

2. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.

3. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.

4. The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than Tappahannock, then a maintenance agreement shall be executed between the responsible party and the Town of Tappahannock.

h. Erosion and Sediment Control Plan.

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Part and in accordance the Tappahannock Erosion and Sediment Control Ordinance, in conjunction with site plan or subdivision plat approval.

i. Final Plan.

Final plans for property within CBPAs shall be final plats for land to be subdivided and/or site plans for land not to be subdivided as required by this Ordinance, Appendix A, or the Tappahannock Subdivision Ordinance.

1. Final plans for all lands within CBPAs shall include the following additional information:

(a) The delineation of the Resource Protection Area boundary; if any lot, parcel, or portion of lot or parcel, lies within the RPA;

(b) The delineation of required buffer areas; if any lot, parcel, or portion of lot or parcel, lies within the RPA;

(c) All wetlands permits required by law;

(d) A maintenance agreement as deemed necessary and appropriate by the Zoning Administrator to ensure proper maintenance of best management practices in order to continue their functions.

(d) Water Quality Impact Assessment as required by Section 22-101.b. of this Article.

(e) Plat or plan note stating that no land disturbance is allowed in the buffer area, if present, without review and approval by the Zoning Administrator.

2. Installation and Bonding Requirements.

(a) Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.

(b) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to Tappahannock a form of surety satisfactory to the Zoning Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.

(c) All required landscaping shall be installed and approved by the first planting season following issuance for a certificate of occupancy or the surety may be forfeited to the Town of Tappahannock.

(d) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town of Tappahannock. The Town may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of surety held.

(e) After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator, such unexpended or portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Zoning Administrator may require a certificate of substantial completion from a Professional Engineer or Class III-B Surveyor before making a final inspection.

j. Administrative Responsibility

Administration of the plan of development process shall be in accordance with this Ordinance and/or the Tappahannock Subdivision Ordinance. The Zoning Administrator shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations and provide the results to the applicant.

k. Denial of Plan, Appeal of Conditions or Modifications

In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals. In granting an appeal, the Board of Zoning Appeals must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Part. If the Board of Zoning Appeals finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

Section 22-103. Administrative Waivers (Reserved)

Section 22-104. Nonconforming Uses and Waivers

a. Nonconforming Building and Structures

The lawful use of a building or structure which existed on October 28, 1991, and which is not in conformity with the provisions of the Overlay District, may be continued in accordance with Town of Tappahannock Zoning Ordinance and may be granted a waiver from the requirements of this Article in accordance with the following procedure.

1. The Zoning Administrator may grant a nonconforming use and development waiver of this Article for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to principal nonconforming structures provided that:

(a) There will be no increase in non-point source pollution load;

(b) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Part.

2. An application for a nonconforming use waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include for the purpose of proper enforcement of this Article the following information:

(a) Name and address of applicant and property owner;

(b) Legal description of the property and type of proposed use and development;

(c) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;

(d) Location and description of any existing private water supply or sewage system.

3. A nonconforming use waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

4. An application for the expansion of a legal, nonconforming structure may be approved through an administrative review process provided that the following findings are made:

(a) The request for the waiver is the minimum necessary to afford relief.

(b) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Part to other property owners in similar situations;

(c) The waiver is in harmony with the purpose and intent of this Part and does not result in water quality degradation;

(d) The waiver is not based on conditions or circumstances that are self-created or self-imposed;

(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;

(f) Other findings, as appropriate and required by the Town of Tappahannock are met; and

(g) In no case shall this provision apply to accessory structures.

b. Casualty Loss

1. Pre-existing structures within any CBPAs may be reconstructed in the event of casualty loss to its original condition prior to the casualty loss. Any expansion of the structure shall meet the requirements of this Part.

Section 22-105. Exemptions

a. Exemptions for Public Utilities, Railroads, Public Roads, and Facilities.

1. Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) the Erosion and Sediment Control Law (Section 10.1-560, et seq. of the Code of Virginia (1950), as amended,) and the Stormwater Management Act (Section 10.1-603.1 et. Seq. of the Code of Virginia), (ii) an erosion and sediment control plan and stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to constitute compliance with these regulations. The exemption of public roads is further conditioned on the following:

(a) The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

b. Exemptions for Local Utilities and other service lines.

Construction, installation, and maintenance of water, sewer, and natural gas lines, underground telecommunications and cable television lines owned, permitted or both, by a local government or regional service authority shall be exempt from the criteria in this part provided that:

1. To the degree possible, the location of such utilities and facilities should be outside RPAs;

2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

3. All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable State and Federal requirements and permits and designed and conducted in a manner that protects water quality; and

4. Any land disturbance exceeding an area of 2,500 square feet complies with the requirements for the Tappahannock Erosion and Sediment Control Ordinance.

c. Exemptions for Silviculture Activities

Silvicultural activities are exempt from the requirements of the Part provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of "Virginia's Forestry Best Management Practices for Water Quality [Technical Guide]".

d. Exemptions in Resource Protection Areas

The following land disturbances in Resource Protection Areas may be exempted from the Overlay District: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

1. Any required permits, except those to which this exemption specifically applies, shall have been issued;

2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

3. The intended use does not conflict with nearby planned or approved uses; and,

4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all Tappahannock Erosion and Sediment Control Ordinance requirements.

e. Exemption from Resource Management Areas

1. An applicant may apply to have his property made exempt from the requirements of the Resource Management Area. An environmental site assessment along with a study indicating the location, concentration or absence of the following RMA physical characteristics must be submitted to the Administrator:

(a) Highly erodible soils;

(b) Steep slopes greater than twenty five (25) percent;

(c) Highly permeable soils;

(d) Nontidal wetlands not included in the RPA;

(e) Floodplain.

2. Upon review of the environmental site assessment, if:

(a) There is no Resource Protection Area, as established by Section 22-94.a.1. of this Part, located on or within 500 feet of any portion of the lot or parcel;

(b) There is no Resource Management Area Component, as established by Section 22-94.a.2. of this Part, located on any portion of the lot or parcel;

(c) An environmental site assessment, as established by Section 22-102.e. of this Ordinance which accurately demonstrates the absence of RMA components, is submitted and approved by the Administrator;

(d) The environmental site assessment is prepared by a qualified soil scientist and wetland scientist, or any person who is determined to be qualified by the Administrator; and

(e) The applicant shall cause a plat depicting the areas approved for exemption to be recorded among the land records in the Circuit Court Clerk's Office of Essex County, Virginia, prior to the issuance of any permits that would otherwise be unlawful in the RMA.

Section 22-106. Exceptions

a. Any request for an exception to the requirements of Sections 22-97 and 22-100c of this Part shall be reviewed and considered by the Tappahannock Board of Zoning Appeals. The request shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area through the performance of a water quality impact assessment which complies with the provisions of Section 22-101.

b. The Town of Tappahannock shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with Section 15.2-2204 of the Code of Virginia , except that only one hearing shall be required.

c. The Tappahannock Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this part if the Tappahannock Board of Zoning Appeals finds:

1. Granting the exception will not confer upon the applicant any special privileges denied by this Part to other property owners in the Overlay District;

2. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

3. The exception request is the minimum necessary to afford relief;

4. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

5. Reasonable and appropriate conditions upon any exception shall be imposed as necessary which will prevent the exception request from causing a degradation of water quality.

d. A request for an exception to the requirements of provisions of this Part other that Sections 22-97 and 22-100.c shall be made in writing to the Zoning Administrator. The Zoning Administrator may grant these exceptions provided that

1. Exceptions to the requirements are the minimum necessary to afford relief; and

2. Reasonable and appropriate conditions are placed upon any exception that is granted , as necessary, so that the purpose and intent of this Part is preserved

3. Exceptions under §22-100.b. may be made provided that the findings noted in §22-106.c. 1-5 are made.

Part III Special Overlay District - Airport Overlay District

Section 22-107. Title

This Part shall be known and referred to as the "Airport Overlay District" of the Town of Tappahannock, Virginia.

Section 22-108. Purpose and Intent

The airport safety overlay district is adopted pursuant to the authority conferred by section 15.2-2294 of the Code of Virginia and is based upon findings that obstructions to air navigation have the potential for endangering the lives and property of users of the airports and residents of the Town of Tappahannock; and that obstructions may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein.

Section 22-109. Airport Safety Zones

In order to carry out the provisions of this ordinance, there are hereby established certain zones which include all of the area and airspace of the Town of Tappahannock lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Tappahannock Municipal Airport and the Essex County Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones. These zones are as follows:

a. Airport zone: A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

b. Approach zone: A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

c. Transitional zone: A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.

d. Conical zone: A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

The source of the specific geometric standards for these zones are to be found in Parts 77.25 and 77.28, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

Section 22-110. Airport Safety Zone Height Limitations

a. Except as otherwise provided in this ordinance, in any zone created by this ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in Section 22-3 of this ordinance at any point.

b. The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Parts 77.25 and 77.28, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

c. The restrictions will not apply to areas surrounding airport facilities which are no longer licensed.

Section 22-111. Nonconforming Uses

a. Except as provided in 22-112.b of this ordinance, the regulations prescribed by this ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

b. Notwithstanding the provision 22-112.a, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

Section 22.112. Permits

a. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto other than with relief as provided for in 22-112.c.

b. Whenever the administrator determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in 22-112.c.

c. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this ordinance may apply for a variance from such regulations to the Board of Zoning Appeals. Variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. An application for variance shall be accompanied by a determination from the Virginia Department of Aviation and the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen days after receipt, the Board of Zoning Appeals may act independent of the airport owner's position to grant or deny the variance.

d. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such

markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator. If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

Part IV. Zoning Map

Section 22-113. Identification of Official Zoning Map

a. The location and boundaries of the zoning districts established by this chapter are as indicated on a map entitled "Official Zoning Map, Town of Tappahannock, Virginia," identified by the signature of the Mayor, attested to by the Town Clerk, and bearing the seal of the Town of Tappahannock, Virginia, together with the date of adoption of this chapter. Said map shall be deemed a part of this chapter as if it were fully set forth herein.

b. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Administrator, shall be the final authority as to the current zoning status of land, structures, and other uses in the Town.

Section 22-114. Amendment of Official Zoning Map

a. Whenever any amendment is made to the Official Zoning Map by action of the Town Council such changes shall be incorporated onto said map at such time and in such manner as the Town Council may prescribe.

b. Said changes shall be validated with reference to correct notation by the Zoning Administrator, who shall affix his signature thereto, thereby certifying that approved amendments to the Official Zoning Map have been correctly incorporated.

c. The date of official action and nature of the change shall be entered on the map.

d. Any such change shall have the effect of law at 12:01 a.m. on the day following its legal adoption or on its effective date, if such effective date is officially established as other than the day following its legal adoption, whether or not it has been shown on the Official Zoning Map.

Section 22-115. Unauthorized Changes

a. No changes of any nature shall be made on the Official Zoning Map or any matter shown thereon, except in conformity with the procedures and requirements of this chapter.

b. It shall be unlawful for any person to make unauthorized changes on the Official Zoning Map. Violations of this provision shall be punishable as provided in Section 22-75.

Section 22-116. Replacement of Official Zoning Map

a. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may by ordinance adopt a new Official Zoning Map.

b. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

Section 22-117. Interpretation of District Boundaries

a. A district is represented by name in this Ordinance and by letter or letter-number combination or name-and-number combinations on the Zoning Map. Where an area on the map is designated as a certain district, the zoning regulations pertaining to that district shall prevail.

b. Where the boundaries of the various districts, as shown on the map, are uncertain:

1. Where a boundary line is given a position within a street, alley, navigable or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream; if the actual location of such street, alley, or stream varies slightly from the location as shown on the Zoning Map, then the actual locations shall control.

2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

3. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way. Distances shown as measured from a railroad track shall be measured from the center of the designated track.

4. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where the districts designated on the map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts, unless said boundaries are otherwise indicated on the map or by ordinance.

5. In un-subdivided property, unless otherwise indicated, the district boundary line on the maps shall be determined by the use of the scale contained on such map.

Section 22-118. Amendments to the Official Zoning Map

a. Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this Ordinance, as set forth in Article XIX.

b. The Zoning Administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendment on the map, the Zoning Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

c. No unauthorized person may alter or modify the Official Zoning Map.

d. The Zoning Administrator shall keep copies of superseded prints of the map for historical reference.

ARTICLE X PERMISSIBLE USES

Section 22-119. Use of the Designations P and SE in the Table of Permissible Uses

When used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator. The letters "PC" means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator provided the proposed use complies with the conditions established in Article XI. The letters "SE" mean a special exception permit must be obtained from the Board of Zoning Appeals. The letters "SC" means***

Section 22-120. Permissible Uses and Specific Exclusions

a. All uses that are not listed in the Table of Permissible Uses, are prohibited. Nor shall the Table of Permissible Uses be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

b. If, in any district established under this chapter, a use is not specifically permitted and an application is made to the Administrator for such use, the Administrator shall refer the application to the Planning Commission which shall make its recommendation to the Town Council within ninety (90) days. If the recommendation of the Planning Commission is approved by the Town Council, this chapter shall be amended to list the use as a permitted use in that district. Both the Planning Commission and Town Council shall hold a public hearing on connection with this after advertising according to section 15.2-2044 of the Code of Virginia, as amended.

c. The following uses are specifically prohibited in all districts:

1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials.

2. Slaughterhouses, rendering plants.

3. Use of a travel trailer as a temporary or permanent residence.

4. Use of a motor vehicle, tractor trailer unit or semi truck parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

5. Use of mobile home or travel trailer in any Commercial or Industrial District, except mobile homes or travel trailers may be used as temporary construction trailers in conjunction with construction work only during the period of time when construction work is in progress and mobile homes (trailers) may be used by the public school system for educational space and facilities in any Commercial or Industrial District where schools are allowed as the principal permitted use, provided:

(a) All Federal, State, and Local Laws are complied with.
(b) Site plans and permits required by this Ordinance are presented as required.
(c) All other permits required by County of Essex or the Town of Tappahannock are

obtained as required.

6. Mobile homes (trailers) may be permitted and used by the public school system in any Residential District in which schools are allowed as the principal permitted use for educational space and facilities, provided:

(a) All Federal, State, and Local laws are complied with.
(b) Site plans and permits as required by this Ordinance are presented as required
(c) All other permits required by the County of Essex or the Town of Tappahannock are obtained as required.

Section 22-121. Accessory Uses

a. The Table of Permissible Uses classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special-exception permit (use classification 6.210).

b. The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation.

2. Hobbies or recreational activities of a noncommercial nature.

3. The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.

4. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

c. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational shall not be regarded as accessory to a residential principal use and is prohibited in residential districts.

Section 22-122. Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this chapter, no zoning or special-exception permit is necessary for the following uses:

a. Streets.

b. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

c. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.

Section 22-123. Change in Use

a. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

1. The change involves a change from one principal use category to another.

2. If the original use is a combination use or planned unit development, the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use, changes to such an extent that the parking requirements for the overall use are altered.

3. If the original use is a combination use or planned unit development use, the mixture of types of individual principal uses that comprise the combination use or planned unit development use changes.

4. If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

5. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within principal use classification 2.111. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

b. A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

c. A mere change in ownership of a business or enterprise or a change in the name shall not be

regarded as a change in use.

Section 22-124. Combination Uses

a. When a combination use comprises two or more principal uses that require different types of permits (zoning or special-exception), then the permit authorizing the combination use shall be:

1. A special-exception permit if any of the principal uses combined requires a special-exception permit.

2. A zoning permit in all other cases.

b. When a combination use consists of a single-family detached and two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit specified in Section 22-155.

Section 22-125. Permissible Uses Tables

a. More specific use controls. Whenever a development could fall within a more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.

b. Table of Permissible Uses (see following)

Alphabetical List of Uses From
Section 22-125 Table of Permissible Uses

Use Number	Uses Description	Article XI Reference
4.05.200	Airport/Air Park, Private Use	
7.01.500	Alcoholic Beverage Manufacturing	
5.02.300	Animal Boarding Places-Kennels, Veterinarians and Veterinary Hospitals	Section 22-126
4.06.300	Antennas and Towers more than 50 feet tall	Section 22-132
4.06.400	Antennas and Towers 50 feet tall or less	
6.01.113	Antique Shops, Art Galleries	
7.01.900	Asphalt Plants/Concrete Plants, Sand and Gravel Washing, Screening, Crushing	
7.02.100	Automobile Parking Garages	
7.01.100	Baker, Printing Publishing, Dry Cleaning Plants, Electronic Assembly	
5.01.114	Banks and Financial Institutions	
7.01.200	Blacksmith Shops, Welding Shops, Ornamental Iron Works, Machine Shops and Sheet Metal Shop	

Use Number	Uses Description	Article XI Reference
3.04.100	Boardinghouses, Bed and Breakfast, Country Inns	Section 22-128
7.01.300	Bottling, Confectionery, Food Products	
7.01.800	Brick or Block Manufacturing	
5.01.115	Business Services	
4.09.100	Bus Station	
4.08.000	Cemetery and Crematorium (Municipal)	
3.03.210	Child or Elderly Day Care Home (having fewer than 7 care recipients)	
3.03.220	Child or Elderly Day Care Center (between 7 and 30 care recipients)	Section 22-129
4.01.200	Churches, Synagogues, and Temples	
4.01.130	Colleges, Universities, Community Colleges (Private)	
4.02.130	Coliseums, Stadiums	
3.02.300	Commercial Apartment	
1.02.000	Commercial Greenhouse Operation	
5.01.100	Construction Services and Supplies	
7.02.300	Contractor's Yard	
6.01.110	Convenience Stores	
3.03.200	Day Care	
5.01.113	Dry Cleaning/Laundry and Laundromats	
7.01.700	Duplex	Section 22-143.1
7.01.700	Fertilizer Mixing Plants	
4.04.000	Stations, Rescue Squad, and/or Ambulance Service	
6.01.300	Flea or Open Markets	Section 22-130
5.02.200	Funeral Homes, Cemetery	
5.01.111	General Offices	
4.02.230	Golf Driving Ranges, Par 3 Golf Course, Par 3 Golf Course, Miniature Golf Courses, Skateboard Parks, Water Slides, Batting Cages	Section 22-132
3.03.100	Group Homes for not more than 8 persons	
4.05.300	Helicopter Facilities	
5.01.117	Home Occupation	Section 22-134
4.03.100	Hospitals and Inpatient Medical Facilities	
3.04.200	Hotels and Motels	Section 22-135
4.01.300	Libraries, Museums, Art Centers (Private)	
2.01.0	Marina	
6.03.100	Motor vehicle Sales or Rental; Mobile Home Sales, Farm Equipment Sales	
6.03.200	Motor Vehicle Repair and Maintenance, Fuel Sales, Car Wash, Vehicle Painting, Auto-body Work, Parts Sales and Installation	
4.02.121	Movie Theatres, Theatres, seating capacity of not more than 300	
4.02.122	Movie Theatres, Theatres, seating capacity Up to 1,000	
7.02.230	Mini-warehouse	Section 22-137
4.06.100	Neighborhood Essential Service	
3.03.400	Nursing/Elderly Care Homes	
3.03.410	Nursing/Elderly Care Homes, 1-8 people	Section 22-138

