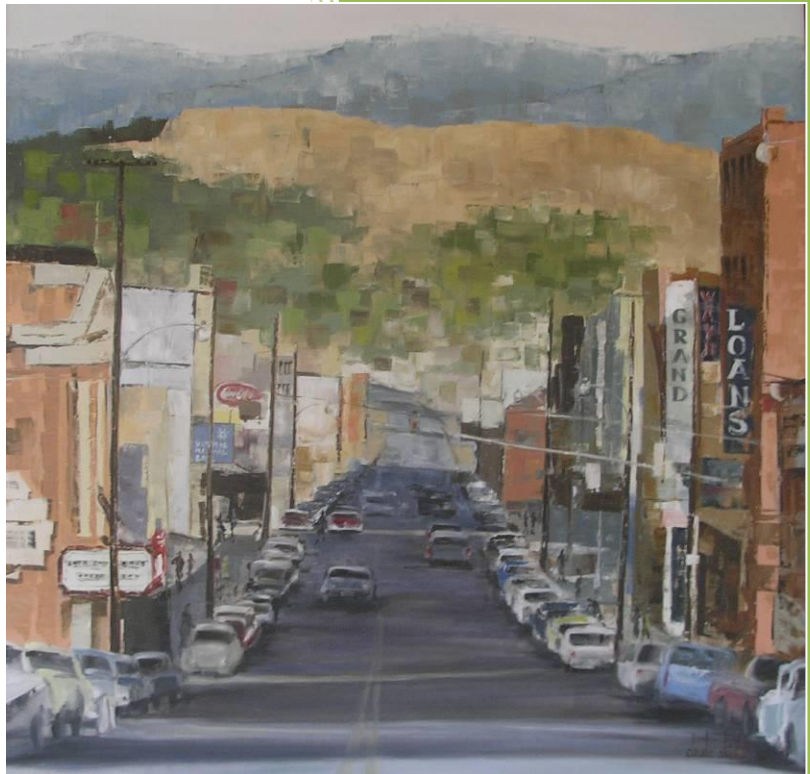


# City of Waynesboro, Virginia



## ZONING ORDINANCE

DUNCAN ASSOCIATES  
LANDDESIGN

Adopted September 27, 2010

Effective January 1, 2011

## HOW TO USE THIS ORDINANCE

### IF YOU OWN PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

**STEP 1:** Find your zoning district and any overlay districts by looking at the Zoning District Map (available in the office of the Zoning Administrator).

**STEP 2:** Go to §2.5.2, Residential districts purpose statements, or §2.6.1, Nonresidential districts purpose statements, to review the intent of the district applied to your property.

**STEP 3:** Go to §2.4, Use Table, for details on uses permitted on your property. Find the row that lists the specific use you've identified. Match this row to your district (across the top of the table) to determine if the use you want to establish is permitted. If the use you've identified is not listed, go to §10.2.1.C, Similar use interpretation.

**STEP 4:** If your use is permitted, before building the structure or establishing the use, you must get the appropriate permits approved (see Article 7). For details on maximum density, minimum lot size, required yards (setbacks) and similar standards see:

§2.5.4, Conventional development option (residential districts);

§2.5.5, Cluster development option (residential districts);

§2.5.6, Nonresidential development standards (in residential districts); and

§2.6.3, Nonresidential development standards (in nonresidential districts).

For specific use standards, see Article 4. The use may also be subject to the Site Development Standards in Article 5.

**STEP 5:** Don't forget that the overlay districts established in §3.3 may apply to your property. These requirements are intended to help you and the City ensure that your project is legally established and that it matches the development vision that Waynesboro, as a community, desires.

### IF YOU WANT TO BUILD OR ESTABLISH A PARTICULAR USE:

Follow Steps 1 through 5 above, to identify your zoning district and the permitted uses. You can find the specific details for the permitted uses in your zoning district in either Article 4. You can also find the various Site Development Standards that apply to your property in Article 5.

### IF YOU WANT TO CHANGE YOUR ZONING DISTRICT:

Only the City Council may rezone property – following public notice and hearings. See §7.4, Zoning District Map Amendments (Rezoning), for details on the procedure.

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(ORD. NO. 2014-29, 6/6/14)	
(ORD. NO. 2014-87, 11/20/14)	
(ORD. NO. 2015-81, 1/7/16)	
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**AMENDMENTS, CON'T:**

(ORD. NO. 2018-45, 07/05/18)

(ORD. NO. 2018-46, 07/05/18)

(ORD. NO. 2018-47, 07/05/18)

(ORD. NO. 2018-48, 07/05/18)



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## §1.1. TITLE

This Chapter and the official Zoning District Map shall be officially known and cited as the “City of Waynesboro Zoning Ordinance”, the “zoning ordinance” or “this Chapter.”

## §1.2. AUTHORITY

This Chapter is adopted pursuant to the authority conferred by the Section 15.2-2280 et seq. VA Code Ann.

### **§1.3. ADOPTION DATE AND EFFECTIVE DATE**

This Chapter was adopted on September 27, 2010, becoming effective on January 1, 2011.

### **§1.4. APPLICABILITY AND JURISDICTION**

This Chapter shall be effective everywhere throughout the city of Waynesboro. No building shall be erected or structurally altered nor shall any land use or development activity take place, unless it conforms to the provisions of this Chapter.

### **§1.5. PURPOSE AND INTENT**

This Chapter is adopted in order to protect the health, safety and welfare of the residents of Waynesboro; to advance the objectives set out in Sections 15.2-2200, -2283 and -2284 VA Code Ann.; and to implement the City of Waynesboro Comprehensive Plan (Comprehensive Plan).

### **§1.6. COMMENTARY**

Whenever a provision of this Chapter requires additional explanation to clarify its intent, a “commentary” is included. Commentaries have no regulatory effect, but rather are intended solely as a guide for decision-making bodies and officials and the public to use in understanding and interpreting the Chapter.

**Commentary:** When commentaries are provided they will appear in this format.

### **§1.7. WORD USAGE AND CONSTRUCTION OF LANGUAGE**

#### **§1.7.1. Meanings and Intent**

All provisions, terms, phrases and expressions contained in this Chapter shall be construed according to the purpose and intent set out in §1.5. (See also §7.13, Written interpretation)

#### **§1.7.2. Headings, Illustrations and Text**

In case of any difference of meaning or implication between the text of this Chapter and any heading, drawing, table, figure or illustration, the text shall control.

#### **§1.7.3. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as” or similar language are intended to provide examples; not intended to be exhaustive lists of all possibilities.