Use Number	Uses Description	Article XI Reference
3.03.420	Nursing/Elderly Care Homes, 9 people and above	Section 22-138
1.01.0	Open-air markets, Farm and Craft Markets, Agricultural and Horticultural, Home and Garden Shop	
6.01.112	Pet Shops	Section 22-139
4.05.110	Post Office, Local	
4.05.120	Post Office, Regional	
4.06.200	Public Utility Buildings and Structures	Sections 22-141
4.09.200	Park and Ride Facilities	
5.01.112	Personal Services	
5.01.118	Printing and Publishing	
5.01.116	Professional Office	
4.02.100	Recreation, Amusement, Entertainment, activity	
4.02.101	conducted entirely within building or substantial structure	
4.02.210	Recreation Facilities, privately owned and not	
4.02.211	constructed pursuant to a permit authorizing the	
4.02.212	construction of some residential development	
4.02.220	Recreation Facilities, privately owned approved as part of a residential development	Section 22-131
4.02.110	Recreation, Indoor	
7.03.000	Research Facilities, Laboratories	
3.01.200	Residence-Class A Mobile Home	Section 22-136
3.01.300	Residence-Class B Mobile Home	Section 22-136
3.02.000	Residence-Multi-Family	Section 22-144
3.03.400	Residence-Multi-Family Conversion	Section 22-143
3.01.500	Residence-Primary, with Accessory Apartment	Section 22-140
3.01.100	Residence-Single Family, Detached	
3.02.200	Residence-Townhouse	Section 22-145
6.02.000	Restaurants	
6.01.111	Retail Stores and Shops	
6.01.114	Retail establishments in Office Buildings	Section 22-142
3.03.500	Retirement Housing Complex	
4.07.000	Satellite Dish	
7.01.400	Saw Mills	
4.01.110	School, Private (Elementary and Secondary)	
2.04.100	Seafood Processing, products raised or harvested off-site	
2.04.200	Seafood Processing, products raised on the premises	
4.01.400	Social, Fraternal Clubs and Lodges, Union Halls, Meeting Halls	
7.02.000	Storage and Parking	
7.02.240	Storage of Petroleum Products	
7.02.210	Storage within completely enclosed structure	
4.02120.1	Sexually Oriented Business	Town Code 15-1
4.01.120	Trade or Vocational Schools	
5.01.110	Tattoo Parlors or Schools-Body piercing	Section 22-147.1
7.02.220	Warehouse	
7.01.600	Winery	
6.01.200	Wholesale Sales	
7.01.210	Shop for Furniture	

Use Number	Uses Description	Article XI Reference

Section 22-125 Table of Permissible Uses

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions

USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	1-1	RMX*	BP*
1.00.000 AGRICULTURAL USES										
1.01.0 Open-air markets, Farm and Craft Markets, Agricultural Horticultural sales with outdoor display, Home and Garden Shop						P	P	P		
1.02.000 Commercial greenhouse operation								P		P
2.00.000 MARINE USES										
2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis						P	P	P	SE	P
2.04.000 Seafood Processing										
2.04.100 Seafood processing and seafood operations with products raised or harvested off-site						SE	SE	P		
2.04.200 Seafood processing and seafood operations with products raised on the premises								P		
3.00.000 RESIDENTIAL USES										
3.01.000 Single-Family Residence										
3.01.100 Single Family, Detached	P	P	P	P					P	
3.01.200 Class A Mobile Home (See Section 22-136)						PC				
3.01.300 Class B Mobile Home (See Section 22-136)						PC				
3.01.400 Duplex		P	P	SE					P	
3.01.500 Primary Residence with Accessory Apartment (See Section 22-140)		PC	PC	PC					PC	
3.02.000 Multi-Family Residence										
3.02.100 Multi-Family (See Section 22-144)				PC					PC	
3.02.200 Townhouse (See Section 22-145)				P					PC	
3.02.300 Commercial Apartment						SE	SE		P	SE
3.02.400 Multi-Family Conversion (See Section 22-143)				PC						
3.03.000 Homes Emphasizing Special Services, Treatment, or Supervision and Residential Elderly Care Home										

Section 22-125 Table of Permissible Uses

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions

USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	1-1	RMX*	BP*
3.03.100 Group Homes for not more than 8 persons (See Section 22-133)				SC					SC	
3.03.200 Day Care										
3.03.210 Child or Elderly Day Care Home (having fewer than 7 care recipients)		P	P	P	P	P	P		P	P
3.03.220 Child or Elderly Day Care Center (between 7 and 30) (See Section 22-129)				SC					SC	P
3.03.230 Child/Elderly Day Care Center			SC			P	P			
3.03.400 Nursing/Elderly Care Homes										
3.03.410 Nursing/Elderly Care Homes, 1-8 people (See Section 22-138)		PC	PC	PC	PC				P	
3.03.420 Nursing/Elderly Care Homes, 9 people and above (See Section 22-138)		SC		SC	PC	P	P		SC	P
3.03.500 Retirement Housing Complex				SE					P	
3.04.100 Boardinghouses, Bed and Breakfast, Country Inns (See Section 22-128)			SC	SC		SC	SC		SC	
3.04.101 Emergency Homeless Shelter (See Section 22-138.1)							SC	SC		
3.04.200 Hotels and Motels (See Section 22-135)						PC	PC		PC	PC
4.00.000 INSTITUTIONAL/UTILITIES/RECREATION USES										
4.01.000 Educational, cultural, religious, philanthropic, social, fraternal uses										
4.01.100 Schools										
4.01.110 Private elementary and secondary (including pre-school, kindergarten, associated grounds, and athletic, and other facilities)		SE	SE	SE		P	P		P	P
4.01.120 Trade or vocational schools						P	P	P	SE	P
4.01.130 Private colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields,						SE	SE		P	P

Section 22-125 Table of Permissible Uses

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions

USES DESCRIPTION (Reference to Supplemental Use Regulations)	**R-1**	**R-2**	**R-3**	**R-4**	**MH-1**	**CC-1**	**CG-2**	**1-1**	**RMX***	**BP***
etc.)										
4.01.200 Churches, synagogues, and temples and associated buildings, not including elementary or secondary school buildings	P	P	P	P	P	P	P	P	P	P
4.01.300 Private libraries, museums, art centers, and similar uses (including associated educational and instructional activities)						P	P	P	P	P
4.01.400 Social, fraternal clubs and lodges, union halls; meeting halls and similar uses			SE	SE		P	P	P	P	P
4.02.000 Recreation, Amusement, Entertainment										
4.02.100 Activity conducted entirely within building or substantial structure										
4.02.110 Indoor recreation. For example, bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, rifle and pistol ranges, indoor athletic and exercise facilities and similar uses, not part of a residential project						P	P	P	P	P
4.02.120 Movie theatres, theatres										
4.02.120.1 Sexually Oriented Business (T.C. 15-1)							P			
4.02.121 Seating capacity of not more than 300						P	P	P	P	P
4.02.122 Seating capacity up to 1,000							P			P
4.02.130 Coliseums, stadiums							SE			SE
4.02.200 Activity conducted primarily outside enclosed buildings or structures										
4.02.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, not constructed pursuant to permit authorizing the construction of some residential development						P	P	P	P	P
4.02.220 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, approved as part of a residential development (See Section 22-131)				PC					PC	

Section 22-125 Table of Permissible Uses

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions

USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	1-1	RMX*	BP*
4.02.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, batting cages, and similar uses (See Section 22-132)						PC	PC	PC		PC
4.03.000 Institutional residence or care or confinement facilities										
4.03.100 Hospitals and other inpatient medical (including mental health treatment facilities)						P	P	P	P	P
4.04.000 Fire stations, rescue squad, and/or ambulance service	SE	SE	SE	SE	SE	P	P	P	P	P
4.05.000Miscellaneous public and semi-public facilities										
4.05.100 Post Office										
4.05.110 Local	SE	SE	SE	SE		P	P	P	P	P
4.05.120 Regional						P	P	P	P	P
4.05.200 Airport/Air Park, private use								P		
4.05.300 Helicopter facilities-heliports and helistops						SE	SE	PC		SE
4.06.000 Public Utilities (including towers and related structures)										
4.06.100 Neighborhood Essential Service	P	P	P	P	P	P	P	P	P	P
4.06.200 Public utility buildings and structures (See Section 22-141)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC
4.06.300 Antennas and Towers more than 50 feet tall (See Sec. 22-127)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC
4.06.400 Antennas and towers 50 feet tall or less	P	P	P	P	P	P	P	P	P	P
4.07.000 Satellite Dish	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
4.08.000 Cemetery and Crematorium (Municipal)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
4.09.000 Transportation										
4.09.100 Bus Station						P	P	P	P	P
4.09.200 Park and ride facilities						P	P	P	P	P
5.00.000 SERVICE ORIENTED COMMERCIAL USES										
5.01.000 All operations conducted entirely within fully enclosed building										
5.01.100 Operations designed to attract and serve customers or clients on the premises										

Section 22-125 Table of Permissible Uses

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions

USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	1-1	RMX*	BP*
5.01.110 Tattoo Parlors and Schools – Body Piercing (22-147.1)							SE			
5.01.111 General offices (examples are attorneys, architects, engineers, insurance and stock brokers, travel agents, government office buildings, real estate, etc.						P	P	P	P	P
5.01.112 Personal Services						P	P		P	P
5.01.113 Dry cleaning/laundry and Laundromats						P	P	P	P	P
5.01.114 Banks and financial institutions						P	P		P	P
5.01.115 Business services						P	P	P	P	P
5.01.116 Professional office		SE	SE	SE						
5.01.117 Home Occupation (See Section 22-134)	SC	SC	SC	SC	SC				SC	
5.01.118 Printing and Publishing						P	P	P		P
5.02.000 Operations conducted within and/or outside fully enclosed building										
5.02.100 Construction services and supplies							P	P		P
5.02.200 Funeral homes, cemetery						P	P			P
5.02.300 Animal Boarding Places-Kennels, Veterinarians and Veterinary hospitals (See Section 22-126)						SC	SC			SC
6.00.000 COMMERCIAL USES										
6.01.000 Commercial sales and rental of goods, merchandise, and equipment										
6.01.100 Retail sales										
6.01.110 Convenience stores						P	P		P	
6.01.111 Retail Stores and Shops						P	P		P	
6.01.112 Pet shops (See Section 22-139)						PC	PC		PC	
6.01.113 Antique Shops, Art Galleries						P	P		P	
6.01.114 Retail establishments in Office Buildings (See Sec. 22-141)						PC	PC		PC	
6.01.200 Wholesale sales						P	P	P	P	P
6.01.300 Flea or Open Markets (See Section 22-130)						SC	SC	SC		

Section 22-125 Table of Permissible Uses

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions

USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	1-1	RMX*	BP*
6.02.000 Restaurant, standard, fast food, bars, nightclubs, dinner theaters						P	P	SC	P	P
6.03.000 Motor vehicle-related and service operations										
6.03.100 Motor vehicle sales or rental; mobile home sales, farm equipment							P	P		P
6.03.200 Motor vehicle repair and maintenance, fuel sales, car wash, vehicle painting, auto-body work, parts, sales, and installation						P	P	P		P
7.00.000 INDUSTRIAL USES										
7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment										
7.01.100 Bakery, printing publishing, dry cleaning plants, electronic assembly								P		
7.01.200 Blacksmith shops, welding shops, ornamental iron works, machine shops (excluding drop hammers and punch presses over 20 tons rated capacity), and sheet metal shop							P	P		
7.01.210 Shop for furniture construction							SC			
7.01.300Bottling, confectionary, food products except fish and meat, sauerkraut, vinegar, yeast or the rendering fats and oils								P		
7.01.400 Saw mills								P		
7.01.500 Alcoholic beverage manufacturing								P		
7.01.600 Winery								P		
7.01.700 Fertilizer mixing plants								P		
7.01.800 Brick or block manufacturing								P		
7.01.900 Asphalt plants/concrete plants, sand and gravel washing, screening, crushing								P		
7.02.000 Storage and parking										
7.02.100 Automobile parking garages or parking lots not located on a						P	P	P		P

Section 22-125 Table of Permissible Uses

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions

USES DESCRIPTION (Reference to Supplemental Use Regulations)	**R-1**	**R-2**	**R-3**	**R-4**	**MH-1**	**CC-1**	**CG-2**	**1-1**	**RMX***	**BP***
lot on which there is another principal use to which the parking is related										
7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)										
7.02.210 All storage within completely enclosed structures						P	P	P		P
7.02.220 Warehouse storage inside or outside completely enclosed structures								P		
7.02.230 Mini-warehouse (See Section 22-137)							SC	PC		
7.02.240 Storage of petroleum products								SE		
7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot and (ii) parking or storage occupies more than 75 percent of the developed area (contractor's yard)							SE	P		SE
7.03.000 Research facilities, Laboratories						SE	SE	P		P

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ARTICLE XI SUPPLEMENTARY USE REGULATIONS

This Article contains regulations for specific uses that supplement the requirements found in other articles of this Ordinance. The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in Article X and in the Table of Permissible Uses.

Section 22-126. Animal Boarding Places - Kennels and Veterinary Hospitals (5.02.300)

The Board of Zoning Appeals may permit a kennel, veterinary hospital or animal boarding place as a Special Exception in the CC-1, CG-2 and BP Districts, provided that an animal boarding place shall be located only on a lot having an area of two acres and not within 150 feet from any dwelling other than the house of the owner or person in control of the boarding place. The Board of Zoning Appeals may increase the standard herein provided and add others when it is deemed necessary in order to protect the health and safety of residents and workers on adjoining properties and in the general neighborhood.

Section 22-127. Antenna or Tower - greater than 50 feet in height and associated substation (4.06.300)

The Board of Zoning Appeals may permit an antenna or tower greater than 50 feet in height and associated substations (e.g., radio, television, microwave broadcasting, etc.) as a Special Exception in any District, provided:

a. All structures shall be located at least 200 feet from an existing dwelling.

b. A minimum 10-foot wide landscape strip shall be required and maintained around all property lines exterior to any fence or wall.

c. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height of such tower above the then existing structurally designed height.

Section 22-128. Boardinghouses, Bed and Breakfasts, Country Inns (3.04.100)

The Board of Zoning Appeals may permit the use, of a one-family dwelling for a boardinghouse, bed and breakfast, or country inn as a Special Exception in the, R-3, R-4, CC-1, CG-2 and RMX Districts, upon a finding that such establishments will not constitute a nuisance because of sidewalk or street traffic, noise, or type of physical activity, and that such use will not tend to affect adversely the use and development of adjoining properties in the immediate neighborhood. Such establishments are subject to the following criteria:

a. The establishment shall be located on a state-maintained road with direct access to the state-maintained road. Direct access shall mean an entrance located on the same property as the establishment.

b. The driveway entrance onto the state-maintained road shall meet VDOT standards.

c. One off-street parking space shall be provided for each guest room and shall be located at the rear of the site. All parking areas shall be located at least 50 feet from any adjacent residentially zoned property or shall be adequately screened.

d. The establishment shall be owner/manager occupied and managed

e. Accessory commercial activities such as weddings, graduation, and similar parties are allowed only if included as part of the special exception application.

f. Facilities for dining shall be in the location customarily used by a single family in the structure.

g. No separate kitchen or dining facilities shall be provided.

Section 22-129. Child or Elderly Day Care Centers (3.03.220)

The Board of Zoning Appeals may permit a child or elderly day care center serving between seven (7) and thirty care recipients (30) as a Special Exception in the R-3, R-4 and RMX Districts provided:

a. A site plan is submitted showing existing or proposed building(s), play area(s), fencing, parking, ingress and egress.

b. The applicant shall demonstrate compliance with all requirements of the State and/or local health department for family/group care.

c. The Board of Zoning Appeals may prescribe specific conditions determined necessary to minimize effects of the proposed use on neighboring properties given identification of concerns specific to a particular site.

d. The applicant shall provide 100 square feet of usable outdoor recreation area for each child that may use this space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential area. Usable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.

Section 22-130. Flea or Open Air Market (6.01.300)

The Board of Appeals may permit a flea or open air market as a Special Exception in the in the CC-1, CG-2 and RMX Districts provided:

a. Any permanent structure for the display and sale of products shall be no larger than 3,000 square feet.

b. Buildings shall maintain the front yard setback for the District in which it is located.

c. Exits and entrances shall be provided which shall be at least two hundred (200) feet from all intersections.

d. A minimum of three (3) off-street parking spaces and one (1) space per 300 square feet of building area over 900 square feet shall be provided.

e. A minimum of one (1) self-contained privy shall be maintained on the site while the operation is in use.

f. No temporary structure shall be permitted for a period exceeding three (3) years, subject to renewal.

Section 22-131. Golf Courses and Country Clubs (4.02.220)

Golf course, country club, private club, or service organization including community buildings shall be permitted in the R-4 and RMX Districts provided such use will not adversely affect surrounding residential uses because of noise, traffic, number of people, or type of physical activity, and provided that the following standards and requirements can be met:

a. The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.

b. All buildings shall conform to the height, coverage, and setback regulations of the District in which they are located, and all facilities shall be so located as to conform to other special exception standards.

c. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.

d. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to single-family dwelling districts or uses.

e. Vehicular access shall be derived from an arterial street.

f. Twenty parking spaces shall be provided per nine holes and one space per 500 square feet of club floor area.

g. A minimum 50-foot buffer meeting the plant unit requirements for Bufferyard E (see Appendix E) shall be provided adjacent to the clubhouse/office and parking areas when said facilities are located adjacent to single-family dwelling districts or uses.

h. A minimum 25-foot buffer meeting the plant unit requirements of Buffer D (see Appendix E) shall be provided adjoining single-family zoning or uses not part of the golf course development.

i. Off-street parking and loading areas, tennis courts, golf tees, and maintenance facilities may require additional screening as determined by the Zoning Administrator.