#### **§1.7.4. Computation of Time**

- A. References to “days” are to calendar days unless otherwise expressly stated.
- B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the City, that day is excluded.
- C. A day concludes at the close of business local time (5:00pm), and any materials received after that time will be considered to be have been received the following day.



## §1.7.5 References to Other Regulations, Publications and Documents

**§1.7.5. References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

**§1.7.6. Technical and Non-Technical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning as specified in Article 10, Definitions.

**§1.7.7. Public Officials and Agencies**

All public officials, bodies and agencies to which references are made are those of the City of Waynesboro, unless otherwise expressly provided.

**§1.7.8. Mandatory and Discretionary Terms**

The words “shall,” “will” and “must” are mandatory. The words “may” and “should” are advisory and discretionary terms.

**§1.7.9. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

“And” indicates that all connected items, conditions, provisions or events apply; and

“Or” indicates that one or more of the connected items, conditions, provisions or events may apply.

**§1.7.10. Tenses and Plurals**

Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

**§1.8. IMPLEMENTATION OF THE COMPREHENSIVE PLAN**

This Chapter has been prepared in accordance with the Comprehensive Plan. It is intended that decisions made pursuant to this Chapter will implement and be consistent with the goals and objectives contained in the Comprehensive Plan. The text of the plan is the plan, a guide; prior development (and even approved new development) can be inconsistent with a current plan and not be illegal.

**§1.9. NEWLY ADDED PROPERTY**

All territory which may be added to the city after the effective date of this Chapter shall be considered as being in the RS-12 district until otherwise changed pursuant to the Zoning District Map amendment (rezoning) procedures of §7.4.

**§1.10. INTERPRETATION OF REGULATIONS**

The regulations in this Chapter shall be enforced and interpreted according to the following rules:

**§1.10.1. Minimum Requirements**

Regulations set forth by this Chapter shall be interpreted as providing minimum regulations necessary to promote and protect the public health, safety and welfare. If the requirements set forth in this Chapter are at variance with the requirements of any other lawfully adopted uses,

## §1.10.2 Conflicting Provisions

regulations, or ordinances, the more restrictive or higher standard shall govern. The more restrictive provision is the one that imposes more stringent controls.

**§1.10.2. Conflicting Provisions****A. Conflict with State or Federal Regulations**

If the provisions of this Chapter are inconsistent with those of the State or Federal government, the more restrictive provision will control, to the extent permitted by law.

**B. Conflict with Other City Regulations**

If the provisions of this Chapter are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision will control unless otherwise expressly stated.

**C. Conflict with Private Agreements and Covenants**

This Chapter is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. The City does not enforce private covenants. If the provisions of this Chapter impose a greater restriction than imposed by a private agreements or covenants, the provisions of this Chapter control.

**Commentary:** The City does not maintain a record of private agreements and is not responsible for enforcement of private agreements.

**§1.11. DELEGATION OF AUTHORITY**

Whenever a provision appears requiring the Zoning Administrator or Planning Director to perform an act or duty, that provision shall be construed as authorizing the Zoning Administrator or Planning Director to delegate that responsibility to others over whom they have authority.

**§1.12. GRAPHICS AND ILLUSTRATIONS**

Where graphics or illustrations included in this Chapter conflict with the text of the regulations, the text shall control. Otherwise, compliance with graphics and illustrations is required.

**§1.13. MEASUREMENTS AND EXCEPTIONS****§1.13.1. General**

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area, lot area per dwelling unit, lot width, required yard (setback), impervious area requirements, and other requirements of this Chapter are not maintained. This prohibition, however, does not prevent the purchase or condemnation of narrow strips of land for public utilities or right-of-way purposes.

**§1.13.2. Density****A. Calculation**

Density is calculated as the number of dwelling units per gross acre located within the development site.

**B. Multiple Districts**

If the development site is located in more than one zoning district, the maximum number of dwelling units allowed must be determined separately for that portion of the site lying within each respective zoning district.

**§1.13.3. Area**

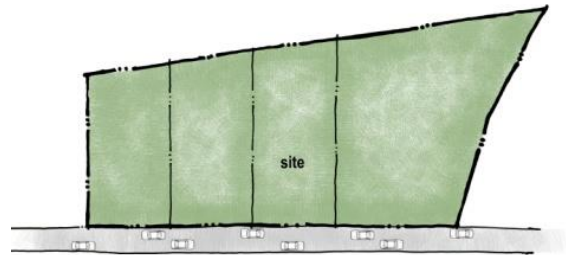
Area shall be measured in gross square feet or acres.

**A. Lot**

1. A single lot of record.
2. Lot area shall be that area contained within the property lines of a single, undivided piece of land.
3. If a lot falls within multiple zoning districts, the minimum lot area requirements for the most restrictive district shall be met.

**B. Site**

1. A continuous quantity of land to be developed as a single project. A site may include more than one lot.
2. Site area shall be the total land area contained within the property lines of a development site.
3. A site may include multiple lots.

**C. Lot Area Per Unit**

Lot area per unit refers to the amount of lot area required for each dwelling unit on the subject lot.

**Commentary:** For example, if a minimum lot area per unit standard of 1,000 square feet were applied to 7,000 square foot lot, a maximum of seven dwelling units would be allowed on that lot.

**D. Floor Area**

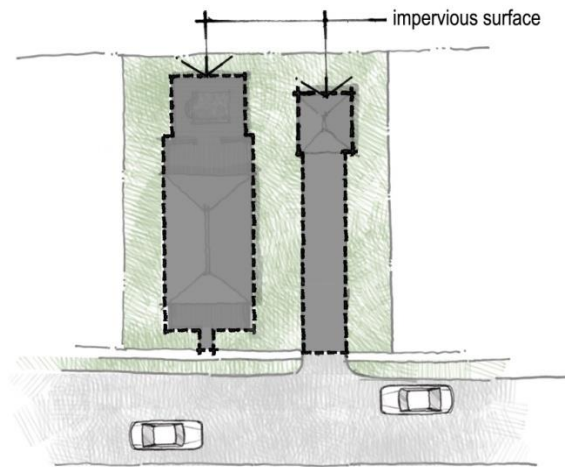
Floor area is the gross floor area (GFA) of a building. GFA shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include:

1. The area of each floor of the structure;
2. All attic space used for active commercial space; and
3. All permitted outside storage areas.

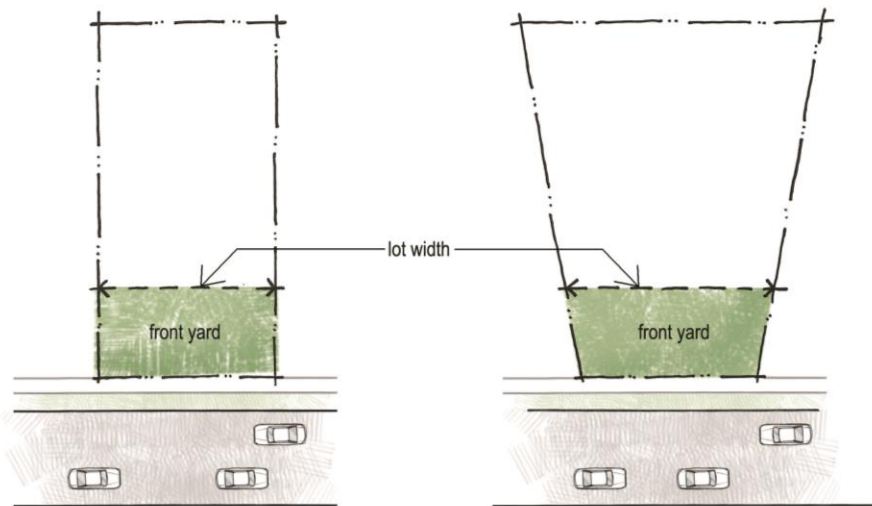
## §1.13.4 Lot Width

**E. Impervious Surface**

Impervious surface is the area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings, paved areas such as swimming pools, driveways, uncovered porches or patios, or solid decks.

**§1.13.4. Lot Width**

Lot width is the horizontal distance between the side property lines of a lot measured at the point of the minimum front setback.

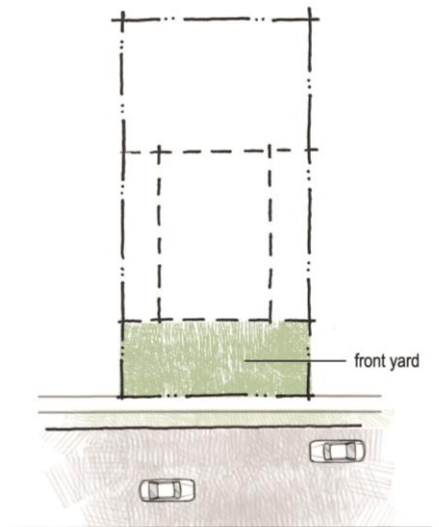


**§1.13.5. Required Yards (Setbacks)****A. General**

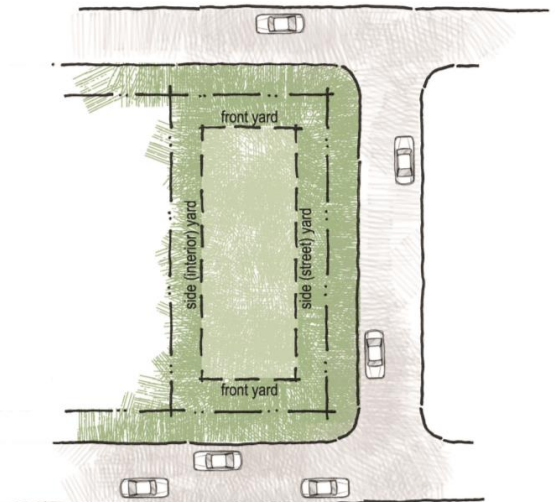
1. There are four types of required yards – front, side (street), side (interior) and rear yards.
2. Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as provided or as otherwise permitted in §1.13.5.E.
3. No part of a required yard shall be included as a part of a yard similarly required for another structure or use.

**B. Front Yards****1. Measurement**

- (a) Front yards are measured from the front property line to the closest point of the building or structure.

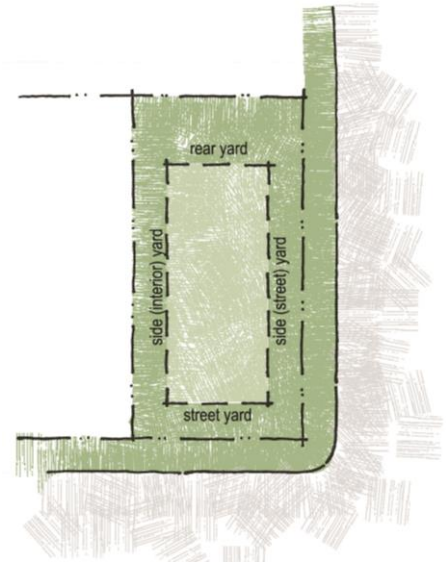


- (b) Through lots must have a required front yard on both opposing sides of the lot. For purpose of this provision, the front property line is the property line abutting the street.



## §1.13.5 Required Yards (Setbacks)

- (c) On corner lots, the front property line is the property line that is parallel to the alley that serves the lot. When no alley exists, the Zoning Administrator is authorized to establish the front property line and the street side property line based on the neighborhood lot pattern.
- (d) All single-family homes and duplexes must have a primary façade and entrance parallel to the street from which the front setback is marked.  
(Ord. No. 2018-46, 7/5/18)