Section 22-132. Golf Driving Ranges, Par 3 Golf and Miniature Golf Courses, Skateboard Parks, Waterslides, Batting Cages, and Similar Uses (4.02.230)

Golf Driving Ranges, Par 3 Golf and Miniature Golf Courses, Skateboard Parks, Waterslides, Batting Cages, and similar uses shall be permitted in the CC-1, CG-1, I-1 and B-P Districts provided:

a. The provision of food and refreshments may be allowed in connection with such use, provided the

availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.

b. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.

c. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to residential districts or uses.

d. Vehicular access shall be derived from an arterial street.

e. A bufferyard meeting Bufferyard Standard C in Appendix B shall be provided adjacent to the pro-shop/office and parking areas when said facilities are located adjacent to residential districts.

f. A bufferyard meeting the C standard in Appendix B shall be provided adjoining residential districts not part of the golf course development.

g. Off-street parking and loading areas, golf tees, and maintenance facilities shall be screened by a bufferyard meeting the B standard in Appendix B at a minimum.

h. Driving range shall be located at least 300 feet from any residential or commercial property line or right-of-way line of any road.

Section 22-133. Group Residential Facility for Housing Exceptional People (3.03.100)

a. The Board of Zoning Appeals may permit a new group residential facility for housing exceptional people as a Special Exception in the R-4 and RMX District upon a finding:

1. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity;

2. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in an excessive concentration of similar uses in the same general neighborhood of the proposed use;

3. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff; and

4. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.

b. The applicant will demonstrate compliance with all requirements of the State Department of Health.

c. Parking and loading shall be provided at the rear of the site.

d. Adequate access to medical services, shopping areas, recreational, and other community services often desired by elderly and handicapped people shall be available to residents or provided on the site for residents.

e. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.

f. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of these facilities at the time the special exception is approved.

g. Where any "child care residence for up to eight children" or "group home for mentally retarded people" has been lawfully established at the same location prior to the effective date of this ordinance, such use shall not be required to obtain a special exception.

Section 22-134. Home Occupations (5.01.117)

The Board of Zoning Appeals may permit a home occupations within the context of the definition of home occupations provided in this Ordinance as a Special Exception in the R-1, R-2, R-3, R-4, MH-1 and RMX Districts subject to the following:

a. Not more than one person other than members of the family residing on the premises shall be engaged in such occupation.

b. There shall be no change in the outside appearance of the building or premises. Residential appearance shall be maintained and the proposed development shall be in keeping with the character of the neighborhood.

c. No home occupation shall be conducted in any accessory building.

d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.

e. No more than 25 percent of the floor area of the dwelling, including an attached garage, may be used for the home occupation, and not more than five percent may be used for storage of stock in trade.

f. No article of commodity shall be offered for sale or publicly displayed on the premises except those incidental to services offered.

g. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

h. Funeral homes, veterinary animal hospitals and grocery stores shall not be permitted as home occupations.

i. A private educational institution, boardinghouse, rooming house, or tourist home shall not be deemed a home occupation.

Section 22-135. Hotels and Motels (3.04.200)

A hotel, motel, or inn shall be permitted in the CC-1, CG-2, RMX and BP Districts, provided that all the

requirements imposed in the zone are met and provided further that special conditions -- such as for additional fencing and/or planting or other landscaping, additional setback from property lines, location and arrangement of lighting, and other reasonable requirements deemed necessary to safeguard the general community interest and welfare may be imposed by the Zoning Administrator.

a. Accessory uses may include gift shop, beauty shop, barber shop, restaurant, cocktail lounge/night club, auditorium/meeting facilities, and similar retail stores and commercial establishments. The Zoning Administrator may require studies of the market for specific accessory uses as well as the principal use.

b. Circulation and parking shall be adequate to fulfill requirements of all proposed uses, principal and accessory. A traffic analysis shall be provided by the applicant demonstrating adequacy of the system to the satisfaction of the Zoning Administrator and appropriate State agencies, e.g., VDOT.

c. The applicant shall design the building roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.

d. The applicant shall develop the public streetscape between the street-front building and the street curb as a safe and convenient pedestrian movement area.

e. The applicant shall locate amenities such as lighting, seating, shelter, and landscaping into attractive groupings that provide for safe and unobstructed pedestrian movement.

f. The applicant shall design fences and retaining walls that are consistent in materials and quality to that of the building and the adjacent properties.

g. The applicant shall design and locate signs so that their illumination is directed away from adjacent neighbors.

h. The applicant shall integrate ground signs into the design of the site and the streetscape.

i. Vehicular access to the subject property shall not be by means of any street internal to a subdivision for one-family dwellings.

Section 22-136. Manufactured Home Park (MH-1) Standards (3.01.200 and 3.01.300)

Mobile homes and Manufactured Home Parks shall be permitted in the MH-1 District subject to the following requirements. These requirements shall apply to manufactured home parks, expansion of an existing manufactured home park and to manufactured home sites in the MH-1 Manufactured Home Park District.

a. Minimum Dimension Requirements

1. Each manufactured home shall be so placed on its lot that no part of said manufactured home shall be closer than: forty (40) feet to any other manufactured home; forty (40) feet to any service building; twenty-five (25) feet to any interior street; seventy-five (75) feet to any public street or highway right-of-way line; or thirty-five (35) feet to any property line of the Manufactured Home Park.

2. Manufactured Home Sites. A minimum manufactured home unit site size of 4,500 square feet per unit shall be provided.

b. The following accessory structures and uses may be permitted:

1. Uses and structures which are generally considered accessory and clearly incidental to the principal uses.

2. Utility buildings.

3. Spaces and structures designed to be utilized by the residents of the development (i.e., community center, laundry, recreational area, etc.)

4. No sales lot for manufactured homes may be established within the development.

c. Minimum Tract Dimensions.

1. Manufactured Home Park or Subdivision (Not in Combination). The minimum area for a manufactured home park or subdivision shall be 10 acres. The minimum width of the tract measured at the street frontage of the main access shall be 200 feet.

2. The tract shall comprise a single plot except where the site is divided by public streets or alleys, or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the park, provided that all lands involved shall be so dimensioned and related as to facilitate efficient design and management.

d. Development Standards.

1. Utility Lines. All utility lines shall be placed underground.

2. Storage Facilities. In order to provide for the storage of personal effects of the residents of the manufactured home park, at least 125 cubic feet of enclosed storage space shall be provided, either in an individual structure adjacent to each manufactured home stand or in a common building within 600 feet of the residential units.

3. Open Space. At least 25 percent of the tract, excluding the right-of-ways, shall be established in open space.

4. Installation. Each manufactured home, together with all enclosed extensions or structural additions thereto, shall be installed upon a manufactured home stand and shall be securely anchored thereto so as to prevent the manufactured home from shifting or overturning, and shall be suitable treated so as to conceal the undercarriage.

5. Design Compatibility. The design of the manufactured home development shall provide for compatibility between the use and development of the adjacent land and the manufactured home development to the maximum extent possible, either by locating double-wide trailers adjacent to land for which the Town Comprehensive Plan recommends a single-family detached zone, or by the location of open spaces and landscaping, or by such other methods as may be desirable or appropriate.

6. Distances Between Manufactured Homes. There shall be a distance of at least 20 feet between manufactured homes or enclosed extensions thereof, in order to ensure adequate

light, air, safety, convenience, and amenity for the residents in the development.

7. Access for Fire Protection Services. Access shall be such as to permit fire protection apparatus to approach to within 200 feet of each manufactured home.

8. Setback from Common Areas. No part of any manufactured home stand shall be located within 10 feet of any common driveway, walk, parking area or other common area within the manufactured home development.

10. Access. Manufactured Home Parks shall have access to a paved road or major collector road. The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development and shall conform to the requirements of the State of Virginia and County. All interior streets shall be of materials meeting the specification of the State Department of Highways, and shall be at least forty (40) feet in width.

11. Pedestrian Ways. Walkways shall form a logical, safe, and convenient system for pedestrian access to all manufactured homes, on-site facilities, and principal off-site pedestrian destinations. At a minimum, pedestrian ways shall be provided connecting manufactured home sites with commercial and recreational facilities within the community. Pedestrian ways shall be not less than four feet wide. In addition, sidewalks shall be provided to each manufactured home stand from a paved street or from a paved driveway or parking space connecting to a paved street.

12. Recreational Areas. A minimum of ten (10) percent of the gross land area of the Manufactured Home Park shall be reserved for recreational and open space uses. This area may be within or outside a building, but must be for recreational purposes and is in addition to any other open space areas required by yard requirements or other sections of this Ordinance. A clustering of units is encouraged.

13. Required Buffer Yards and Screening. Every Manufactured Home Park shall be enclosed with an approved fence or planted hedge not less than seven (7) feet in height with no openings to adjoining property other than the required entrances and exits to streets or public spaces.

Section 22-137. Mini-warehouses (7.02.230)

A mini-warehouse shall be permitted in the I-1 District and may be permitted as a Special Exception by the Board of Zoning Appeals in the CG-2 District provided:

a. No activities other than the dead storage or transfer of non-volatile goods or leasing of storage space are permitted. Prohibited uses include, but are not limited to, miscellaneous sales; fabrication or repair of vehicles, equipment, or other goods; transfer-storage business based on site; residential uses or any use that creates a nuisance due to noise, odor, dust, light, or electrical interference.

b. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval.

d. Adequate access and parking shall be provided. Parking for storage purposes shall be provided via a driving/parking land adjacent to each storage space/stall, with a minimum 30-foot width for one-

way routes where accessed on one side of the land and a 45-foot width for a two-way route or where accessed on both sides.

e. Screening Requirements

1. Adjoining properties used or zoned for residential/dwelling purposes:

(a) Non-street-facing property lines shall be improved with a minimum six-foot high, solid wooden fence or masonry wall along the entire length (except for approved access crossings); said improvements are to be located outside any public right-of-way and interior to a minimum 50-foot landscape buffer with a minimum planting equal to Bufferyard Standard D in Appendix F.

(b) Street-facing property lines shall require a minimum six-foot, , wooden fence or masonry wall along the entire length (except for approved access crossings); said improvements are to be located outside any public right-of-way and interior to a minimum 20-foot landscape strip with a minimum planting equal to Bufferyard Standard C in Appendix F.

2. Adjoining all properties used or zoned for other than residential/dwelling purposes:

(a) Non-street-facing property lines shall be improved with a minimum six-foot high, , solid fence or masonry wall along the entire length, interior to a 10-foot landscape strip with a minimum planting equal to Bufferyard Standard A in Appendix F.

(b) Street-facing property lines shall be provided with a minimum 20-foot landscape strip or buffer as specified in Appendices E and F and a minimum six-foot high, wooden fence or masonry wall along the entire length (except for approved access crossings) located outside any public right-of-way and interior to any required landscape strips and/or buffers.

Section 22-138. Nursing/Elderly Care Homes (3.03.410)

The Board of Zoning Appeals may permit nursing homes serving nine (9) or more people may as a Special Exception in the R-4 and RMX Districts and nursing homes serving between one (1) and eight (8) people shall be permitted in the R-1, R-2, R-3, R-4, MH-1, and RMX Districts provided:

a. Such use will not constitute a nuisance because of traffic, noise, or number of patients or people being cared for; that, except for buildings completed prior to the time of adoption of this section and additions thereto, such use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhood; and that such use will not adversely affect the present character or future development of the surrounding residential community in the opinion of the Board of Zoning Appeals or Planning Commission.

b. Nursing homes permitted as Special Exceptions shall be developed in conformity with the following minimum area, density, coverage, frontage, setback, access, and screening requirements where specified:

1. Total area: 20,000 square feet.

2. Frontage: 50 feet.

3. Setback: same as in the area regulations for the zone in which the care home or nursing home is proposed to be located.

4. Minimum screening, as determined by the Board with special attention given to off-street parking and loading areas in accordance with Articles XVI and in no case less than Bufferyard Standard C as shown in Appendix E.

5. The Board shall increase the number of off-street parking spaces required for nursing homes under Article XVII where the operation or method of operation, or type of care to be provided, indicates such increase will be needed.

Section 22-139. Pet shops (6.01.112)

Pet shops shall be permitted in the CC-1, CG-2, and RMX Districts provided that the actual store or premises in which the pet shop is located is at least 150 feet from any lot in any residential zone; that the proposed use shall not be incompatible with, or detrimental to, any existing uses on abutting lots in a CG-2, CG-2 or RMX District; that no animals may be kept for boarding; that no animals may be kept for breeding; that only animals for retail sale shall be maintained or kept on the premises; that all animal pens shall have glass enclosed fronts and each pen or cage shall be connected to any outside ventilating system or other appropriate air filtration system (this provision shall not apply to birds that may be maintained in bird cages). There shall be no space on the exterior of that building for the maintaining or for the use of the animals, and all animals shall be maintained within the pet shop.

Section 22-140. Primary Residence with Accessory Apartment (3.01.500)

a. It is the specific purpose and intent of this Zoning Ordinance to allow accessory apartments through conversion of existing larger residential structures located in those zones permitting residential uses and to provide the opportunity and encouragement to meet the special housing needs of single persons and couples of low and moderate income, both young and old, as well as relatives of families currently residing in the Town of Tappahannock. It is furthermore the intent and purpose of this provision to allow the more efficient use of the Town's existing housing stock.

b. Apartments that are accessory to the primary residence shall be permitted in the R-2, R-3, R-4 and RMX Districts provided:

1. The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.

2. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.

3. The minimum floor area for an accessory apartment within a principal dwelling shall be three hundred (300) square feet but in no case shall it exceed thirty percent (30%) of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings, the minimum floor area shall also be three hundred (300) square feet, there shall be no more than two (2) bedrooms in the apartment and the apartment shall not occupy more than 50% of the accessory structure.

4. There shall be no more than one (1) accessory apartment permitted per existing single

family dwelling.

5. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.

6. Off-street parking shall be provided in accordance with the standards and requirements of Article XVII.

Section 22-141. Public Utility Buildings and Public Utility Structures (4.06.200)

The Board of Zoning Appeals may permit public utility buildings and structures not otherwise permitted, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000) volts, as Special Exceptions in all District provided:

a. The Board of Zoning Appeals finds that:

1. The proposed building or structure at the location selected is necessary for public convenience and service.

2. The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

b. Public utility buildings in any permitted residential zone shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screen planting, and fencing, wherever deemed necessary by the Board of Zoning Appeals.

c. Signs in connection with a public utility building or structure shall be governed by the provision of Article XVI of this Ordinance.

d. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height of such tower above the then existing structurally designed height.

e. In any residential zone, overhead electric power and energy transmission and distribution lines carrying in excess of 69,000 volts may be permitted where the Board of Zoning Appeals finds:

1. The proposed use does not have an unduly adverse effect on the general plan for the physical development of the district as embodied in this Ordinance and in the comprehensive plan or portion thereof adopted by the Town Council;

2. The proposed use will not adversely affect the health and safety of the residents or workers in the area;

3. There is a public necessity for the proposed building, structure, or facility at the location selected; and

4. The proposed use will have the least possible detrimental effect to the use of development of adjacent properties or the general neighborhood.

In making such findings, the Board of Zoning Appeals shall consider the following factors, and such other factors as the Board of Zoning Appeals may find to be necessary or important to effectuate its review:

(a) Points at which the proposed line crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;

(b) Proximity of the line to schools, churches, theaters, clubs, museums, fair grounds, or other places of assembly, either existing or proposed;

(c) The amount and probability of low-level flying over the line and nearness of the line to airports and/or heliports, either existing or proposed;

(d) Any fire hazard or interference with fire fighting equipment due to the location and construction of the proposed line

(e) Proximity of the line to public parks and recreational areas, either existing or proposed;

(f) Effect upon property values of those who will not be compensated for a taking under the laws of the state;

(g) The effect upon environmental quality and ecological balance of protected watersheds, planned open space between corridors of development and green belt areas surrounding satellite community development; and

(h) Proximity of the line to historic sites and structures.

f. In addition to the authority granted by this section, the Board of Zoning Appeals may attach to any grant of a special exception under this section other conditions that it may deem necessary to protect the public health, safety, or general welfare.

g. Petitions for special exception under this section may be filed on project basis. A petitioner under this section shall be considered an interested person for purposes of filing a request for a special exception if he states in writing under oath that he has made a bona fide effort to obtain a contractual interest in the subject property for a valid consideration without success and that he intends to continue negotiations to obtain the required interest or, in the alternative, to file condemnation proceedings should the special exceptions be granted.

Section 22-142. Retail Establishments in an Office Building (6.01.114)

Retail sales and personal service establishments in an office building shall be permitted in the CC-1, CG-2 and RMX Districts subject to the following requirements:

a. The establishments shall be primarily for the service of the tenants and employees of the building or group of buildings on the same lot or group of contiguous lots in common ownership or control.

b. Such establishments shall occupy not more than 30 percent of the total floor area of the building or group of buildings.

c. The establishments shall be so located and constructed as to protect tenants of the building from noise, traffic, odors, and interference with privacy.

Section 22-143. Residential Structures - Multi-family Conversion (3.02.400)

Conversion of an existing detached single family residence into a multi-family residence shall be permitted in the R-3 and R-4 Districts provided:

a. The original single building contains at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

b. There shall be no more than four (4) units permitted per existing single family dwelling.

c. The appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.

d. Off-street parking shall be provided in accordance with the standards and requirements of Article XVII. Any additional parking required shall not be located in a required front yard.

Section 22-143.1. Residential Structures – Duplex's (3.01.400)

a. The Board of Zoning Appeals may permit Duplex Residential Structures as a Special Exception in the R-3 District provided that it meets the Schedule of Zone Regulations set under Article X Section XIII 22-162.

Section 22-144. Residential Structures - Multi-family Structures (3.02.100)

a. The Board of Zoning Appeals may permit multi-family residential structures as a Special Exception in the R-3 District provided that there shall be no more than six (6) units permitted in a single multi-family structure.

b. Multi-family structures shall be permitted in the R-4 District and may be permitted in the RMX District, subject to site plan approval.

Section 22-145. Residential Structures - Townhouses (3.02.200)

Townhouses shall be permitted in the R-3 and R-4 Districts and may be permitted by the Board of Zoning Appeals as a Special Exception in the RMX District provided:

a. Both sides of rear yards shall be screened with a privacy type fence or hedge of six (6) feet minimum height approved by the Zoning Administrator and extending not less than fifteen (15) feet from the rear building wall.

b. A minimum of eight hundred (800) square feet per townhouse lot shall be maintained in common open space areas exclusive of front, side, or rear yards in a location approved by the Zoning Administrator.

c. All areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.

d. A landscaping plan and a schedule of planting shall be included with the site plan. Landscaping plans shall meet the requirements of the sediment control ordinance and other applicable regulations.

e. Building requirements and relationship.

1. Dwelling units per townhouse structure and length of structure. No more than eight dwelling units shall be contained in a townhouse structure.

2. Setback between buildings. The minimum distance between any two unattached townhouse structures shall be twenty-five (25) feet. The setback shall be increased to sixty (60) feet if the townhouse structures are face to face. The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.

3. Distance to service areas. No townhouse structure shall be closer than twenty (20) feet to any interior driveway or closer than fifteen (15) feet to any off-street parking area excluding garages built into an individual townhouse unit.