## 2. Exception

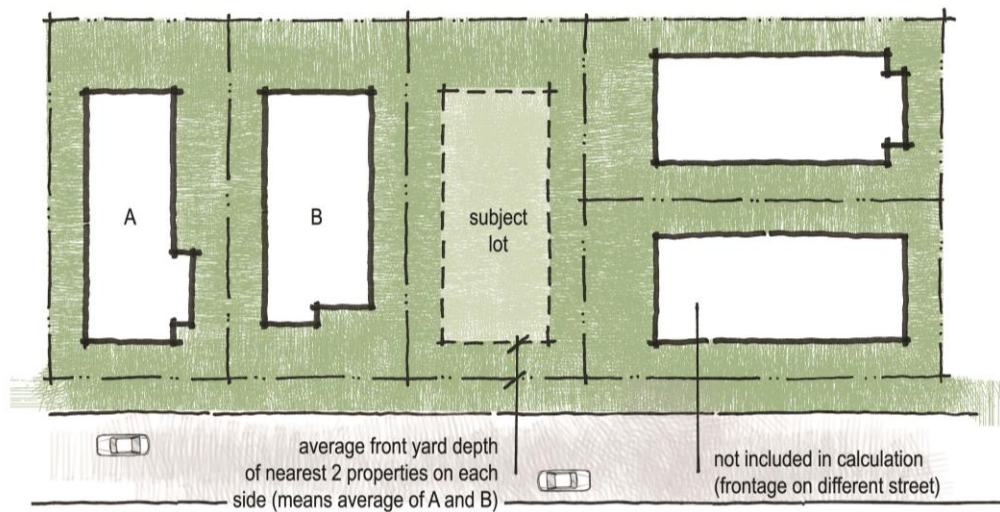
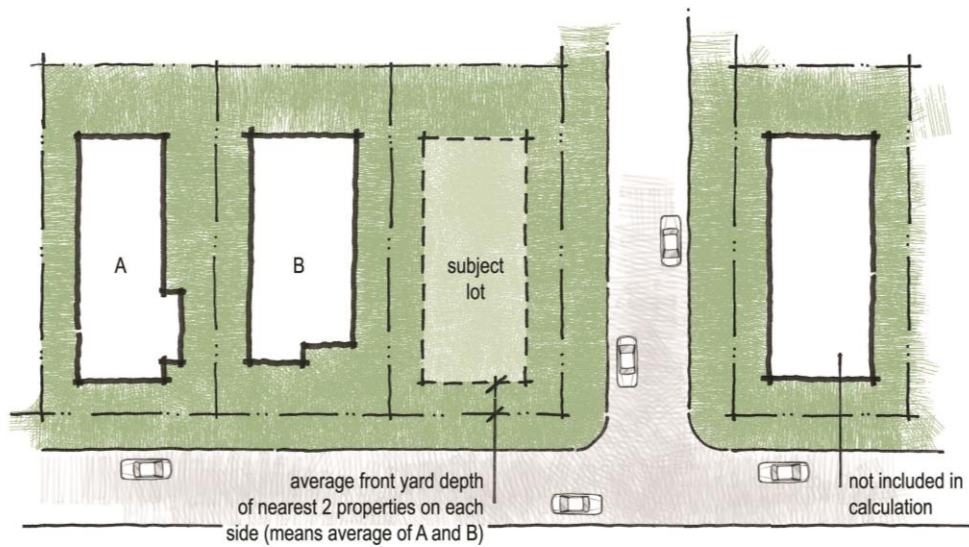
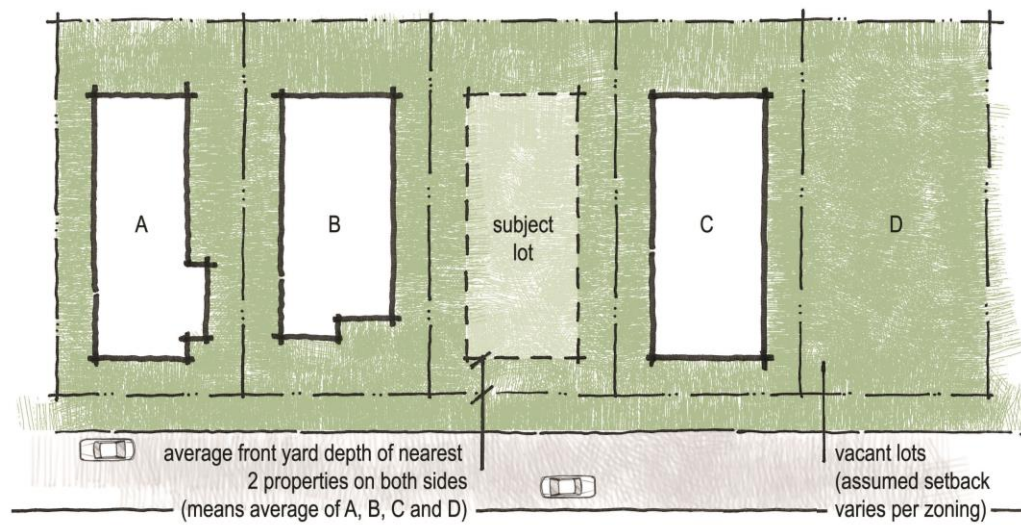
Adjustment of the required front yard regulations for lots on cul-de-sacs established in this article may be made by the Zoning Administrator as necessary to create a reasonable building line complementary to the balance of the neighborhood.

## 3. Front Yard Averaging, Residential

When existing lawfully established residential buildings on one or more abutting lots are closer to the front property line than the otherwise required front yard, additions to existing residential buildings or construction of new residential buildings on the subject lot may comply with the average front yard depth that exists on the nearest two lots on either side of the subject lot in lieu of complying with the zoning district's minimum front yard requirement.

- (a) If one or more of the lots required to be included in the averaging calculation are vacant, the vacant lots shall be deemed to have a front yard depth equal to the minimum front yard requirement of the underlying zoning district.
- (b) Lots that front on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average.





## §1.13.5 Required Yards (Setbacks)

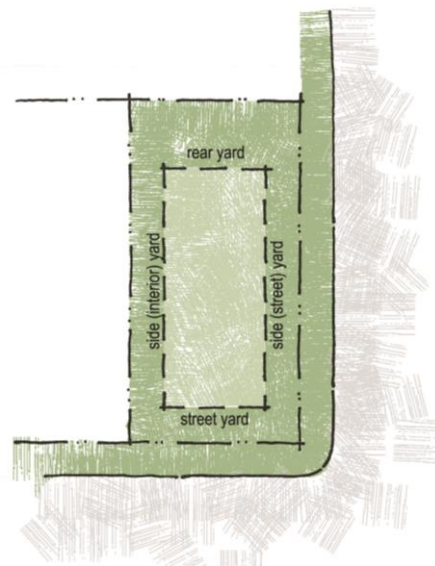
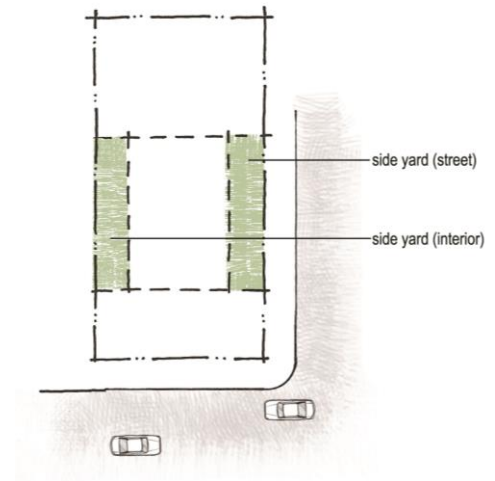
- (c) When the subject lot is a corner lot, the average front yard depth shall be computed on the basis of the nearest two lots that front on the same street as the subject lot.
- (d) When the subject lot abuts a corner lot fronting on the same street, the average front yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots that front on the same street as the subject lot.