4. Code requirements. All structures shall comply with all Town, County and State Codes.

5. All public ways or other common facilities within a townhouse cluster shall be maintained by the property owners within the townhouse cluster.

6. A public way intended for pedestrian circulation shall be provided between abutting rear lot lines.

f. Off-street parking shall be provided in accordance with the provisions of Article XVII of this Ordinance.

Section 22-146. Satellite Dish (4.07.000)

Satellite dishes shall be permitted in the R-1, R-2, R-3, R-4, MH-1, CC-1, CG-2, I-1, RMX, and BP districts provided:

a. Satellite dishes one (1) meter and larger in size shall be located in the side or rear yard in the R-1, R-2, R-3, R-4, MH-1, RMX Districts and shall be governed by the proper site plan approval for the CC-1, CG-2, I-1, and BP Districts.

b. Satellite dishes shall be located a minimum of (5) five feet from all property lines.

c. Satellite dishes shall not exceed any height limits as set forth in this ordinance.

d. A landscape buffer may be required around a satellite dish if determined necessary by the zoning administrator.

e. Zoning criteria for satellite dishes shall not supersede any covenants or regulations as provided for in any subdivision, manufactured home park or other development.

f. Satellite dishes less than one (1) meter in size are exempt from the provisions of this ordinance and may be located in any yard, or on any structure provided they can not receive an acceptable quality signal, in either the side or rear yard.

g. Satellite dishes that are 18" and smaller in size are exempt from the provisions of this ordinance and may be attached to buildings in all zoning districts.

Section 22-147 Shop for furniture construction, finishing, refinishing, and assembly (7.01.210)

The Board of Zoning Appeals may permit a shop for furniture construction, finishing, refinishing, and assembly as a special exception subject to review and renewal annually in a CG-2 District provided:

a. All saw dust, sanding dust, or other dust and any other waste materials from saws, planes, grinders, and etc. shall be collected by a vacuum system and stored within the building.

b. All storage, sales, and work shall be conducted within an enclosed building.

c. All exhaust systems shall be equipped with a filtering system.

d. All exhaust systems shall be extended above the roofline.

e. Any part of the building utilized for this use shall be located at least (100) one hundred feet from any Residential District.

f. The intent of this use is to be small in character, therefore, this use is limited to not more than (5) five employees and the building shall not exceed 5,000 square feet in gross floor area.

Section 22-147.1 Tattoo Parlors and Schools- Body Piercing

The Board of Zoning Appeals may permit a Tattoo Parlor or a School and Body Piercing Salon as a Special Exception subject to review in a CG-2 District.

a. Shall adhere to all Federal ,State and Local laws pertaining to regulating tattoo parlors and including schools and Body Piercing Salons.

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ARTICLE XII PLANNED DEVELOPMENTS

Section 22-148. Intent

Planned Development Zones are designed to encourage innovative and creative design of residential, commercial, and industrial development; facilitate use of the most advantageous construction techniques; and maximize the conservation and efficient use of open space and natural features. These zones are designed to further the purposes and provisions of the Comprehensive Plan and to conserve public fiscal resources; efficiently utilize public facilities and courses; and provide a broad range of housing and economic opportunities to present and future residents of the Town.

Section 22-149. Conditions

Rezoning to Planned Development will be permitted only in accordance with a General Development Plan which is recommended by the Planning Commission and approved by the Town Council in accordance with the procedures and standards contained within this Article and Article XIX.

Section 22-150. Contents of a General Development Plan

Any application for the designation to a Planned Development Zone shall be accompanied by a General Development Plan with the requirements set forth in Appendix A. In addition, the submittal shall include the following:

a. Development schedule and projected market absorption, approximate dates for beginning and completion of each phase, and estimated cost of each phase of development.

b. Architectural sketches of typical proposed structures, typical recreation areas, typical landscaping and screening areas, and typical development clusters.

c. A plan or report indicating the extent, timing, and estimated cost of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development.

d. A report or plan showing the adequacy of public facilities and services such as water, sewer, drainage, schools, streets and roads to serve the proposed development.

e. A report showing the fiscal impact of the proposed development on the Town.

f. A statement showing the relationship of the proposed development to the Tappahannock Comprehensive Plan.

Section 22-151. Types of Planned Developments

The following types of Planned Developments shall be permitted subject to the provisions of this Article, Article XI, and Development Plan approval:

a. Residential Mixed Use District: RMX

b. Planned Business Park District: B-P

Section 22-152. Administrative Procedures for Planned Developments

a. Preliminary Application shall be made to the Zoning Administrator and referred to the Planning Commission for stage one consideration of a Planned Development zone and shall include, but not be limited to:

1. A general diagram showing the Planned Development's relation to the Town of Tappahannock and major public access to the Planned Development (10 copies).

2. The General Development Plan setting forth preliminary information as identified in Appendix A (10 copies). In addition to such information, the Town Planning Commission may include, but not be limited to the following:

(a) Elevations of each building type.

(b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (Town and/or association).

(c) General statement concerning provision of utilities.

(d) Statement of expected Town responsibilities.

(e) Cost-Revenue ratio of the proposed development for the Town.

(f) Tentative time table and staging of development. (Schedule of construction)

3. The applicant shall pay an application fee as previously established by the Town.

4. After the Planning Commission makes its findings, the application will be forwarded to the Town Council for consideration. If the Council finds that the proposal has merit, it will be preliminarily approved.

b. Preliminary Site Plan and/or Subdivision Plat. The developer shall submit the following to the Zoning Administrator for review after receiving preliminary approval from the Town Council.

1. The (10) copies of a preliminary site plan or subdivision plat, as appropriate shall be filed with the Zoning Administrator. The preliminary site plan or plat shall comply with the requirements of this Article and/or the Tappahannock Subdivision Regulations and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Planning Commission and the Zoning Administrator.

2. The Zoning Administrator shall review the site plan or preliminary plat for compliance with the requirements of this Ordinance and/or the requirements of the Tappahannock Subdivision Regulations. The Zoning Administrator shall consult with such Town officials as may be appropriate, and may offer such comments as may be appropriate.

3. Preliminary Site Plan or Subdivision Plat shall include but not be limited to the requirements set forth in Appendix A of this Ordinance and/or Appendix A of the Subdivision Regulations.

4. A schedule of construction or timetable shall be included with the application.

5. The developer shall provide a statement detailing the means by which the Planned Development and all its various aspects shall be managed. This shall include deed restrictions and covenants designed to ensure perpetuity of agreements.

6. The preliminary site plan or subdivision plat shall also include a management statement governing the construction, operation, and maintenance of:

(a) Sanitary and storm sewers, water mains, culverts, and other underground structures.

(b) Streets, alleys, driveways, curb cuts, entrances and exits, parking and loading area, and outdoor lighting systems.

(c) Parks, parkways, cycleways, playgrounds, open spaces, fences, walls, screen planting, and landscaping and signs.

7. The Zoning Administrator, Planning Commission and/or Town Council may establish additional requirements for preliminary site plans or subdivision plats for the Planned Development District.

8. After review and a public hearing in accordance with Section 15.1-431 Code of Virginia, as amended, on the proposed zoning, the Planning Commission shall make recommendations to the Town Council. The Zoning Administrator shall return the site plan, together with his comments and recommendations to the Town Council for appropriate action.

c. Final Review and Approval Procedure

1. The Town Council shall review the final site plan and other documents.

2. If a joint Planning Commission/Town Council hearing is not held the Town Council shall hold a public hearing in the manner required in Section 15.1-431 Code of Virginia, as amended.

3. The Town Council may approve or disapprove the proposed Planned Development zoning. In granting approval, the Council shall secure:

(a) A surety bond or equivalent to be filed for/or deposited in escrow with the Town Council in an amount sufficient to ensure completion of all requirements established by the Town Council. Such surety to be reviewed annually and adjusted to reflect current costs.

(b) A final site plan and/or final subdivision plat shall be prepared, filed, and recorded.

(c) Permits for building shall be issued in accordance with the schedule for construction

approved by the Town Council as part of the final approval.

(d) When a Planned Development is to be developed in stages, each stage shall be processed as a separate development after first submitting and receiving approval of the Planned Development zone for the entire project.

(e) As part of the final approval, the Town Council shall approve dates for initiation and completion of the Planned Development and/or its phases. Any departure from these dates shall constitute material breach of contract and outstanding bonds can be called in. The Town Council can waive for cause.

Section 22-153. Residential Mixed Use Development (RMX)

a. Residential Mixed Use Development in General

1. It is the intent of this zone to control the placement, design, use, and density of well planned, residential developments which will offer a variety of building types and a more efficient overall use of land, and within these limits, permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures including one and two-family units, townhouses and garden apartments. The intention of these regulations, is to achieve the following objectives:

(a) To provide a more attractive and varied living environment than would be possible through the strict application of R-2 district requirements.

(b) To encourage a more intimate, efficient and aesthetic use of open space.

(c) To encourage developers to use a more creative approach in the development of land.

(d) To encourage variety in the physical development pattern of residential areas.

2. Because of the special characteristics of the RMX District, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of other Articles of this Ordinance, the provisions of this Article shall prevail for the development of the RMX District. Subjects not covered by this Article shall be governed by the applicable provisions found elsewhere in this Ordinance.

b. RMX Requirements

1. Permitted uses

(a) Residential Mixed Use Developments are contemplated to be primarily residential in nature. However, Residential Mixed Use Developments of sufficient size and appropriate character may have certain limited commercial development which is incidental to the Residential Mixed Use Development and is intended primarily for the use of the residents of the Residential Mixed Use Development. Specifically permitted uses are enumerated in the Table of Permissible Uses in Article X.

(b) In Residential Mixed Use Developments, commercial establishments of a convenience and service nature for RMX residents may be permitted. Such commercial establishments shall be an integral part of the plan for the RMX. The total aggregate area of all the commercial establishments and their parking area shall be established in the approval of the general development plan but in no case shall the land in commercial use be more than 25 percent of the gross area of the RMX.

(c) The Town Council may approve and/or require land and places for public assembly, recreational buildings, public buildings and accessory buildings, or may require the reservation of lands for such uses if it is deemed they are advantageous or necessary for the purpose of serving the Residential Mixed Use Development and the local community.

2. Where Permitted. In general, a Residential Mixed Use Development is contemplated in residential zones where tracts of suitable location size, and character exist. The uses/structures proposed are to be planned and developed according to the requirements and procedures of this Ordinance. Residential Mixed Use Development shall be appropriately located with respect to the general pattern of urban development existing or proposed, and to existing public and private facilities and services.

3. Computation of Dwelling Units Permitted. The total density in the Residential Mixed Use Development (RMX) will not be greater than if conventionally developed. The total permitted dwelling units may be averaged over the entire RMX or clustered in various groupings. At least 50 percent of the dwelling units will be single-family detached.

4. Area. The proposed RMX shall in no case contain less than five (5) acres of land.

5. Open Space. The minimum open space in any RMX District shall be as set forth in Section 22-155 and shall be reserved as common open space and recreation facilities for residents of the area being developed. Such land shall not include streets, yards, parking areas, walkways, utility easements or water courses and shall be of a contour and shape as to facilitate public recreational uses. The smallest countable open space shall contain at least 10,000 square feet where several areas are to be counted together as common open space.

Every dwelling unit in a RMX should abut upon common open space. In any case, at least 80 percent of all dwelling units shall be located within 500 feet (by normal routes of pedestrian travel not to cross a street) of common open space. This shall facilitate the clustering of units.

6. To the extent practicable, the two-family and multi-family portions of a RMX shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent single-family residential properties.

Section 22-154. Planned Business Park District (B-P)

a. Purpose of the District. The purpose of the BP Planned Business Park District is to encourage innovative and creative design of commercial, business and industrial development; facilitate use of the most advantageous construction techniques; and maximize the conservation and efficient use of open space and natural features. The districts are designed to further the purposes and provisions of

the Comprehensive Plan and to conserve public fiscal resources; efficiently utilize public facilities; and provide a broad range of economic opportunities to present and future residents of the Town.

Planned Business Park Districts, hereinafter called B-P Districts, are defined, for the purpose of these regulations, as planned developments primarily for light industrial, commercial and business uses. B-P Districts are further defined as areas devoted to industrial, commercial and business uses which present an attractive appearance and complement surrounding land use character by means of appropriate siting of buildings and service areas and landscape treatment. It is intended that B-P Districts be located in areas having all of the following: water and sewer facilities that meet applicable standards and are acceptable to the Council, access to one or more major highways, and clearly demonstrated suitability for intended uses insofar as physical characteristics and relationship to surrounding development are concerned.

b. Conditions. Rezoning to B-P will be permitted only in accordance with a General Development Plan which is recommended by the Planning Commission and approved by the Council in accordance with the procedures contained within this Ordinance.

c. Contents of the General Development Plan. Any application for the designation to a B-P District shall be accompanied by a General Development Plan consistent with the requirements set forth in Appendix A. In addition the Planning Commission or Zoning Administrator may require the following information.

1. Architectural sketches of typical proposed structures.

2. A plan or report indicating the extent, timing, and estimated costs of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development.

3. A report or plan showing the adequacy of public facilities and services such as water, sewer, drainage, streets and roads to serve the proposed development.

d. Location Within Parent Zoning District. The Planned Business Park (BP) District may be permitted in any zoning district or it may be pre-mapped consistent with the intent of the Comprehensive Plan of the Town of Tappahannock.

e. General Regulations for Planned Business Park District

1. Required Area. Minimum area required for creation of a B-P District shall be 10 acres, provided, however, that when an initial B-P District has been created, incremental additions to such district shall consist of not less than five (5) acres.

Where individual lots or building sites are provided for lease or sale, minimum area required shall be one (1) acre.

2. Permitted Intensities. Maximum total floor area permissible in a Planned Business Park shall not exceed floor area ratio (FAR) 0.25 for the land area of the B-P, and no structure or structures shall cover more than 50 percent of the lot.

3. Shape of Planned Business Park Districts. The shape of the district shall be suitable for the type of development proposed and shall facilitate safe and convenient ingress and egress as

well as vehicular and pedestrian circulation within the district.

4. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, provided that no accessory building shall be constructed until construction of the principal building is completed and in use.

5. Required Utilities. All structures shall be served by underground utility lines.

6. Maximum Height Permitted. The maximum height of any structure shall be limited to 40 feet, except that industrial structures may be erected to a maximum height of 60 feet, provided the required set back is increased a distance of not less than one foot for each one (1) foot of height that it exceeds the 40 foot limit.

f. Regulations for Planned Business Park District

1. Permitted uses. The uses shall be permitted in any B-P District that are enumerated in the Table of Permissible Uses in Article X.

2. Open Space. Minimum landscaped open space of any individual lot shall not be less than 20 percent of the lot area. Such landscaped open space shall be used to enhance the appearance of the lot.

3. Site Planning - External Relationships. Site planning within the district shall provide for protection of individual lots from adverse surrounding influences, and for protection of surrounding areas from adverse influence existing within the district. Yards, fences, walls, or vegetative screening shall be provided where needed to protect residential districts or public streets from undesirable views, lighting, noise, or other off-site influences. In particular, outdoor storage, extensive off-street parking areas, and service areas for loading and unloading vehicles, and for storage and collection of refuse and garbage shall be effectively screened. Bufferyards shall be provided as described in Article XVIII.

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ARTICLE XIII DENSITY AND DIMENSIONAL REGULATIONS

Section 22-155. Minimum Lot Size

Subject to the provisions of Sections 22-161, all lots shall have at least the amount of square footage indicated for the appropriate zone in Section 22-161. The total gross floor area in all buildings on the lot shall be considered in determining the adequacy of lot area.

Section 22-156. Residential Density

Every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the Schedule of Zone Regulations (Section 22-162). In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole number.

Section 22-157. Minimum Lot Widths

a. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

1. Could be used for purposes that are permissible in that zoning district, and

2. Could satisfy any applicable setback requirements for that district.

b. The Schedule of Zone Regulations (Section 22-162) indicates minimum lot widths and depths that are recommended and are deemed presumptively to satisfy the standard set forth in Subsection a.

c. No lot created after the effective date of this ordinance that is less than the recommended width shall be entitled to a variance from any building setback requirement.

Section 22-158. Building Setback Requirements

a. Subject to Sections 22-159 and 22-162 and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth in this section.

1. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

2. As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

(a) Gas pumps and overhead canopies or roofs.

(b) Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six feet in height and are substantially opaque.

b. Side Yards. Side yard exceptions for attached dwellings. In the case of attached dwelling units, the entire structure shall be considered as a single building with respect to side yard requirements.

c. Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

d. Walls and Fences.

1. No barbed wire fences shall be permitted within any residential zone. No barbed wire shall be permitted along any boundary adjoining a residential zone unless such wire is located not less than six (6) feet above ground level. Protective devices using barbed wire may be installed upon walls or fences constructed or used in conjunction with a non-conforming commercial or industrial use in a residential zone. Unless otherwise prohibited by this section, barbed wire shall be permitted in all business and industrial zones.

2. In any residential or commercial zone, a wall or fence of not more than three and one-half (3 ½) feet in height may be erected or maintained within a front yard or a side street yard. A fence or wall of not more than six (6) feet in height may be erected in any other yard. No height restriction shall be placed on a wall or fence erected or maintained in any industrial zone.

3. In any commercial zone, a wall or fence of not more than eight (8) feet may be erected or maintained in any yard subject to the applicable site plan provisions. A wall or fence erected or maintained adjoining a residential zone shall be required to meet the applicable bufferyard requirements set for in Article XVII Sections 22-216 and 217 and Appendix E of this ordinance.

4. Permit exemptions and additional regulations. The following walls and fences are permitted without a permit. However, such walls and fences shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance.

(a) Walls or fences erected or maintained for athletic or recreational facilities.

(b) Walls or fences of not more than eight (8) feet in height, erected or maintained by or on behalf of or pursuant to the authorization of a governmental body for security or safety purposes. A wall or fence so erected or maintained adjoining a similar zoning district may be required to meet the applicable buffer yard requirements as set forth in Article XVIII, Sections 22-216 and 217 and Appendix E or this ordinance, if determined necessary by the zoning administrator.

5. Walls or fences erected or maintained in an industrial district pursuant to the applicable site plan provisions. No height restriction shall be placed on a wall or fence erected or maintained in any industrial zone.

e. Projections.

1. Covered porches, stairways, terraces or other similar features, the floor level of which is not over three feet above the average finished grade and which do not extend above the level of the first floor of the building, when open and unenclosed, may project into a required front, side or rear yard not more than three (3) feet.

2. Outside stairways more than three (3) feet above average finished grade may extend no more than three (3) feet into any required side yard, nor more than five (5) feet into any required rear yard.

3. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like may extend no more than twenty-four (24) inches into any required yard.

4. Handicap ramps may protrude into any yard requirements and shall run parallel to the property boundary towards which the structure protrudes unless due to circumstances it makes this impossible.

Section 22-159. Accessory Building Requirements

a. The following provision shall regulate the location of accessory buildings with respect to required yards:

1. Accessory buildings shall be prohibited in any front yard.

2. Accessory buildings shall be prohibited in any required side yard that is adjacent to street (corner lot).

3. Accessory buildings shall be distant at least five (5) feet from alley lines and five (5) feet from lot boundary lines in all residential and MH-1 districts.

4. Accessory buildings shall be located in accordance with the zone regulation (Section 22-162) and site plan criteria for the commercial and industrial districts.

b. Accessory buildings shall not exceed the maximum height restriction for the zone in which they are located.

c. Accessory buildings in residential zones shall not exceed the lot coverage nor the total square footage of the building to which it is accessory.

Section 22-160. Building Height Limitations

a. For purposes of this section:

1. Except as hereinafter provided, no building or structure, or part thereof, shall hereafter be erected or altered to a height greater than the maximum specified for the respective zone.

2. The "height" of a wall or structure or a part of a building is the mean vertical distance from the average established grade in front of the lot, or from the average natural grade at the

building line, if higher, to the average height of the top of the cornice of flat roofs, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched, or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Where a lot abuts on two or more street or alleys, of different average established grades in front of the lot, the higher of such grades shall control.

b. Subject to the remaining provisions of this section, building height limitations in the various zoning districts shall be as indicated in The Schedule of Zone Regulations (Section 22-162).

c. Exceptions to height limits. Not withstanding other regulations in this Article or the maximum specified for the respective zone, the height limits of this Zoning Ordinance shall not apply to church spires, belfries, and cupolas, not for human occupancy, municipal utility poles, municipal water towers, chimneys, and flag poles.

d. Towers and antennas are allowed in all zoning districts to the extent authorized in the Table of Permissible Use.

Section 22-161. Cluster Subdivisions

a. The intent of this section is to permit more flexible and efficient use of sites through waiver of certain dimensional and use regulations where an applicant can demonstrate that a propose plan of development will result in a better living environment.

b. Cluster developments are intended to accomplish the purpose of zoning and other applicable regulations to the same degree as tracts developed on a conventional lot-by-lot basis, and to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better integration of housing with the existing natural environment.

c. Applicability. Cluster development shall be an alternative form of development in any residential district.

d. Minimum Area. No cluster development shall be allowed on parcels containing less than two (2) contiguous acres under unified ownership or control.

e. Waiver of Dimensional and Area Requirements. Upon approval of a preliminary plan all requirements relative to lot areas, dimensional setbacks shall be waived and the areas and dimensions shown on the approved plan shall govern. All land not used for building sites or dedicated streets shall be maintained as open space to a homeowners association or as determined by the Administrator.

f. Open Space Requirements. Within each approved cluster development there shall be a minimum of twenty (20) percent of the total acreage devoted to open space. Open space shall be contiguously located and shall contain facilities for recreational activities appropriate to the size and scale of the development. In computing open space the developer may include access ways which are a minimum of fifty (50) feet width and which are not intended for vehicular traffic. A minimum of nine (900) hundred square feet per dwelling unit shall be designated for recreational activities.

g. Procedure. An owner or contract purchaser of a tract of land meeting the zoning and minimum area requirements of this section may submit for approval of a preliminary plan for cluster development. Such plan shall be in accordance with the preliminary site plan requirements as set forth Appendix A.

SECTION 22-162 SCHEDULE OF ZONE REGULATIONS

Districts	**Minimum Area and Dimensions Per Unit**			**Minimum Yard Requirements**			**Maximum Height**	**Lot Coverage Max %**	**Maximum Density Permitted**	**Min**	**Min**	**Minimum Tract Size**
	Lot Area	**Width**	**Depth**	**Front**	**Side**	**Rear**	**Feet**	**(1)**	**Units/Ac**	**OSR**	**ISR**	
R-1												
Single-family (2)	12,000	80	125	35	10 (15 Corner)	25	35	40		20%		
R-2												
Single-family (2)	9,000	75	100	35	8 (15 Corner)	25	35	40		20%		
Duplex	12,000	75	100	35	8 (15 Corner)	25	35	40		20%		
R-3												
Single-family (2)	5,000	45	100	35	5 (15 Corner)	25	35	50		20%		
Duplex	10,500	75	100	35	5 (15 Corner)	25	35	60		20%		
R-4												
Single-family (2)	4,000	40	90	35	5 (15 Corner)	25	35	60		20%		
Duplex	7,500	70	100	35	5 (15 Corner)	25	35	60		20%		
Townhouse	1,600	16	90	35	5(2)(3) (15 Corner)	25	40	60	10	20%		
Multi-family	2,800	22	125	35	(2)	(2)(5)	40	70	10	20%		
MH-1	4,500	See Section 22-128		See Section 22-128		See Section 22-128			6	25%		
CC-1												
Commercial	(6)	(6)	(6)	(6)	(6)	(6)	40					

CG-2												
Commercial	(6)	(6)	(6)	(6)	(6)	(6)	40	(6)	na			
BP												
Business Park	40,000	100	200	40	10	15	40		0.35		25%	5 acres
RMX												
Residential, mixed use	(6)	(6)	(6)	(6)	(6)	(6)	40			20%		5 acres
INDUSTRIAL												
Industrial	(6)	(6)	(6)	(6)	(6)	(6)	(6)			(6)	(6)	

1. Includes both principal and accessory buildings.
2. Unless otherwise provided in this Ordinance, minimum area, minimum yard, minimum height and minimum lot coverage for other non-residential uses permitted in the R-1, R-2, R-3, and R-4 shall be the same as required for a single family dwelling.
3. Shall be increased to 20 feet for end unit lots adjacent to an adjoining property.
4. Required when adjoining or adjacent to a residential district.
5. When required, side and rear yards are each increased by at least one foot for each additional foot of building above 35 feet
6. Based on General Site Plan and/or appropriate site plan.

Definitions:

Open Space Ratio (OSR) - The proportion of a site consisting of open space calculated using the base site area.
Landscape Ratio(LSR) -The ratio derived by dividing the area of landscaped surface by the base site area.
Floor Area Ratio(FAR) - An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.

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ARTICLE XIV RECREATIONAL FACILITIES AND OPEN SPACE

Section 22-163. Recreational Facilities Required

In order to implement the Parks and Recreation objectives of the Tappahannock Comprehensive Plan, all residential developments shall provide recreation opportunities according to the following subsections:

a. All residential developments designed for more than six (6) dwelling units shall provide a minimum of twenty (20) percent area for a recreational area in the form of a open space or recreational facility as described in Section 22-164.

b. Such recreational area may be provided in the required open space provided the open space is not tidal or non-tidal wetlands or other environmental area required to be preserved.

Section 22-164. Recreational Facilities: Purpose and Standards

a. The purpose of the open space or recreational facility is to provide adequate active facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the neighborhood park requirements of this article: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and play apparatus.

b. Open space or recreational facilities shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.

c. Each open space or recreational facility shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve.

d. Each open space or recreational facility shall be constructed on land that is relatively flat, dry, and capable of serving the purposes intended by this article.

Section 22-165. Provision of Common Open Space

Common open space (spaces designed and intended for the use and enjoyment of all residents of the development) may contain such complimentary structures, improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space areas shall meet the following requirements:

a. Common open space areas shall:

1. be exclusive of road rights-of-ways and parking areas;

2. be a minimum of twenty (20) percent of the gross site area.

b. Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized shall be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.

c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of protection may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space must be appropriate to the uses which are authorized for the common space.

Section 22-166. Open Space Requirement - Ownership

Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Zoning Administrator.

Section 22-167. Management of Common Open Space Property

a. The developer shall insure that the common open space and improvements are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:

1. The organization shall be established by the developer before sale or rental of dwelling units in the development, and prior to final approval of the development plan by the Zoning Administrator.

2. The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

3. The organization responsible for maintenance, preservation, and improvement of common open space lands, and all property owners within the development shall be permitted to participate in such organization.

4. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions and/or covenant shall be provided to insure the purpose for which the open space is provided will be achieved. Said instruments shall be approved by the Zoning Administrator prior to recordation among the Land Records of Essex County.

Section 22-168. Bond for Improvements

Prior to the issuance of a zoning permit, there shall be delivered by the owner or developer some form of surety acceptable to the Town in an amount as specified by the Zoning Administrator, which shall be submitted with the site plan, as described in the Tappahannock Subdivision Regulations, which surety shall secure an agreement to construct such required physical improvements as identified in the Proposed Plan of Development.

Section 22-169. Homeowners Associations

Homeowners associations or similar legal entities that, pursuant to Section 22-165 and 22-167, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

a. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;

b. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;

c. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Section 22-170. Flexibility in Administration Authorized

a. The requirements set forth in this article concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Town as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted Town plans. The Town recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Zoning Administrator is authorized to permit minor deviations from these standards whenever it determines that: (1) the objectives underlying these standards can be met without strict adherence to them; and (2) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

b. Whenever the Zoning Administrator authorizes some deviation from the standards set forth in this article pursuant to Subsection a., the official record of action taken on the development shall contain a statement of reasons for allowing the deviation.

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ARTICLE XV UTILITIES

Section 22-171. Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 22-172. Underground Utilities

a. All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this Ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers.

b. Whenever an un-subdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

Section 22-173. Utilities To Be Consistent With Internal and External Development

a. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

b. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 22-174. Electric Service

a. Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

Section 22-175. Lighting Requirements

a. Street lights shall be installed in all subdivisions as per specifications provided by Electric

Company and Town.

b. All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

c. Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited.

Section 22-176. Lighting Standards Guidelines

Site lighting should be designed to eliminate spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source.

Section 22-177. Sites For and Screening of Dumpsters

a. Every new development constructed from the effective date of this ordinance that provides one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way, and

2. Constructed according to an approved site plan allowing for collection without damage to the development site or the collection vehicle.

b. All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

1. Persons located within any dwelling unit on residential property other than that where the dumpster is located.

2. Occupants, customers, or employees located within any building on nonresidential property other than that where the dumpster is located.

3. Persons traveling on any public street, sidewalk, or other public way.

ARTICLE XVI SIGNS

Section 22-178. Effective Date

The effective date of this article as originally adopted, or the effective date of an amendment to it if the amendment makes a sign nonconforming.

Section 22-179. Permit Required for Signs

a. Except as otherwise provided in this Article, no sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall, in and of itself, be considered maintenance.

b. If site plans submitted for a zoning permit include sign plans in sufficient detail that the Zoning Administrator can determine whether the proposed sign or signs comply with the provisions of this article, then issuance of the requested zoning permit shall constitute approval of the proposed sign or signs.

c. Signs not approved as provided in Subsection b. or exempted under the provisions referenced in Subsection a. may be constructed, erected, moved, enlarged, illuminated or altered only in accordance with a sign permit issued by the Zoning Administrator.

1. Sign permit applications and sign permits shall be governed by the same provisions of this ordinance applicable to zoning permits.

2. In the case of a lot occupied or intended to be occupied by multiple business enterprises (i.e., a shopping center), sign permits for a freestanding sign shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign. The Zoning Administrator may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the Town shall be responsible for enforcing only the provisions of this ordinance and not the provisions of any allocation formula, lease, or other private restriction.

d. As applicable, in addition to Town approval, no sign may be attached to a utility pole or highway sign without written consent from the owners of such poles or signs.

e. Only the type of signs listed in this Article and described in Article II – Definitions shall be permitted subject to the regulations specifically set forth and all other applicable regulations of this Ordinance.

f. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in Article II shall have the meaning indicated when used in this article.

Section 22-180. Signs Excluded From Regulation

The following signs are exempt from regulation under this Ordinance except for those stated in Subsections 22-190 b. through e. Although these signs do not require the issuance of a permit, no sign may be attached to a utility pole or highway sign without written consent from the owners of such poles or signs.

a. Residential identification signs in the R-1, R-2, R-3 and R-4 zoning districts.

b. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

c. Public utility signs.

d. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.

e. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

f. Internal directional signs.

g. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

h. Signs proclaiming religious, political, or other noncommercial messages that do not exceed one per abutting street and 16 square feet in area and that are not internally illuminated.

i. Hunting, fishing, or trespassing signs.

Section 22-181. Certain Temporary Signs: Permit Exemptions and Additional Regulations

a. The following temporary signs are permitted without a permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance except those contained in Sections 22-179 and 22-190. Unless otherwise noted all temporary signs are allowed within all zoning districts.

1. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs shall be removed immediately after sale, lease, or rental and are subject to the following conditions.

(a) Signs indicating the availability of a single family residence for sale, lease, or rent may not exceed four (4) square feet in area.

(b) For undeveloped properties less than three (3) acres in area in the R-1, R-2, R-3, R-4 and RMX districts, a single sign not to exceed sixteen (16) square feet is allowed. For individual lots within a residential subdivision signs are limited to four (4) square feet.

(c) For undeveloped properties three (3) acres or greater in the R-1, R-2, R-3, R-4 and RMX districts and properties, a single sign not to exceed thirty-two (32) square feet is allowed. For individual lots within a residential subdivision signs are limited to four (4) square feet.

(d) For properties in the CC-1 district a single sign not to exceed four (4) square feet is allowed.

(e) For properties in the CG-2, BP, and I-1 districts. A single sign not to exceed thirty-two (32) square feet is allowed.

2. Temporary construction site identification signs

3. Temporary holiday display or signs.

4. Temporary election signs.

5. Temporary special event signs in the CC-1, CG-2, and I-1 Zoning Districts.

6. Banners in the CC-1, CG-2, and I-1 Zoning Districts.

7. Temporary For Sale Signs.

8. Temporary Yard/Garage/Estate Sale signs.

9. Home Occupation Signs provided that the activity has received special exception with conditions.

b. Other temporary signs not listed in Subsection a. shall be regarded and treated in all respects as permanent signs, except that (as provided in Section 22-184) temporary signs shall not be included in calculating the total amount of permitted sign area.

Section 22-182. Determining the Number of Signs

a. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

b. A two-sided or multi-sided sign shall be regarded as one sign so long as:

1. With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and

2. With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three feet.

Section 22-183. Computation of Sign Area

a. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

b. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area for wall mounted or building signs. For freestanding signs that consist of more than one section or module, the computation of the sign area shall conform to paragraph A of this section for each individual section or module, but not including any supporting framework or bracing that is clearly incidental to the display itself.

c. With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:

1. The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.

2. The sign surface area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

Section 22-184. Total Building Sign Surface Area

a. Unless otherwise provided in this article, the total surface area devoted to all building signs on any lot shall not exceed the limitations set forth in this section and in sections 22-195 and 22-196, and all signs including temporary signs shall be included in this calculation.

b. If a lot has frontage on more than one street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.

Section 22-185. Freestanding Sign Surface Area

a. Unless otherwise provided in this article, the total surface area devoted to all free-standing signs on any lot shall not exceed the limitations set forth in this section and in Section 22-195 and 22-196,

and all signs including temporary signs shall be included in this calculation.

b. For purposes of this section, a side of a free-standing sign is any plan or flat surface included in the calculation of the total sign surface area as providing Section 22-183. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.

c. In no case may a single side of a freestanding sign exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of frontage on the street toward which that sign is primarily oriented, seventy-five (75) square feet on lots with two hundred (200) or more but less than four hundred (400) feet of frontage, and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.

d. With respect to freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under Subsections b. or c. for a single side of a freestanding sign.

e. To encourage the reduction in height of freestanding signs, an increase of twenty (20) percent of the sign area permitted in the base zone will be allowed if a freestanding sign is no more than seven (7) feet.

Section 22-186. Number of Freestanding Signs

a. Except as authorized by this Article, no development may have more than one freestanding sign.

Section 22-187. Subdivision and Multi-Family Entrance Signs

A residential subdivision or multi-family development may have up to two (2) signs identifying such subdivision or development. Such signs are not internally illuminated and may not exceed thirty-two (32) square feet if only one sign is utilized. If two signs are utilized neither sign may exceed sixteen (16) square feet in area.

Section 22-188. Location and Height Requirements

a. No sign may extend above any parapet or be placed upon any roof surface. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

b. No building sign attached to a building may project more than twelve (12) inches from the building wall.

c. No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the Town and the Virginia Department of Transportation.

d. No part of a freestanding sign may exceed a height, measured from ground level (not including artificial berms), of twenty-five (25) feet in the CG-2 and BP Business Park districts and fifteen (15) feet in all other districts.

e. No sign shall obstruct a clear view to and from traffic along any street right-of-way entrance or exit.

Section 22-189. Sign Illumination and Signs Containing Lights

a. Unless otherwise prohibited by this ordinance, signs may be illuminated if such illumination is in accordance with this section.

b. No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

c. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

d. Except as herein provided, internally illuminated signs are not permissible in any residential districts This subsection shall not apply to the following types of signs:

1. Signs that constitute an integral part of a vending machine, telephone booth, or similar device whose principal function is not to convey an advertising message.

2. Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.

e. Subject to Subsection g., illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited unless the lighting is an integral part of the sign design or building design, subject to Zoning Administrator approval.

f. Subject to Subsection g., no sign may contain or be illuminated by flashing, scrolling, or intermittent lights or lights of changing degrees of intensity, except signs primarily indicating the time, date or weather conditions. Such signs must meet requirements of the Virginia Department of Transportation

g. Subsections e. and f. do not apply to temporary signs erected in connection with the observance of holidays.

Section 22-190. Miscellaneous Restrictions and Prohibitions

a. No off-premises signs (except those exempted from regulation or from permit requirements under Sections 22-180 or 22-181) may be located in any district other than the GC-2 and BP districts. Off-premises signs shall not exceed twenty-five (25) feet in height and shall not be any larger than fifty (50) square feet in total sign area.

b. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

c. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited.

d. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

e. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

f. In addition to the other provisions of this article, all signs in the Town may be subject to the following additional design standards:

1. Every sign shall have good scale and proportion in its visual relationship to buildings and surroundings.

2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the sign face.

5. Each sign shall be compatible with the signs on adjoining premises and shall not compete for attention.

6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

g. The Zoning Administrator may require landscaping and additional provisions for freestanding signs not of a temporary nature,

h. The Zoning Administrator may determine if proposed new signs meet the performance standards set forth in Subsection f.

Section 22-191. Maintenance of Signs

a. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the

natural environment or shall be painted a neutral color to blend with the natural environment.

b. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.