**C. Side Yards****1. Measurement**

Side yards are measured from the side (interior or street) property line (or right-of-way line) to the closest point of the building.

**2. Exceptions**

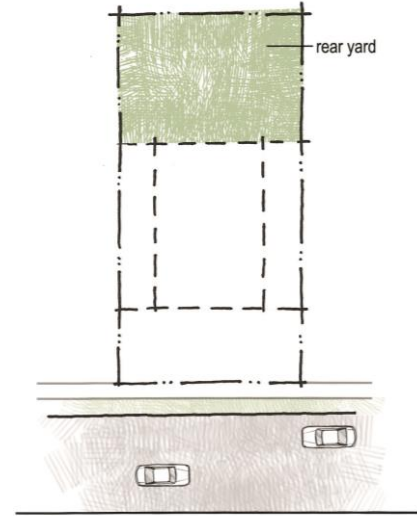
- (a) Where a lot of record existing on or before October 9, 1961 is less than 60 feet in width, the required side yard on each side may be reduced to ten percent of the width of the lot; provided, that no side yard shall be less than five feet.
- (b) The minimum yard regulations established in this article shall not reduce the buildable width of a lot of record existing on or before October 9, 1961 to less than 55 percent of the lot width.
- (c) When an existing nonconforming structure encroaches into the otherwise required side yard, additions to that nonconforming structure may also encroach, but no further than the nonconforming structure.



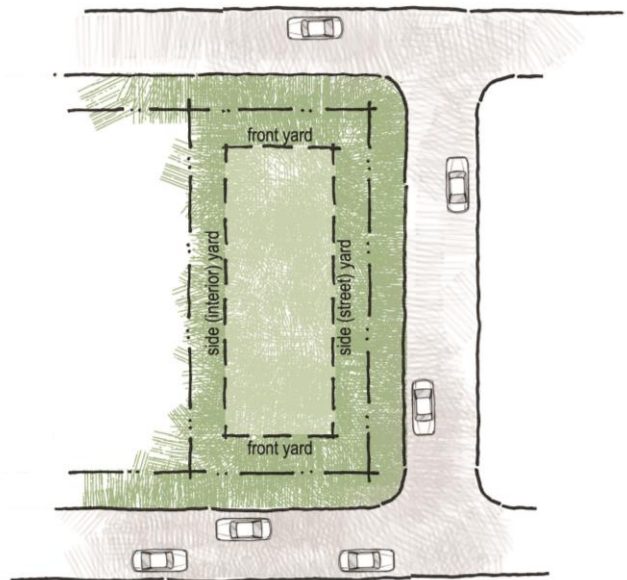


**D. Rear Yards****1. Measurement**

Rear yards are measured from the rear property line to the closest point of the building.

**2. Through Lots**

On through lots both (opposing) street lines are considered front property lines and front yard standards apply; rear yard standards do not apply.

**3. Exception**

When an existing nonconforming structure encroaches into the otherwise required rear yard, additions to that nonconforming structure may also encroach, but no further than the nonconforming structure.

**E. Build-To Line**

Build-to line refers to the front and street side property line to which a minimum percentage of the building façade along the front yard and street side yard, if any, must be built.

**F. Features Allowed to Encroach Into Required Yards**

Required yards must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required yards to the extent indicated in the following table:

## §1.13.6 Building Separation

Permitted Yard Encroachments			
OBSTRUCTION/PROJECTION INTO REQUIRED YARD	FRONT	SIDE	REAR
Accessory structure and building, provided such structure or building shall be behind the front building line and at least 5 feet from any interior side or rear lot line		■	■
Bay windows that project no more than 18 inches into the required yard and are no more than 15 feet in width	■	■	■
Carports or canopies attached to a primary structure, provided every part of such carport or canopy is unenclosed and not less than 5 feet from any side lot line		■	
Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend a maximum of 4 feet into a required yard, provided it remains at least 4 feet from the property line.	■	■	■
Driveways may extend, provided that, to the extent practicable, they extend across rather than along the required yard. Circular driveways may cross the required yard twice.	■	■	■
Eaves and gutters projecting 24 inches or less into required yard	■	■	■
Fences and walls, in accordance with §4.6.10	■	■	■
Fire escapes may project up to 2 feet, provided they are unenclosed		■	■
Landscaping in accordance with §5.4	■	■	■
Mechanical equipment for residential uses, such as HVAC units, provided it remains at least 4 feet from the property line		■	
Porches, covered; and stoops may extend a distance of not more than ten feet into the required front yard	■		
Porches, terraces, uncovered porches and ornamental features, provided, these projections shall be at least 5 feet from any lot line		■	■
Recreational equipment (e.g., swing sets and basketball hoops)		■	■
Retaining walls	■	■	■
Service station pumps and pump islands that are not less than 50 feet from any residential district		■	■
Service station pumps and pump islands, provided they are not less than 15 feet from any right-of-way line	■		
Signs, provided they are in conformance with standards found in §5.6	■		
Sills and ornamental features may project up to 24 inches into the required yard	■	■	■
Steps and stairs (primary access) projecting no more than 5 feet into the required yard and not less than 5 feet from any side lot line	■	■	■
Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes and transformers and other cabinet structures)	■	■	■
Window wells that are not part of the foundation wall and not more than 30 inches in height.	■	■	■

(Ord. No. 2012-31, 6/8/12)

**§1.13.6. Building Separation**

Building separation shall be the required horizontal separation between any two buildings located on the same lot or parcel of land.

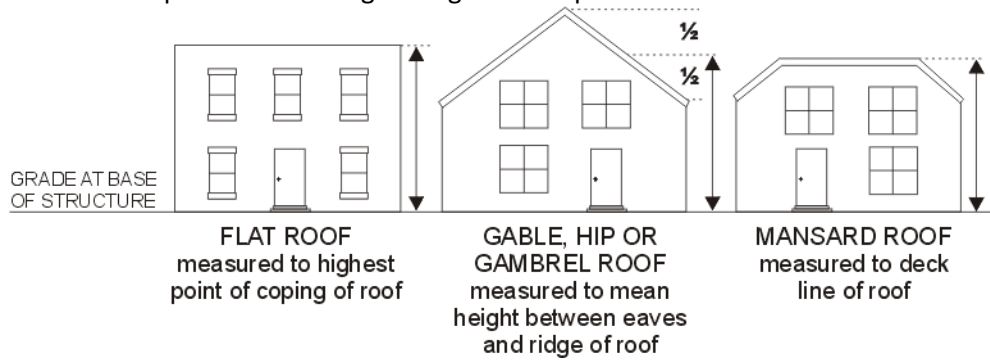
**§1.13.7. Street Frontage**

Street frontage shall mean the horizontal length of the street frontage along a property's lot line.