Section 22-192. Unlawful Cutting of Trees or Shrubs

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

a. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the agency having jurisdiction over the streets.

b. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located;

c. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

Section 22-193. Nonconforming Signs

a. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this article may be continued.

b. Signs lawfully existing after the effective date of this article, which do not conform to the provisions of this article, and signs, which are accessory to a nonconforming use, shall be deemed to be nonconforming signs. Such signs shall not be enlarged, extended or structurally altered, or reconstructed. No nonconforming sign shall be moved on the same site.

c. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

d. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within one hundred eighty (180) days after such abandonment by the sign owner, owner of the property where the sign is located, or other person having control over such sign.

e. If a nonconforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such

abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

2. The advertising message it displays becomes illegible in whole or substantial part; or

3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

Section 22-194. Exception for Historic, Unique, or Visually Significant Signs

a. Other than safety and structural requirements, the provisions of the sign ordinance may be waived by the Town Council for historic or unique signs upon application for relief by the sign owner or by a Town-initiated application.

b. Upon filing of said application, the Planning Commission and/or Board of Zoning Appeals may declare a sign or group of signs to be "historic" or "unique" by making findings according to the guidelines below. Notwithstanding safety, maintenance, or structural regulations contained in this ordinance, a sign so designated shall be deemed to conform with this Article.

c. Historic or unique sign guidelines. Signs or districts of signs may be so designated upon the finding that they exhibit unique characteristics that enhance the streetscape of the historic identity of the Town or neighborhood. The sign shall be found to be an animated sign, historic sign, or landmark sign, the continued existence of which is encouraged and is beneficial to the public good. Such a sign contributes to the historical or cultural character of the streetscape and the community at large.

d. Nothing in this section shall prohibit the owner of a designated sign from removing such sign.

Section 22-195. Signs to Be Used on Parcels of Commercial or Business Park Property with Multiple Uses.

a. A free-standing sign to be used on a parcel of commercial or business park property with multiple uses and a name distinct from that of any occupant, such as a shopping center or industrial park, shall be used only to identify the center or park and or a register to identify the multiple uses.

b. The sign area in the section or module of a free-standing sign that identifies the commercial or business park property shall in no case exceed fifty (50) square feet in surface area if the property on which the sign is located has less than two hundred (200) feet of frontage on the street toward which that sign is primarily oriented, seventy-five (75) square feet on property with two hundred (200) or more but less than four hundred (400) feet of frontage, and one hundred (100) square feet on property with four hundred (400) or more feet of frontage.

c. Structures less than ten thousand square feet (10,000) of commercial or business park property

with multiple uses shall be limited to the freestanding sign requirements for square footage and height for the zoning district in which they are located as set forth in Sections 22-196 and 197.

d. The sign area used to identify and or a register of the multiple uses within a commercial or business park property shall in no case exceed one hundred (100) square feet. The Zoning Administrator may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the property may be allocated equitably among all tenants, but the town shall be responsible for enforcing only the provisions of this ordinance and not the provisions of any allocation, lease or other private restrictions.

e. Should the property owner or his agent elect to reduce the allowable square footage in the section or module of a free-standing sign that identifies the commercial or business park property, the remaining allowable square footage may be allocated to that portion of the sign used to identify and or register the multiple uses.

f. Individual shops in a Commercial or Business Park Property with multiple uses may have one (1) building sign per unit not to exceed one hundred (100) square feet. In addition to the above, if a store has no visible street frontage, one identification sign not to exceed ten (10) square feet in size, may be located on the side or rear of the building to identify the tenant.

g. Where a Commercial or Business Park Property with multiple uses has over one thousand (1,000) feet of total street frontage, the allowable signage may be divided between two (2) free-standing structures.

Section 22-196. Maximum Total Sign Area by Zoning District

Total Maximum Sign Area for signs requiring a permit shall not exceed the following:

Maximum total square feet per sign	**R-1**	**R-2**	**R-3**	**R-4**	**CC-1**	**CG-2**	**RMX**	**BP**	**I-1**
Freestanding	3	3	3	3	*50	*50	3	250	250
Building	3	3	3	3	32	100	3	50	75
Billboard	-	-	-	-	-	50	-	50	-
Church Bulletin Board or Identification	16	16	16	16	16	16	16	16	16
Directional – Off Premises and On Premises	4	4	4	4	4	4	4	4	4
Marquee	-	-	-	-	32	50		75	75
Menu	-	-	-	-	25	25	-	-	-
Sandwich	-	-	-	-	8	8	-	8	8
Shopping Center/Industrial Park/Business Park Identification	-	-	-	-	**	**	-	**	***
Banner					***32	***32			
Sail or Feather flag					32	32			
Total Number of Signs Allowed	**R-1**	**R-2**	**R-3**	**R-4**	**CC-1**	**CG-2**	**RMX**	**BP**	**I-1**
Freestanding	-1	-1	-1	-1	1	1	1	1	1
Building (per street frontage)	1	1	1	1	1	2	1	2	2
Billboard	-	-	-	-	-	1	-	1	-
Church Bulletin Board or Identification (per street frontage)	1	1	1	1	1	1	1	1	1
Directional – Off Premises and On Premises	1	1	1	1	1	1	1	1	1
Marquee (per street frontage)	-	-	-	-	1	2	-	4	4
Menu	-	-	-	-	2	2	-	-	-
Sandwich	-	-	-	-	1	1	-	8	8
Shopping Center/Industrial Park/Business Park Identification	-	-	-	-	**	**	-	**	**
Banner	-	-	-	-	***1	***1	-	-	***1
Sail or Feather flags	-	-	-	-	1	1	-	-	1
Electronic signs/LED	-	-	-	-	-	***1			***1

* See Section 22-185
** See Section 22-195

Section 22-197. Permitted Signs by Type and Zoning District

Sign Type/District	R-1	R-2	R-3	R-4	CC-1	CG-2	RMX	BP	I-1
Free-standing	Z	Z	Z	Z	Z	Z	Z	Z	Z
Building Sign Banner	N	N	N	N	PC	PC	N	Z	PC
Building Marker	Z	Z	Z	Z	Z	Z	Z	Z	Z
Canopy	N	N	N	N	Z	Z	N	Z	Z
Directional	Z	Z	Z	Z	Z	Z	Z	Z	Z
Identification	Z	Z	Z	Z	Z	Z	Z	Z	Z
Marquee	N	N	N	N	Z	Z	N	Z	Z
Projecting	N	N	N	N	Z	Z	N	Z	Z
Residential	Z	Z	Z	Z	N	N	Z	N	N
Roof	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	Z	Z	N	Z	Z
Suspended	N	N	N	N	Z	Z	N	Z	Z
Temporary	Z	Z	Z	Z	Z	Z	Z	Z	Z
Wall	N	N	N	N	Z	Z	N	Z	Z
Window	N	N	N	N	Z	Z	N	Z	Z
Miscellaneous Signs Banner	N	N	N	N	N	N	N	Z	Z
Flag	Z	Z	Z	Z	Z	Z	Z	Z	Z
Portable	N	N	N	N	N	N	N	N	N

Z=Allowed only with zoning permit **N=Not allowed**

Section 22-198. Reserved

ARTICLE XVII PARKING

Part I Parking

Section 22-199. Number of Parking Spaces Required

a. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.

b. The presumptions established by this article are that: (1) a development must comply with the parking standards set forth in Subsection e. to satisfy the requirement stated in Subsection a., and (2) any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered, as provided in Section 22-200.

c. All off-street parking spaces required to serve buildings or a use erected or established after the effective date of this Ordinance shall be located on the same zoning lot as the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of a non-residential use or where spaces are provided collectively or used jointly by two (2) or more non-residential buildings or establishments, the required spaces may be located off site and maintained as set forth in Sections 22-200, 22-205, and 22-206.

d. The Town recognizes that the Table of Parking Requirements set forth in Subsection e. cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using this table as a guide.

e. Table of Minimum Parking Requirements

USE	OFF-STREET PARKING REQUIREMENT
Residential	
Single Family Detached Unit	2 Spaces
Multi-Family, Attached	
1 Bedroom	1.8 Spaces
2 Bedroom	2 Spaces
3 Bedroom	2.1 Spaces
Townhouse	
1 Bedroom	2.25 Spaces 2 Spaces*
2 Bedroom	2.5 Spaces 2.25 Spaces*
3 Bedroom	2.75 Spaces 2 Spaces*
Mobile Home	
1 Bedroom	1.8 Spaces
2 Bedroom	2 Spaces
Elderly Housing	1 Space per unit
Rooming Boarding House	1 Space per room
Non-Residential	
Assembly Hall	1 Space per every 100 sq. ft. GFA
Amusement Park	10 Spaces per ride or activity area

USE	OFF-STREET PARKING REQUIREMENT
Appliance/Hardware Store	2 Spaces per 1,000 sq. ft. GFA, plus 1 space per every 300 sq. ft. GFA over 1,000 sq. ft. GFA
Art Gallery	1 Space per 500 sq. ft. GFA
Auditorium	1 Space per 6 permanent seats
Bar	1 Space per 2 seats
Beauty Parlor	3 Spaces per chair
Bed and Breakfast	1 Space per guest room plus 2 spaces per owner's unit
Bowling Alley	4 Spaces per Alley
Bank	4 Spaces per every 1,000 sq. ft. GFA
Car Wash	3 Spaces per self service bay, 5 Spaces per automated bay
Church/Synagogue	1 Space per 3 seats
Convenience Store	1.4 Spaces per every 1,000 sq. ft. GFA
Day Care Center	1 Space per 7 children, plus 1 space per staff person
Equipment Sales/Service Shop/Wholesale	2 Spaces per every 1,000 sq. ft. GFA, plus 1 space per every 300 sq. ft. GFA over 1,000 sq. ft.
Express Delivery Service	1 Space per two employees on maximum shift, plus 1 space per each vehicle maintained in the premises
Fast Food Restaurant With or Without Drive-Through Facilities	1 Space per 4 seats, plus 1 space per 2 employees on maximum shift. With drive-through facility, add 11 stacking spaces for the drive-through window with five (5) such spaces at ordinary stations
Fiduciary Institutions	1 Space per 300 sq. ft. GFA
Finishing Operations	1 Space per 300 sq. ft. GFA
Funeral Homes	1 Space per 4 permanent seats, or 1 space per 30 sq. ft. GFA
Furniture Stores	1 Space per 500 sq. ft. GFA, plus 1 space per employee on maximum shift
Golf Course	6 Spaces per hole
Group Homes	1 Space per staff person, plus 1 space per 2 occupants
Health Club	10 Spaces per 1,000 sq. ft. GFA, plus 1 space per every 2 employees, and 1 space per every 3 beds, and 1 space per each employee on maximum working shift (minimum of 5 spaces)
Hospital	2 Spaces per bed or 1 space per 150 sq. ft. GFA, whichever is greater
Hotel/Motel	1 Space per room, plus 1 space per employee on maximum work shift, plus 1 space per each 200 sq. ft. GFA
Industrial	1 Space per 800 sq. ft. GFA
Library	1 space per 300 sq. ft. GFA
Marina	0.5 Spaces per slip
Manufacturing/Warehouse	1 Space per 800 sq. ft. GFA or 1.5 spaces per each employee on a maximum work shift, plus 1 space per each truck or vehicle used in connection therewith, whichever is greater
Medical Center	1 Space per 250 sq. ft. GFA
Miniature Golf	1.5 Spaces per hole
Nightclub	1 Space per 2 seats
Nursing Home	1 Space per 2 beds
Offices	
Under 49,999 sq. ft. GFA	4.5 Spaces per 1,000 sq. ft. GFA

USE	OFF-STREET PARKING REQUIREMENT
50,000 – 999,999 sq. ft. GFA	4 Spaces per 1,000 sq. ft. GFA
100,000+ sq. ft. GFA	3.5 Spaces per 1,000 sq. ft. GFA
Pool or Billiard Hall	4 Spaces per 1,000 sq. ft. GFA
Post Office	1 Space per 600 sq. ft. GFA plus 1 space per employee
Racquetball Courts	2 Spaces per court
Receiving Centers	1 Space per 5,000 sq. ft. GFA
Research Centers	1 Space per 1,000 sq. ft. GFA
Restaurant	1 Space per 3 seats
Retail Store	1 Space per 200 sq. ft. GFA
Schools	
Elementary	2 Spaces per classroom, but not less than 1 per teacher and staff
Intermediate	1.5 Spaces per classroom but not less than 1 per teacher and staff
Secondary	5 Spaces per classroom
Service Station	4 Spaces per bay and work area
Shipping Center	1 Space per 5,000 sq. ft. GFA
Shopping Center	
Regional	5 Spaces per 1,000 sq. ft. GFA
Community	7 Spaces per 1,000 sq. ft. GFA
Neighborhood	10 Spaces per 1,000 sq. ft. GFA
Storage Areas	1 Space per 5,000 sq. ft. GFA
Self Storage Facility	1 Space per 20 storage stalls
Super Market	3 Spaces per 1,000 sq. ft. GFA
Swimming Pool	1 Space per 4 persons, up to capacity
Veterinary Offices	1 Space per 400 sq. ft. floor space in office, with a 4 space minimum
Zoo	1 Space per 2,000 sq. ft. of land area

Table Notes
GFA = Gross Floor Area
GLA = Gross Leasible Area
When determination of the number of parking spaces required results in a requirement of a fractional space, any fraction shall be counted as one parking space.
* Parking Bonuses that can be obtained upon negotiation with the Planning Commission relative to on-street alley or rear parking.

Section 22-200. Flexibility in Administration Required

a. The Town of Tappahannock recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Article XVII may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs (i.e. a residential development is irrevocably oriented toward the elderly or a business is primarily oriented to walk-in trade, sufficient availability of designated on street parking, etc.).

b. Whenever the permit-issuing authority allows or requires a deviation from the parking requirements

set forth in Subsection 22-199 e., it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

c. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Section 22-199.e. for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XIX.

Section 22-201. Parking Space Dimensions

a. Subject to Subsections b. and c., each parking space shall contain a rectangular area at least nineteen (19) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

b. In parking areas containing ten (10) or more parking spaces, up to twenty (20) percent of the parking spaces may be seven and one-half (7 ½) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

c. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two (22) feet by nine (9) feet.

d. Each handicapped parking space shall be at least nineteen (19) feet long and thirteen (13) feet wide. (See Section 22-209 also.)

Section 22-202. Required Widths of Parking area Aisles and Driveways

a. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

	Parking Angle				
Aisle Width	**0°**	**30°**	**45°**	**60°**	**90°**
One-Way Traffic	15	15	15	18	24
Two-Way Traffic	20	20	20	23	24

b. Driveways shall be not less than ten (10) feet or exceed fifteen (15) feet in width for one-way traffic and less than eighteen (18) feet or exceed thirty (30) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic when (i) the driveway is not longer than fifty (50) feet, (ii) it provides access to not more than six (6) spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street.

Section 22-203. General Design Requirements

a. Unless no other practicable alternative is available vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

b. Vehicle accommodation areas of all development shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

c. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

d. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

e. Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way.

f. A "sight triangle" shall be observed within a triangle formed by the intersection of the street lines and points on the street line fifteen (15) feet from the intersection at all street intersection or intersections of driveways with streets.

g. All parking areas shall be drained so as to dispose of all surface water within the parking area without carrying the said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.

h. Permanent storm water retention shall be provided for all off-street parking areas as required in by the Town of Tappahannock.

i. No required off-street parking space in any residential zone shall be located within any required front yard or side street side yard area except that parking in driveways for up to two (2) spaces is permitted.

j. Additional parking in residential zones: Provided the above parking (Subsection i) has been met, additional parking shall be permitted in the required front yards or side street side yard, provided the following setback requirements are met:

Zone	Front Yard Setback	Side Street Side Yard Setback
R-1	15'	8'
R-2	15'	8'
R-3	10'	4'

k. The percentage of coverage of permitted parking areas and driveways in any residential zone shall not exceed fifty (50) percent of the total required front yard or side street side yard.

l. Off-street parking facilities may be located within the required front yard of any commercial, office/residential, or industrial zone. But shall not be nearer than fifty (50) feet to any residential district.

m. No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way or within fifty (50) feet of a residential zone, except where such a pump, pit, or appliance is within a completely enclosed building and distant at least fifty (15) feet from any vehicular entrance or exit of such building. Except for gasoline service stations, no gasoline pumps shall be permitted as an accessory use for another activity unless a site plan is submitted to and approved by the Zoning Administrator.

Section 22-204. Vehicle Accommodation Area Surfaces

a. Vehicle accommodation areas that (1) include lanes for drive-in windows or (2) contain parking areas that are required to have more than ten (10) parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in Appendix D.

b. Vehicle accommodation areas that are not provided with the type of surface specified in Subsection (a) shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in Subsection (a) for a distance of fifteen (15) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.

c. Parking spaces in areas surfaced in accordance with Subsection a. shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection b. shall be demarcated whenever practicable.

d. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

Section 22-205. Joint Use of Required Parking Spaces

a. One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

b. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used

in connection with an office building on Monday through Friday but is generally ninety (90) percent vacant on weekends, another development that operates only on weekends could be credited with ninety (90) percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to fifty (50) percent of capacity on days other than Sunday, another development could make use of fifty (50) percent of the church lot's spaces on those other days.

c. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 22-206 are also applicable.

d. In the case of mixed uses (with different parking requirements occupying the same building or premises) or in the case of a joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except that parking requirements for permitted accessory retail and service uses in a hotel, motel, or motor lodge that contains fifty (50) or more dwelling units may be reduced by the following percentages:

1. Retail sales, offices, service establishments, fifty (50) percent

2. Restaurants and dining rooms, seventy-five (75) percent

3. Ballrooms, banquet halls, meeting rooms, auditoriums, eighty (80) percent.

e. Off-street parking areas required for residential use shall not be included in any joint parking arrangement.

Section 22-206. Satellite Parking

a. If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

b. All such satellite parking spaces (except spaces intended for employee use) must be located within four hundred (400) feet of a public entrance of a principal building housing the use associated with such parking, or within four hundred (400) feet of the lot on which the use associated with such parking is located if the use not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. No more than forty (40) percent of the total required spaces are to be located in satellite parking spaces.

c. The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

d. All satellite parking spaces shall be located in the same zoning district as the structures or uses served.

e. Satellite parking spaces shall be used solely for the parking of passenger automobiles, van or pickups. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such satellite parking areas.

f. Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.

g. The satellite parking areas shall be subject to all requirements of this ordinance concerning surfacing, lighting, drainage, landscaping, screening, and setbacks.

Section 22-207. Special provisions For Lots With Existing Buildings

a. Any physical enlargement of a structure shall mean the addition of dwelling units, gross floor area, or any other unit measurement used as a basis for determining required parking facilities. When the physical enlargement of any structure is increased, parking facilities shall be provided for the increase, but not for any existing deficiency in such facilities.

b. When the use of any structure or premises is changed to a different use, including any increase in employees or seating capacity, parking facilities shall be provided for the different use to the extent possible.

c. Notwithstanding any other provisions of this ordinance, whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the parking requirements of Section 22-199 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 22-199 to the extent the (1) parking space is practicably available on the lot where the development is located, and (2) satellite parking space is reasonably available as provided in Section 22-205. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 22-208. Loading and Unloading Areas

a. Subject to Subsection e., whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

b. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading

and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	**Number of Spaces***
1,000- 19,000	1
20,000- 79,999	2
80,000-127,999	3
128,000-191,000	4
192,000-255,999	5
256,000-319,999	6
320,000-391,999	7

Plus one (1) space for each additional seventy two thousand (72,000) square feet or fraction thereof.

*Minimum dimensions of twelve (12) feet x fifty-five (55) feet and overhead clearance of fourteen (14) feet from street grade required.

c. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (1) maneuver safely and conveniently to and from a public right-of-way, and (2) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

d. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking are be used to satisfy the area requirements for loading and unloading facilities.

e. Whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

f. No such space shall be located closer than fifty (50) feet to any other lot in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

Section 22-209. Parking facilities for the Physically Handicapped

a. Location. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps, and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.

b. Each handicapped parking space shall contain a rectangular area of at least nineteen (19) feet long and thirteen (13) feet wide.

c. Required Number of Spaces. The following number of parking spaces shall be reserved for the physically handicapped:

Total Parking Spaces in Lot	Required Minimum Number
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of Total
Over 1,000	20, plus 1 for each 100 over 1,000

d. Identification. Parking spaces for the physically handicapped shall be identified by signs, generally located eight (8) feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structures, or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduces to six (6) feet.

e. Curbs.

1. Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.

2. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet.

3. Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the structure, at all pedestrian walk intersections, and elsewhere to provide reasonably direct circulation within each development.

4. The curb cuts shall not be more than one hundred fifty (150) feet apart.

f. Sidewalks.

1. Sidewalks shall be scored or textured to indicate the location of doors to blind persons.

2. Exterior sidewalks shall not be obstructed.

3. Exterior sidewalks shall have a side slope not greater than one (1) inch in four (4) feet. They shall be at least four (4) feet wide and have a grade of not more than (1) foot in twenty (20) feet.

4. Wherever sidewalks cross driveways, parking lots, or other sidewalks, they shall blend to a

common level.

g. Storm Drains. Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.

h. Grade. The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in twenty (20) feet.

Part II Landscaping of Parking Facilities

Section 22-210. Intent

a. It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of parking areas. Breaking up of paved parking areas with plantings will provide improved aesthetics and micro-climatic benefits by reducing heat and glare.

Section 22-211. Sites Affected

a. New sites. No new parking areas shall hereafter be constructed or used unless landscaping is provided as required by the provision of this Article.

b. Existing sites. No parking areas shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property.

c. Change of zone. No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

Section 22-212. Perimeter Landscaping

a. Property line landscape buffers between adjacent land uses shall be provided in accordance to the requirements spelled out in the landscape and land use buffer article of this ordinance.

b. Any parking lot that is adjacent to a road or public right-of-way shall provide a landscaping area width based upon the following right-of-way width:

60 feet wide or less:	10 foot minimum landscape area width
More than 60 feet wide:	15 foot minimum landscape area width.

c. The Zoning Administrator may allow deviations from this requirement when it finds that the site in question exhibits irregular, confining, or otherwise unusual characteristics. In no case shall the required landscape area width be less than five (5) feet.

d. Where the pavement width of the parking lot exceeds sixty (60) feet, the landscape area adjacent to a road or public right-of-way shall be as indicated in the following table:

Parking Lot Width	Required Landscape Area Width
1-60 ft.	15 ft.
61-120 ft.	20 ft.
121-180 ft.	25 ft.
181-240 ft.	30 ft.
241-300 ft.	35 ft.
301-360 ft.	40 ft.
361-420 ft.	45 ft.

e. Each landscape area adjacent to a street right-of-way shall contain a minimum of one (1) tree per forty (40) feet of landscape area parallel to the right-of-way. In addition, a vegetative screen, landscaped berm, fence, wall, or other methods to reduce the visual impact of the parking area shall be provided. The vegetative screen shall have an average continuous height of three (3) feet. A three (3) foot decrease in elevation from the adjoining property to the street right-of-way shall be construed as satisfying the vegetative screen requirement.

f. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.

g. Special notes on existing natural vegetation:

1. In all cases where significant natural vegetation exists, as determined by the Zoning Administrator, there will be limits of clearing/grading areas established to protect and preserve these natural area. These natural areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan.

2. In the case where buffers are created by the application of these standards, no structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, and signage will be permitted.

3. Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing trees.

h. Landscaping in Easements. The required landscape area for parking areas may be combined with a utility or other easement only if all landscape requirements can be met. Otherwise, the landscape area shall be in addition to, and separate from, any easement.

i. In any parking lot perimeter landscaping area there shall be four (4) feet minimum to all trees from the edge of paving where vehicles overhang.

Section 22-213. Interior Landscaping for Parking Lots

a. For any parking lot containing more than 6,000 square feet of area or fifteen (15) or more spaces, interior landscaping shall be provided in addition to the previously required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands containing a minimum area of one hundred fifty-three (153) square feet having a minimum width of eight and one-half (8.5) feet and a minimum length of eighteen (18) feet. There shall be a minimum of four (4) feet to all trees from the edge of paving where vehicles overhang. The minimum landscape area permitted shall be ten (10) percent of the parking area. Each island or peninsula shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface.

b. Landscape area. For each one hundred (100) square feet, or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided. The interior landscaping requirement shall be computed on the basis of the "net parking facility." For the purposes of this Section, "net parking facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from structures, but shall not include required street setbacks or access driveways or walkways within such setbacks.

d. Landscape islands or peninsulas - number required:

1. One landscape island or peninsula is required for every ten (10) spaces.

2. All interior parking aisles shall end in a landscape island.

e. Maximum contiguous areas for interior parking lot landscaping. In order to encourage the required landscape areas to be properly dispensed, no required landscape area shall be larger than the following:

1. 350 square feet in parking areas under 30,000 square feet.

2. 1,500 square feet in parking areas over 30,000 square feet.

f. Landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum, except that landscape areas larger than the maximum permitted may be allowed as required landscaping areas in those cases where significant natural vegetation exists. (See Section 22-212.g. above.)

g. Minimum plant materials. A minimum of one (1) tree for each five (5) spaces of required parking. The remaining area of the required landscaped area shall be landscaped with shrubs, ground cover, lawn or additional trees.

h. Landscaping for service structures. All service structures shall be fully screened, except when located in a single-family, agriculture, or industrial zone or when located more than thirty-five (35) feet above the established grade. Service structures in an industrial zone shall be fully screened when located within one hundred (100) feet of any zone other than industrial. For the purposes of this article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

1. Location of screening. A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

2. Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

i. Interior landscaping for parking areas shall be installed and continuously maintained by the owner according to the requirements contained in the landscape and land use buffer article of this ordinance.

j. Landscape material type and quality shall be described in detail in the landscape and land use buffer article of this ordinance.

k. Plan submission and approval. Whenever any property is affected by these parking area landscape requirements, the property owner or developer shall prepare a landscape plan for approval according to the requirements contained in the landscape and land use buffer article of this ordinance.

l. Unnecessary paving or irregular paving plans are strongly discouraged and, if incorporated in a site plan, shall be subject to approval by the Zoning Administrator.

m. Alternative parking area landscaping design may be considered by the permitting officials in cases where unique topography and site constraints dictate such alternative. The innovative use of planting design and materials is encouraged and will be evaluated on the intent demonstrated to fulfill the stated objectives of this ordinance.

ARTICLE XVIII SCREENING AND SHADING

Part I Buffers

Section 22-213. Purpose

a. One of zoning's most important functions is the division of land uses into districts which have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

b. The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Ordinance are specified and are designed to protect adjacent zoning districts to ensure a desired character along public streets and roads. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as "buffers."

c. Bufferyards shall be required to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Mature woodlands are considered the best buffers and should be used whenever possible.

Section 22-214. Location of Bufferyards

Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Bufferyards shall not be located within a yard required in a single family attached (townhouse) development or planned unit development.

Section 22-215. Determination of Required Bufferyard

To determine the type of bufferyard required on a parcel or between two parcels or between a parcel and a street, the following procedure shall be used:

a. Identify whether any portion or property line of the site constitutes a zoning district boundary. If it does, determine the zoning on both sides of the property.

b. Determine whether the land on the adjoining property is vacant or developed or whether a plat of the subdivision has been approved.

c. Classify any street adjacent to the proposed use as a local, collector, or arterial street.

d. Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by

referring to the Tables of Required Bufferyards.

e. Determine if the proposed development is a use which has bufferyards required to separate that use from certain uses. Then determine the bufferyard required between such uses by referring to the Tables of Required Bufferyards.

Section 22-216. Responsibility for Bufferyards

a. When a proposed use adjoins a vacant parcel for which a bufferyard is required by the presence of a zoning boundary, that use shall at the time of development provide one-half (0.5) of the buffer which is required by the Tables of Required Bufferyards.

b. The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total bufferyard required between those two (2) uses. If the adjoining use had developed without a bufferyard, the second use will be responsible for installing the total bufferyard.

c. Existing plant material and/or land located on the preexisting (first developed) land use which meets the requirements of this Ordinance may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

Section 22-217. Tables of Required Bufferyards

Table 22-217.A BUFFERYARDS BETWEEN ADJACENT ZONING DISTRICTS

Zone	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	I-1	B-P
R-1	--	--	B[1]	C[1]	C	C	E	E	E
R-2	--	--	B[1]	B[1]	B	C	D	E	E
R-3	B[1]	B[1]	--	B[1]	B	C	D	E	E
R-4	C[1]	B[1]	B[1]	--	C	C	D	E	E
MH-1	C	B[1]	B	C	--	C	D	E	E
CC-1	C	C	C	C	C	--	C	B	B
CG-2	E	D	D	D	D	C	--	A	A
I-1	E	E	E	E	E	B	A	--	A
B-P	E	E	E	E	E	B	A	A	--

1 Bufferyards only required between single-family attached and multi-family and single detached homes.

-- Indicates Bufferyards either not required or not applicable

Table 22-217.B – REQUIRED STREET BUFFERS

ZONING DISTRICTS	FUNCTIONAL CLASSIFICATION		
	ARTERIAL	COLLECTOR	LOCAL
R-1, R-2, R-3, R-4, MH-1	D	C	B
CC-1	A	A	A
CG-2	C	C	C

I-1. B-P	C	C	B

Section 22-218. Bufferyard Requirements

Illustrations graphically indicating the specification of each bufferyard are contained in Appendix E.

Section 22-219. Bufferyard Use

A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that: (a) no plant material is eliminated, (b) the total width of the bufferyard is maintained, and (c) all other regulations of the Ordinance are met. (d) In no event, however, shall swimming pools, tennis courts or other such uses be permitted in bufferyards. The Zoning Administrator may allow substitution or reduction of the bufferyard if it finds that the required bufferyard will obstruct the view of a driver or that the bufferyard is incompatible with the existing streetscape.

Section 22-220. Ownership of Bufferyards

Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, or a homeowner's association, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this Ordinance.

Part II Shading

Section 22-221. Town Findings and Declaration of Policy: Shade Trees

a. The Town finds that:

1. Trees are proven producers of oxygen, a necessary element for human survival,

2. Trees appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe,

3. Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems,

4. Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers,

5. Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control,

6. Trees are an invaluable physical, aesthetic, and psychological counterpoint to the urban

setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas, and

7. For the reasons indicated in Subdivision vi., trees have an important impact on the desirability of land and therefore on property values.

b. Based upon the findings set forth in Subsection a. above, the Town declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the Town's planning jurisdiction to protect certain existing trees and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

Section 22-222. Required Trees Along Dedicated Streets

Along both sides of all newly created streets that are constructed in accordance with Appendix E, the developer shall at a minimum either plant or retain sufficient trees so that between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 35 feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter. When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E.

Section 22-223. Shade Trees in Parking Areas

Vehicle accommodation areas that are required to be paved by Section 22-204 must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 12 inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E.

ARTICLE XIX AMENDMENTS

Section 22-223. Procedure for Amendments or District Changes

With the exception of floating zone amendments this chapter may be amended by utilizing the procedures specified in Sections 22-224 through 22-228 inclusive.

Section 22-224. General

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Town Council may be resolution after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 22-225. Initiation of Zoning Amendments

Amendments to this chapter or the Official Zoning Maps may be initiated (i) by resolution of the Tappahannock Town Council, or (ii) by motion of the Planning Commission or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent thereof, of the property which is subject of the proposed zoning map amendment to the Town Council.

Section 22-226. Contents of Application

a. Applications for amendments to the Zoning Ordinance or Official Zoning Map adopted as part of this chapter shall contain at least the following information:

1. Name, address, and phone number of the applicant;

2. Proposed amending resolution;

3. Present use;

4. Present zoning district;

5. Proposed use;

6. Proposed zoning district;

7. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, thoroughfares, existing and proposed zoning, and any such other items as the Zoning Administrator may require;

8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) to be rezoned and others who may have a substantial interest in the case, except that addresses need not be included where more than

ten (10) parcels are to be rezoned;

9. A fee as established by the Town Council.

b. Applications for amendments proposing to amend, supplement, change or repeal portions of this chapter other than the Official Zoning Map shall include items 1, 2 and 9.

Section 22-227. Planning Commission Review and Recommendation

a. Immediately after the adoption of a resolution by the Town Council or the filing of an application, said resolution or application shall be transmitted to the Planning Commission.

b. After receipt of a resolution or application, or after adoption of its own motion, public hearing as required by Section 15.1-431 of the Code of Virginia 1950, as amended. A public hearing shall be held by the Planning Commission and Town Council jointly.

c. Within ninety (90) days after the Planning Commission public hearing required herein, the Planning Commission shall recommend to the Town Council that the proposed zoning amendment or change be approved as presented, approved with modifications, or disapproved. The Commission shall then transmit all papers constituting the record and recommendations to the Town Council.

Section 22-228. Town Council Action

After receipt of the recommendation from the Planning Commission the Town Council shall approve as presented, approve with modifications, or disapprove the proposed zoning amendment or change, provided however, that no land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required by section 15.1-431 of the Code of Virginia, as amended. An affirmative vote of at least a majority of the members of the Town Council shall be required to amend this chapter. Upon approval of an amendment to the text of this chapter, such amendment shall be attached to the chapter, signed by the Mayor, and attested by the town clerk. Amendment to the Official Zoning Map shall be made in accordance with the provisions of Section 22-114.

Section 22-229. Amendments for Floating Zones

a. Floating Zone classifications shall be reviewed under the provisions relating to Planned Developments.

b. In order to grant a floating zone classifications the Planning Commission and Town Council shall determine that such floating classification will be compatible with the neighborhood and is consistent with the comprehensive plan.

c. Procedures to maintain a floating rezoning once granted.

1. Within one year of the granting of a rezoning, application for zoning permits must be filed with requisite fees paid; otherwise, such zoning shall revert automatically to its prior district

classification without notice and public hearing.

2. Within one year of the issuance of a zoning permit, construction shall be commenced on the land so zoned; otherwise, such zoning shall revert automatically to its prior district classification without notice and public hearing.

3. Within three years of the granting of a rezoning, 75 percent of the public improvements devoted to such use or uses as may be permitted in the zoning district shall be completed; otherwise, the zoning shall revert automatically to its prior district classification. The property owners have the ability to petition the Town Council for an extension.

APPENDIX A

SUMMARY OF DEVELOPMENT APPROVAL PROCESSES AND CHECKLISTS OF REQUIRED INFORMATION FOR BUILDING PERMITS AND MINOR SITE PLANS, MAJOR SITE PLANS, GENERAL DEVELOPMENT PLANS, AND PRE-APPLICATION CONCEPT PLANS

GENERAL INFORMATION

The following provides a general overview of the application requirements and review procedures contained in the Tappahannock Zoning Ordinance and Subdivision Regulations.

Types of Development Approvals

The Tappahannock Zoning Ordinance and Subdivision Regulations establish several forms of development review and approval processes. These are:

1. *Building and Zoning Permits (see Article IV)*
2. *Minor and Major Site Plans (see Article IV)*
3. *Appeals (see Article V)*
4. *Special Exceptions (see Article IV, Part II)*
5. *Variance (see Article V)*
6. *Interpretation (see Article V)*
7. *Chesapeake Bay Preservation (CBPA) Overlay District(see Article IX, Part IV)*
7. *Planned Development*
8. *Zoning Text Amendments (see Article XVIII)*
9. *Zoning Map Amendments (see Article XVIII)*
10. *Floating Zone Map Amendment (see Article IX, Part I and Article XVIII)*
11. *Subdivision Approval (see Subdivision Regulations)*

Applications Must Be Complete

All applications for zoning, special exception, sign permits, subdivision or other permits must be complete before the permit-issuing authority is required to consider the application. An application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance. The presumption established by this Ordinance is that all of the information set forth in the applicable checklist (see following) is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case.

Approving Authority

The final authority for approval of each type of development rests with the Approving Authority. Other boards, commissions and agencies may have a role in the review and may make recommendations to the approving authority, but the final decision is made by the Approving Authority. The approving authority for each type of development approval is as follows:

TYPE OF DEVELOPMENT APPROVAL	APPROVING AUTHORITY
Building and Zoning Permits	Zoning Administrator
Minor and Major Site Plans	Zoning Administrator
Appeals	Board of Zoning Appeals
Special Exceptions	Board of Zoning Appeals
Variance	Board of Zoning Appeals
Interpretation	Board of Zoning Appeals
Zoning Map amendment	Town Council with recommendation of the Planning Commission
Zoning Text Amendment	Town Council with recommendation of the Planning Commission
Floating Zone Amendment	Town Council with recommendation of the Planning Commission
Land Subdivision	Zoning Administrator with recommendation of the Planning Commission

Time Limits for Review

From the time an application is accepted, i.e., declared complete by the approving authority and accepted for review, there is a time limit set for most review steps. In general they are as follows:

TYPE OF DEVELOPMENT APPROVAL	TIME LIMIT FOR REVIEW/DECISION
Building and Zoning Permits	90 days
Minor and Major Site Plans	90 days
Appeals	60 days
Variance	60 days
Special Exceptions	
- Planning Commission recommendation	30 days following regular meeting
- Board of Appeals decision	60 days
Interpretation	60 days
Zoning Map Amendment	
- Planning staff review	60 days
- Planning Commission recommendation	60 days following public hearing
- Town Council public hearing	60 days following receipt of Planning Commission recommendation, if required.
- Town Council decision	No time limit
Zoning Text Amendment	
- Planning staff review	60 days
- Planning Commission recommendation	90 days following public hearing
- Town Council public hearing	60 days following receipt of Planning Commission recommendation if required.
- Town Council decision	No time limit

TYPE OF DEVELOPMENT APPROVAL	TIME LIMIT FOR REVIEW/DECISION
Floating Zone Amendment	
- Planning staff review	60 days
- Planning Commission recommendation	90 days following public hearing
- Town Council public hearing	60 days following receipt of Planning Commission recommendation
- Town Council Decision	No time limit
Land Subdivision	
- Preliminary Plat	90 days following Planning Commission recommendation
- Final Plat	90 days following Planning Commission recommendation

Permit Expiration

Each type of development approval expires at some point after it is issued if the proposed development is not completed. These expiration periods are as follows:

TYPE OF DEVELOPMENT APPROVAL	EXPIRATION OF PERMIT APPROVAL
Building, Sign and Zoning Permits	12 months
Minor and Major Site Plans	12 months
Special Exceptions	12 months
Floating Zone Amendment	36 months
Subdivision, Preliminary Plat	24 months

DEVELOPMENT APPROVAL/PERMIT REQUIREMENTS

Zoning and Building Permits

No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered, and no excavation for any building or other structure shall begin without the issuance of a Building Permit therefor by the Zoning Administrator.