**§1.13.8. Height****A. Building**

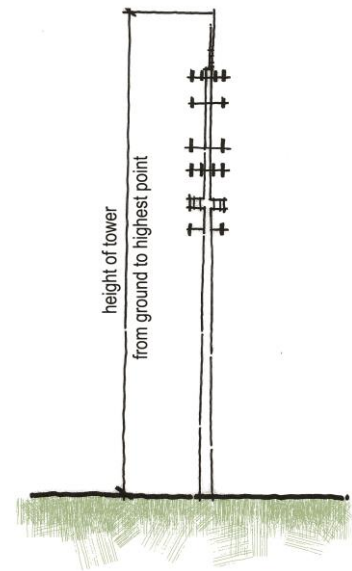
Building height is measured as the vertical distance from average finished grade to the highest point of any flat roof, or to the deck line of a mansard roof, or to the mean height

between the plate and the ridge of a gable or hip roof.



#### B. Telecommunications Tower or Structure

Telecommunications tower or structure height is measured from ground level to the highest point on the telecommunications tower or structure, even if said highest point is an antenna.



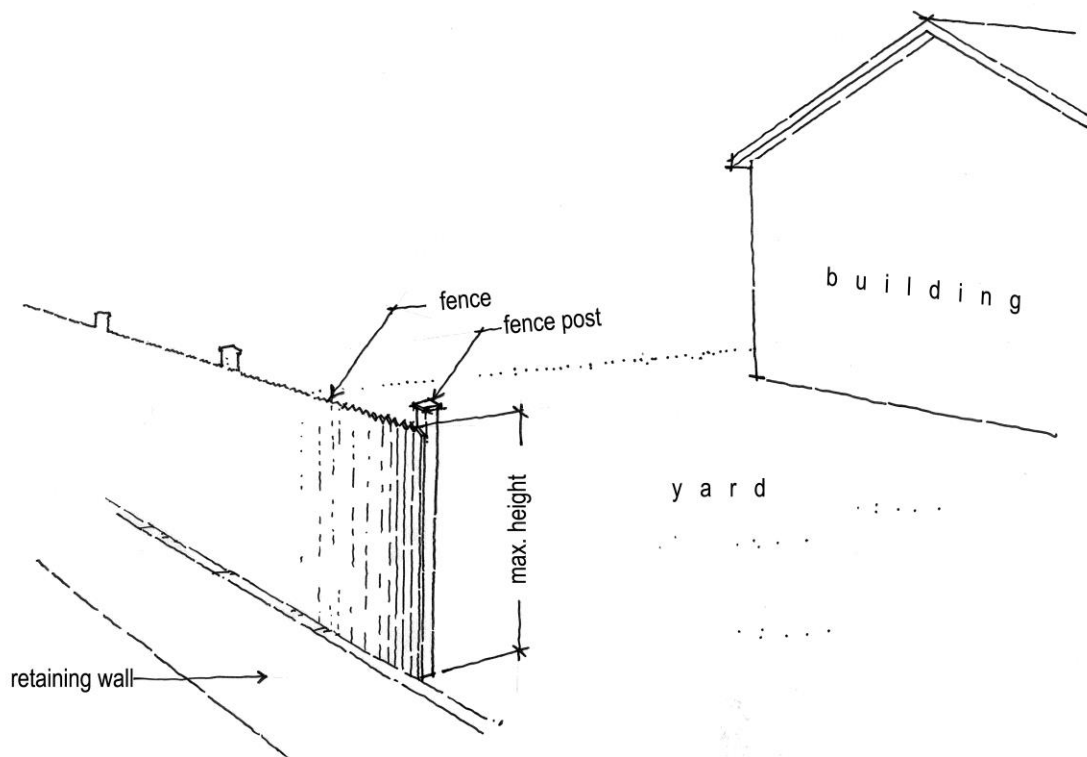
#### C. Amateur Radio and Receive-Only Antennas

Antenna height is measured from ground level to the highest point on the antenna.

## §1.13.8 Height

**D. Fence or Wall**

The height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall, rather than to the top of the fence post or columns.



**Commentary:** Fence posts or columns used to break up the mass of a fence or wall are not to be considered to be the top of the fence or wall.

**E. Exceptions, General**

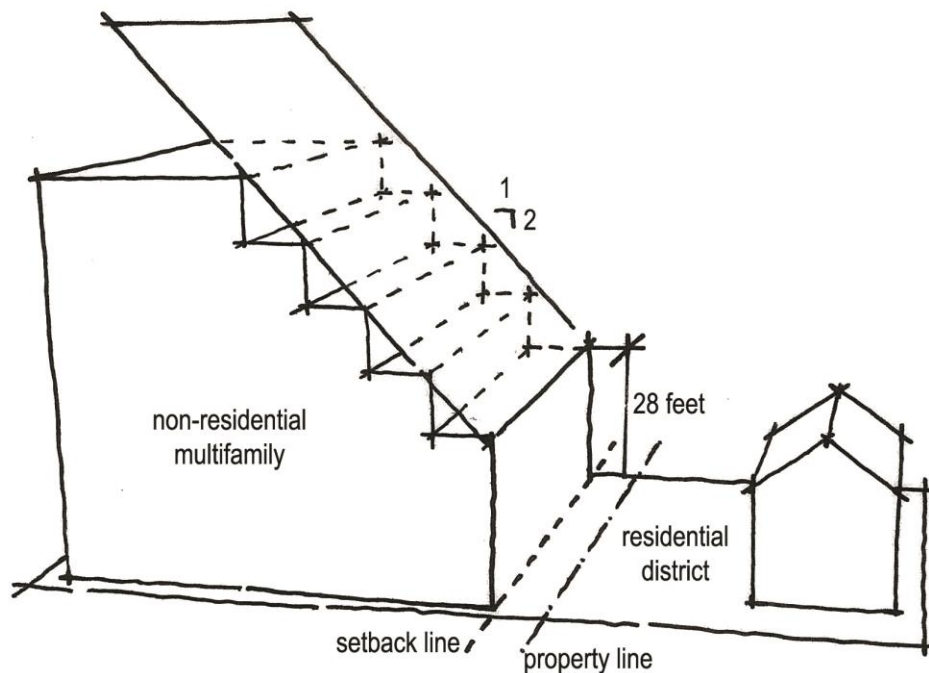
The following features may exceed maximum building height limits, except as otherwise specified:

1. Chimneys;
2. Commercial television and radio towers;
3. Conveyors;
4. Cooling towers;
5. Elevators and elevator equipment housing;
6. Flagpoles;
7. Monuments;
8. Ornamental towers or spires;
9. Wind vanes and lightning rods;

10. Satellite antennas;
11. Skylights;
12. Smokestacks;
13. Solar panels that do not exceed maximum building height limits by more than two feet;
14. Stage fly towers or scenery lofts;
15. Cupolas;
16. Steeples and belfries;
17. Tanks;
18. Vents and ventilation stacks; and
19. Water and fire towers.

**F. Exception, Upper Floor Step-Back**

For nonresidential or multifamily building development on lots abutting residential districts that have a maximum allowed building height of 35 feet, the maximum building height at the point of the required yard or setback line is 28 feet. Height may be increased above 28 feet by up to two feet (vertical) for each one foot of building setback or upper floor step-back.



## **§1.14. TRANSITIONAL PROVISIONS**

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring on the effective date of this Chapter.

### **§1.14.1. Conforming Uses and Structures**

#### **A. Permitted Uses**

Any conditional use lawfully approved prior to the effective date of this Chapter shall continue to be valid after the effective date. Development in accordance with an approved conditional use shall comply with the requirements of this Chapter, provided that in the event of any inconsistency between an approved conditional use and the requirements of this Chapter, development in accordance with the approved conditional use shall be permitted.

#### **B. Conditional Uses**

1. Any use or structure existing prior to the effective date of this Chapter that would be permitted by this Chapter as a conditional use in the district in which it is located, may be continued as if a Conditional Use Permit had been issued, provided that any use, structural or other changes shall comply with the provisions of this Chapter.
2. Any expansion or change of such use beyond conditions placed on the approval shall require a new conditional use approval in compliance with the procedures set out in §7.6, Conditional Use Permit.

#### **C. PUD Code of Developments**

1. Any PUD Code of Development lawfully approved prior to the effective date of this Chapter shall continue to be valid after the effective date. Development shall be permitted in accordance with an approved PUD Code of Development. Such plans shall comply with the requirements of this Chapter, provided that in the event of any inconsistency between an approved PUD Code of Development and the requirements of this Chapter, development in accordance with the approved PUD Code of Development shall be permitted.
2. Any changes to previously approved PUD master plan (referred to as a “Code of Development” in this Chapter) shall be subject to the provisions of §7.5.15.

#### **D. Variances**

Any variance lawfully approved prior to the effective date of this Chapter shall continue to be valid after the effective date. Development in accordance with an approved variance shall comply with the requirements of this Chapter, provided that in the event of any inconsistency between an approved variance and the requirements of this Chapter, development in accordance with the approved variance shall be permitted.

### **§1.14.2. Violations Continue**

Any violation of the previous zoning ordinance shall continue to be a violation under this Chapter and shall be subject to penalties and enforcement under Article 9, unless the use, development, construction or other activity expressly complies with the current terms of this Chapter.

**§1.14.3. Nonconformities**

Any legal nonconformity under the previous zoning ordinance shall be considered a nonconformity under this Chapter, provided the situation that resulted in the nonconforming status under the previous regulations continues to exist. Such nonconformity may continue in accordance with the provisions of Article 8, Nonconformities. If, however, a nonconformity under the previous ordinance becomes conforming as a result of the adoption of this Chapter or any subsequent amendment to this Chapter, then such situation shall no longer be considered a nonconformity.

**§1.14.4. District Conversion**

The zoning district names in effect prior to the effective date of this Chapter are amended as shown below.

Previous District		New District	
RESIDENTIAL DISTRICTS			
RA-1	Single-family	RS-12	Single-family Residential-12
RA-2	Single-family	RS-7	Single-family Residential-7
RA-3	Single-family		
RA-4	Single-family	RS-5	Traditional Residential-5
RB-1	General Dwelling	RG-5	General Residential
RB-2	Multiple Dwelling		
RB-3	High Density Dwelling	R-MF	Multifamily Residential
RB-4	Mixed Density Dwelling	R-MX	Mixed Residential
MH-1	Manufactured Housing	--	-DELETED-
NONRESIDENTIAL DISTRICTS			
C-1	Local Business	L-B	Local Business
C-2	General Business	H-B	Highway Business
C-3	Central Business	C-B	Central Business
C-4	Professional and Service	R-O	Residential Office
C-5	Extended Business	H-B	Highway Business
M-1	Light Industrial	L-I	Light Industrial
M-2	Heavy Industrial	H-I	Heavy Industrial
OVERLAY AND PLANNED DISTRICTS			
--	Floodplain Overlay	-FO	Floodplain Overlay
--	Corridor Overlay	-CO	Corridor Overlay
--	Groundwater Overlay	-GO	Groundwater Overlay
--	Historic Preservation Overlay	-HPO	Historic Preservation Overlay
PUD	Planned Unit Development	PUD	Planned Unit Development
PCD	Planned Community (Cluster Residential)		
M-C	Planned Conditional Industrial	H-B	Highway Business

**Commentary:** The primary purpose for this table is to summarize district name changes. These changes should be considered as part of Zoning District Map amendments (rezonings); however, more important factors to be considered in rezoning decisions are conditions on the ground, including dominate land use patterns and lot sizes, and the Land Use Guide, which is the official guide to zoning and rezoning decisions.

**§1.15. SEVERABILITY**

Should a court of law declare any article, section, clause or provision of this Chapter to be invalid, it is the express intent of the City Council that such declaration shall not affect the validity of the remainder of this Chapter as a whole, or any part thereof.





## Article 2. General Zoning Districts

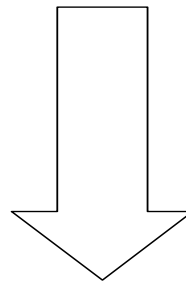
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### §2.1. GENERAL DISTRICTS ESTABLISHED

A. The following general zoning districts are hereby established:

Residential Districts	
RS-12	Single-family Residential-12
RS-7	Single-family Residential-7
RS-5	Traditional Residential-5
RG-5	General Residential-5
R-MX	Mixed Residential
R-MF	Multifamily Residential
Nonresidential Districts	
R-O	Residential Office
L-B	Local Business
H-B	Highway Business
C-B	Central Business
L-I	Light Industrial
H-I	Heavy Industrial

**DISTRICT  
HIERARCHY  
(MOST RESTRICTIVE  
TO LEAST  
RESTRICTIVE)**



B. Under the hierarchy of zoning districts established by this Chapter, the RS-12 district is the most restrictive general zoning district and the H-I district is the least restrictive general zoning district. Overlay and planned districts are not included in the zoning district hierarchy.