No building, or other structure, or land shall be used, nor shall any building, structure, or land be converted, wholly or in part, to any other use, except for a single-family dwelling, agricultural purposes, accessory uses, or home occupations permitted under the provisions of this Ordinance, until a Zoning Permit, certifying compliance with these regulations, has been issued by the Zoning Administrator.

Site Plans

Minor Site Plan

A minor site plan shall be filed with a building permit for a single-family dwelling, a duplex, a residence with an accessory apartment, any accessory building, an addition or change of a commercial or industrial structure, or for a special exception use which does not require a building permit.

Major Site Plan

All applications for building permits, other than those accompanied by a minor site plan, or those that are considered minor or major subdivisions, shall be accompanied by a major site plan.

General Development Plan (GDP)

A General Development Plan (GDP) is a site plan by which, at the early stages of development design, the Planning Commission may consider, approve, or restrict major aspects of the development without requiring an undue amount of final design work on the part of the developer. The General Development Plan is less detailed and specific than a major site plan in terms of exact arrangement of buildings, parking areas, open spaces, access points, and any other site design features. No building permits can be issued based upon a General Development Plan.

General Development Plans are required:

1. With all applications for zoning map amendments.

2. To permit more than one principal structure and its accessory structures on a lot or parcel of land.

3. To approve floating zone applications for RMX or B-P planned developments or major subdivisions of at least fifty (50) acres containing a minimum of 100 dwelling units or 40,000 square feet of non-residential building area shall divide preliminary approval into two phases: Phase One -- General Development Plan; Phase Two -- Preliminary Site Plan or Plat Approval.

Subdivision Plat

If the development approval involves the subdivision of land, an approved subdivision plat is required as provided in Subdivision Regulations. In general, subdivision is defined as the division of a tract of land into

two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future). The Subdivision Regulations provide for an abbreviated process for minor subdivision Minor subdivision is defined as a subdivision that does not involve any of the following:

1. the creation of more than a total of three lots;
2. the creation of any new public streets,
3. the extension of a public water or sewer systems, or
4. the installation of drainage improvements through one or more lots to serve one or more other lots..

Major Subdivision is any subdivision other than a minor subdivision.

APPROVAL PROCEDURE

Building and Zoning Permit Procedure

1. Applicant submits plans and information listed on Building Permit and Minor Site Plan Checklist along with the owner's signature of authorization.

2. Zoning Administrator review.

3. Application either "Approved" or "Disapproved" by Zoning Administrator not later than 90 days after receipt of the site plan.

Minor and Major Site Plan Review Procedure

1. Applicant submits such plans and information listed in the attached Building Permit and Minor Site Plan or Site Plan Checklist along with the owner's signature of authorization.

2. Zoning Administrator review.

3. Application either "Approved" or "Disapproved" by Zoning Administrator not later than 90 days after receipt of the site plan.

Special Exception Application Procedure

1. Application for special exception accompanied by such plans and/or data as necessary, including a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth in the Zoning Ordinance filed with the Zoning Administrator.

2. Application forwarded from the Zoning Administrator to the Board of Zoning Appeals for review and decision within seven (7) days.

3. Board of Zoning Appeals renders decision on application within 60 days of receipt of application from the Zoning Administrator.

4. Preliminary or final site plan for building permit submitted to Zoning Administrator.

Appeals, Variance, and Interpretations Application Procedure

1. Appeals, variance or interpretation application filed with the Zoning Administrator accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards set forth in the Zoning Ordinance.

2. Application forwarded from the Zoning Administrator to the Board of Zoning Appeals for review and decision within 45 days of receipt of the application by the Zoning Administrator.

3. Board of Zoning Appeals shall, within 60 days of receipt of application from the Zoning Administrator, render a decision on the application.

Zoning Amendment Procedures

Zoning Text Amendments and Zoning Map Amendments

1. Applicant files a Zoning Amendment Petition with the Zoning Administrator.

2. Upon determination by the Zoning Administrator that the application is complete it is submitted for comment and review to appropriate Town, county, and state departments and agencies.

3. Upon such administrative review (to be completed within sixty (60) days from submission by the Zoning Administrator) the application is submitted to the Planning Commission.

4. Within thirty (30) days after receipt the Planning Commission conducts a public hearing regarding the proposed amendment.

5. Within sixty (60) days from the Planning Commission's final hearing on the application, the Planning Commission transmits the application to the Town Council together with its recommendations for approval or disapproval.

6. Town Council holds a public hearing on the application within thirty (30) days after receipt of the Planning Commission's recommendation.

7. Town Council decision.

Floating Zone Map Amendment

1. Preliminary application made to the Town Council.

2. Referred to the Planning Commission for stage one (General Development Plan) consideration of the zone amendment.

3. Planning Commission makes its findings and recommendation to Town Council.

4. Application forwarded to the Town Council for consideration.

5. If the Council finds that the proposal has merit, it will be conditionally approved.

6. Developer submits preliminary site plan or subdivision plat after conditional approval from the Town Council.

7. The Zoning Administrator reviews the site plan or plat for compliance with the requirements of this Ordinance and the Subdivision Regulations.

8. Planning Commission public hearing on the proposed floating zone.

9. Planning Commission recommendations to the Zoning Administrator on zoning and the site plan or subdivision plat.

10. Zoning Administrator returns the site plan or subdivision plat, together with his comments and recommendations to the Town Council.

11. The Town Council reviews the final preliminary site plan or subdivision plat and other documents.

12. The Town Council holds public hearing on floating zone.

13. The Town Council approves or disapproves the proposed floating zone.

14. Final site plan or subdivision plat prepared in accordance with the GDP, filed, and recorded.

Subdivision Approval Procedure

Minor Subdivision

1. Applicant for minor subdivision plat approval submits a sketch plan to the Administrator for a determination of whether the application should be processed as a minor subdivision.

2. Applicant submits to the Zoning Administrator a minor subdivision plat conforming to the requirements Appendix A.

3. The Administrator approves or disapproves plat.

4. Plat recorded within 180 days after the date the Certificate of Approval is signed by the Administrator.

Major Subdivision- Preliminary Plat

1. Applicant submits rough sketch of the proposal and meet with the Administrator to discuss the proposed subdivision.

2. Applicant files a completed application form, filing fee, and copies of the plan as follows:

    a. 16 paper prints (folded to 9 x 12) of Preliminary Subdivision Plat

    b. Completed and signed Preliminary Subdivision Plat Application

    c. Completed and signed Preliminary Subdivision Plat Checklist.

3. Preliminary acceptance and review by the Administrator

4. The Administrator and concerned agencies review the preliminary plats.

5. Preliminary subdivision plats revised as per review agencies' comments.

6. Agency review of revised plat.

7. Planning Commission review and recommendations.

8. Preliminary plats approved, conditionally approved, or disapproved.

9. Developer makes any required additions or corrections to the preliminary plat and submit copies to the Zoning Administrator for certification within one (1) year of the date of Administrator approval.

Major Subdivision- Improvement Plan

1. Developer files the required copies of the improvement plan.

2. Administrator and/or other agencies review the proposed improvement plan.

3. Upon approval of the improvement plan, the Town issues a subdivision improvement permit to the developer.

Major Subdivision- Final Plat

1. Final Subdivision Plat submitted.

2. Review and recommendations by the Planning Commission.

3. Administrator reviews the Planning Commission's recommendations and then act for approval, conditional approval with conditions noted, postponement, or disapproval.
4. Approved final plat is recorded within 80 days after the approval.

APPENDIX B SPECIFICATIONS ON DRIVEWAY ENTRANCES

The Town incorporates by reference the driveway specifications of the Virginia Department of Transportation.

APPENDIX D VEHICLE ACCOMMODATION AREA SURFACES

The Town specifications for vehicle accommodation area surfaces in the Town Road Ordinance shall be as follows, at a minimum:

1. Compacted sub-base with minimum CBR-20 (no top soil).

2. A minimum of 6 inch aggregate base material Type 1 or Type 2.

3. Hot mix Type SM-2 at 165 lbs. per square yard.

4. All materials to be placed in accordance with the Virginia Department of Transportation Road and Bridge Specifications, January 1991.

APPENDIX E Bufferyard Requirements

E-1: Bufferyard Specifications

The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options thereof illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in this section. Only those plant materials capable of fulfilling the intended function shall satisfy the requirements of this ordinance.

The options within any bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. The following illustrations have mathematically rounded the number of plant units required for each option within a given bufferyard. In actual practice, mathematical rounding would be applied to the total amount of plant material required by a bufferyard, not to each one hundred (100) foot length of bufferyard. All of the following illustrations are drawn to scale and depict the bufferyard according to the average projected diameter of plant materials at five (5) years after planting.

Each illustration depicts the total bufferyard located between two uses.

Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structure required" in the following illustrations, wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity use. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.

E-2: Plant Material

The following plant material substitutions shall satisfy the requirements of this section.

(1) In bufferyards C, D, and E evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.

(2) In bufferyards A and B evergreen canopy or evergreen understory trees may be substituted as follows:

(a) In the case of deciduous canopy forest trees, up to a maximum of fifty (50) percent of the total number of the deciduous canopy trees otherwise required.

(b) In the case of deciduous understory, without limitation.

(3) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(4) In all bufferyards required of public service uses, the public service use may substitute evergreen canopy or evergreen understory plant materials for canopy forest trees and

understory plant materials, without limitation.

If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:

(1) Evergreen (or conifer) class III and IV plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

(2) Berms with masonry walls (BW_1, BW_2, and BW_3) required of bufferyard D and E options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.

(a) When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.

(b) Within a bufferyard, a planting area at least five (5) feet wide containing fifteen (15) percent of the total plant requirements (based on the multiplier = 1) shall be located between the masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.

All bufferyard areas shall be seeded with lawn unless ground cover is already established.

E-3: Structures

The following structures are equivalent and may be used interchangeably, so long as both structures are specified in the bufferyard illustrations in this section.

Structure	Equivalent Structure
F_3	B_1
F_4	B_2
F_5	B_3
F_6	BW1
B_1	F_3
B_2	F_4
B_3	F_5
BW_1	F_6

APPENDIX G ARCHITECTURAL REVIEW GUIDELINES

The compatible relationship of architecture along U.S. 17 is of public concern. The intent of the architectural review is not to stifle innovative architectural design but to assure respect for, and reduce incompatible and adverse impacts on, the visual experience from the roadway. To accomplish this, the Planning Commission shall use the following guidelines in reviewing proposed structures, site improvements, signs, and streetscape improvements:

1. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation that could cause disruption of natural water courses or disfigure natural land forms.

2. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. Structures shall impede, as little as reasonably practical, scenic views from the main road or from existing structures and the natural environment. Structures shall not dominate, by excessive or inappropriate height or mass, any general development, adjacent building, or natural landscape in an incompatible manner.

3. The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history, and cultural heritage of the Town, with natural land forms and existing vegetation and with other development plans approved by the Town. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the Town's character.

(a) Large work area doors or open bays shall not open toward or face the highway.

(b) Heating, ventilating, and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway. Large trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes, antennas, etc., shall be similarly treated, as practicably as possible.

(c) All development, including those in which the principal facade is oriented to the interior of the lot, shall be designed so that all facades visible from the roadway or from adjacent sites shall be completed in an aesthetically pleasing manner.

(d) No temporary structures are permitted except those used in conjunction with and during construction projects.

(e) Fencing along the highway right-of-way is discouraged, but, if used, such fencing shall be of quality materials (brick, stone, wood) and shall be landscaped to minimize visibility from the highway.

(f) Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line shall be avoided.

(g) Materials with similar texture and appearance as appropriate to the Town's

character.

(h) Generally, no more than three colors per building should be used. Semi-transparent stains are recommended for application on natural wood finishes.

(i) The location and dimensions of wall signs shall be indicated and shall maintain compatibility with architectural features of the building.

(j) Architectural lighting shall be recessed under roof overhangs or generated from concealed source, low level light fixtures.

(k) Building massing should reflect proportion and scale appropriate to the existing Town design.

4. The landscape plans for the proposed development shall provide visually harmonious and compatible setting for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding landscape. Natural appearing landscape forms are strongly encouraged; formal plans and the appearance of straight hedges are discouraged. Landscaping shall be required between buildings and sidewalks, parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.

5. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white light that does not distort colors, and shall not spill over into adjoining properties, buffers, roadways, or in any way interfere with the vision of on-coming motorists.

6. To the extent that they relate to aesthetic considerations, the design and construction techniques of the proposed development shall respond to energy consumption and environmental quality considerations such as heat loss, heat gain, air emission, and runoff water quality.

7. Streetscape Improvements and External Changes.

(a) Streetscape improvements include those architectural or functional facilities or structures that occur on site but are not part of the building and that encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structure, trash receptacles and enclosures, vendor areas, bollards, and fences. These improvements shall be designed to be consistent with all guidelines listed above, and shall be reviewed for aesthetic functionality and compatibility with the Town's character.

(b) Decorative, low-level intensity, non-concealed source lighting that defines vehicular and/or pedestrian ways may be acceptable if part of a lighting master plan. It is strongly discouraged as general lighting for a development. The master plan must show the relationship of the fixtures and the light patterns to each other, to the project site, to unit development, and to the U.S. 17 corridor.

(c) External changes to streetscape improvements and existing structures and sites subject to review by the Planning Commission shall be consistent with all

guidelines and standards in this section. External changes of a minor nature include external color and structural material changes, parking lot additions and alterations, relocation of accessory structures, and similar minor changes as determined by the Zoning Administrator. Some minor external changes may also require development plan approval (see Article IV).

8. Signs, permanent.

(a) Applicants for new or replacement signs in the Highway Corridor Overlay District shall apply to the Planning Commission for review at the time of full development review or as a separate application.

(b) The Planning Commission is hereby authorized to approve or disapprove the appearance of features of such proposed signs and the Zoning Administrator's approval shall be given only after the Commission's approval is granted.

(c) All signs shall meet all requirements of Article XVI.

(d) The amount of information on signs shall be no more than is necessary to provide reasonable identification of the name of the business to the passerby. While corporate logos that are part of a business name or business identification are authorized within Article XVI, color, size, and subject matter are reviewed under subsection (a).

(e) An integrated sign system design shall be required for all new Planned Developments (PDs), commercial and residential subdivisions, office complexes, and shopping centers within the Highway Corridor District. The establishment of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture, and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with such sign systems, whether newly established or existing.

(f) Materials, colors, and shapes of proposed signs shall be compatible with the related building(s). Size and proportions shall not be a dominant feature of the site and shall be judged by sizes and proportions of signs on adjacent and nearby properties that are compatible with the Town's character.

(g) Spot-lighting of signs shall be restricted to not more than one 150-watt light per side for sign faces up to 40 square feet and nor more than two 15-watt lights per sign faces over 40 square feet. The sign base and/or proposed landscaping shall be designed to shield the light from on-coming motorists and to conceal the light fixture.

9. Signs, temporary.

(a) Temporary signs within the Highway Corridor Overlay District shall comply with the design guidelines set forth in this section for colors and materials and with Article XVI and shall be reviewed for such compliance by the Zoning Administrator.

(b) In the case of multiple principals (for example, owner, developer, architect, engineer, contractor, or real estate or leasing agent), all information shall be contained on a single sign not to exceed the maximum size and height allowed in Article XVI.

(c) Temporary signs within the corridor shall not be lighted.

b. Following project completion, all design features required by the Town or shown on approved plans shall be maintained in good condition by all subsequent owners of the property. Changes proposed shall require approval by the Planning Commission.

APPENDIX H LIGHTING STANDARDS GUIDELINES

Purpose. The purpose of these guidelines is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations are the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting.

Proposed site lighting, other than street lights, should comply with the following guidelines:

1. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white light which does not distort colors and shall not spill over into adjoining properties, buffers, roadways, or in any way interfere with the vision of oncoming motorists.

2. The following standards are expected of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a no-cutoff luminaire or a higher pole, up to sixty (60) feet, with a luminaire that totally cuts off light spill-over at a cutoff angle smaller than ninety (90) degrees.

The maximum light post height permitted is dependent on the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property.

3. Exterior lighting shall meet one (1) of the following standards:

a. When light source or luminaire has no cutoff:

Standard	Maximum permitted height of luminaire
Residential parking lots	12 feet
Non-residential parking lots	20 feet

An illustration of this type of luminaire is shown below.

Commentary: Exterior lighting fixtures frequently produce unsightly glare. At times, the glare may even result in a safety hazard. The standards imposed by this section are designed to reduce the hazard and nuisance of these fixtures.

b. When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:

Standard	Maximum permitted height of post
Residential parking areas	20 feet
Non-residential parking areas	30 feet
Street lights	per requirement of the Town Public Works Dept.

An illustration of this type of luminaire is provided below.

Commentary: This type of light fixture may be taller and provide greater illumination at the property line than the other two (2) types specified above, because the design of this fixture insures that its light source will not be directly visible off-site.

c. Exemption for specified outdoor recreational uses. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards of Section b. above upon satisfying the Planning Commission during a site plan review that the site plan indicates that these outdoor recreational uses meet all other requirements of this section and of this Ordinance and the following conditions:

(1) The outdoor recreational uses specified above shall not exceed a maximum permitted post height of forty (40) feet.

(2) The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) footcandles.

4. Additional requirements. Notwithstanding any other provision of this section to the contrary:

a. No flickering or flashing lights will be permitted.

b. Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walkways.

5. Exterior lighting plan. At the time any exterior light is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan will be submitted to the Town in order to determine whether the requirements of this section have been adhered to and that adjoining

Property will not be adversely impacted by the proposed lighting.

Illustration