## **§2.2. ZONING DISTRICT MAP**

### **§2.2.1. District Boundaries**

District boundaries and locations of the zoning districts, as shown on the series of maps entitled "Official Zoning District Maps" (Zoning District Map), are hereby established. Such series of maps, together with all explanatory matters thereon, are hereby adopted by reference and declared to be part of this Chapter. If, in accordance with the provisions of this Chapter, changes are made in district boundaries or other matter portrayed on the Zoning District Map, the map or maps affected shall be amended promptly after the amendment has been approved by the City Council. A copy of the Zoning District Map, properly attested, shall be filed in the office of the Zoning Administrator and shall be available for inspection by the public.

### **§2.2.2. Rules for Interpretation**

- A.** The Zoning Administrator is authorized to interpret the Zoning District Map, including determining disputed questions of lot lines 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 §7.15, Administrative appeals.
- B.** An application for a Zoning District Map interpretation shall be submitted by filing the application with the Zoning Administrator. At a minimum, the application shall identify the part or area of the map in dispute and specify the grounds for the dispute. Such application shall contain sufficient information to enable the Zoning Administrator to make the necessary interpretation.
- C.** Where uncertainty exists as to the boundaries of districts shown on the Zoning District Map, the following rules shall apply:
  - 1.** Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
  - 2.** Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
  - 3.** Boundaries indicated as approximately following corporate limits shall be construed to follow such corporate limits.
  - 4.** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - 5.** Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
  - 6.** Boundaries indicated as parallel to or extensions of features indicated in subparagraphs C.1 through C.5, above, shall be so construed.
- D.** Where a district boundary divides a lot or where distances are not specifically indicated on the Zoning District Map, the boundary shall be determined by measurement, using the scale of the Zoning District Map.
- E.** 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.

**§2.3. HOUSING TYPES**

The following principal housing types and descriptions are established to provide a common terminology for housing in Waynesboro, some of which may not be currently found in the city.

**Single-family detached**

A residential building containing one dwelling unit located on a single lot with private yards on all four sides.

**Single-family attached**

A residential building with two attached dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

**Zero lot line house**

A dwelling unit located on a single lot with private yards on three sides. The unit has only a single side yard comprising the equivalent of two side yards of a single-family detached house.

**Two-family house (duplex)**

Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side. More than one two-family house may be located on a single lot, subject to compliance with all applicable area and dimensional standards.

**Corner lot duplex**

A residential building with two attached dwelling units consolidated into a single structure. A corner lot duplex is located on a single, corner lot, and contains common walls. The building looks like a single-family detached building, with only one entrance visible from each street. Dwelling units may be situated either wholly or partially over or under the other dwelling unit.



## §2.2.2 Rules for Interpretation

**Multiplex**

A residential building with three to five attached dwelling units, consolidated into a single structure. A multiplex is typically on a single lot, and contains common walls. Each unit has its own external entrance. Dwelling units may be situated either wholly or partially over or under the other dwelling unit.

**Townhouse**

A residential building with three to ten attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls. Each unit has its own external street facing entrance.

**Multifamily building**

A residential building containing three or more dwelling units sharing common walls and separate units by floor. Such buildings often share a common entrance. More than one multifamily building may be located on a single lot, subject to compliance with all applicable area and dimensional standards.

**Upper-story residential**

A dwelling unit located on a floor above a nonresidential use.



## §2.4. USE TABLE

The Use Table lists uses allowed within zoning districts, and is subject to the explanations set forth below.

### §2.4.1. Types of Uses

#### A. Permitted Uses

A “P” indicates that a use is permitted by right in the respective district subject to the specific use standards in Article 4. Such uses are also subject to all other applicable requirements of this Chapter.

#### B. Conditional Uses

A “C” indicates a use that may be permitted in the respective general district only where approved by the City Council in accordance with §7.6. Conditional uses are subject to all other applicable requirements of this Chapter, including the specific use standards contained in Article 4.

#### C. Uses Not Allowed

A blank cell in the Use Table indicates that a use is not allowed in the respective district.

### §2.4.2. Use Standards

The “Use Standard” column on the table is a cross-reference to any specific use standard listed in Article 4. Where no cross-reference is shown, no additional use standard shall apply.

### §2.4.3. Accessory and Temporary Uses

The regulations that apply to accessory and temporary uses are contained in §4.6, Accessory uses, and §4.7, Temporary uses.

### §2.4.4. Use Categories

- A. All of the use categories listed in the table below are described in §10.2. The second column of the Use Table lists some of the specific use types included within respective use categories.
- B. Uses not listed may be allowed pursuant to the similar use determination procedure of §10.2.1.C.

## §2.4.4 Use Categories

USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	C-B	L-I	H-I	USE STANDARD
<b>RESIDENTIAL USES (SEE §10.2.7)</b>														
Household living (See §10.2.7.A)	Single-family detached	P	P	P	P	P	P	P	P					
	Single-family attached				P	C	P	P	P					
	Two-family houses (duplex)				P	C	P	P	P					
	Corner lot duplexes			P	P	P	P	P	P					§4.2.1
	Multiplexes				P	P	P	P	C	C	C			§4.2.2
	Multifamily building					P	P		C	C	C			
	Zero lot line houses				P	P	P	P	C	C	C			§4.2.3
	Townhouses				P	P	P	C	C	C	C			§4.2.5
	Upper-story residential						P	P	P	P	P	C		§4.2.6
	Manufactured homes				C	C	C		C					§4.2.7
	Manufactured home parks or subdivisions				C				C					§4.2.8
Group living (See §10.2.7.B)	Boarding or rooming houses				P	P	P	P		P				§4.2.9
	Assisted or congregate living					P	P	C	C	P				
	Dormitories					P	P							
	Group homes/other (8 persons or fewer)	P	P	P	P	P	P	P		P				§4.2.10
	Group homes/seniors					P	P	P		P	C			§4.2.11
	Nursing or convalescent home					P	P	C	C	P	C			
<b>PUBLIC AND CIVIC USES (SEE §10.2.8)</b>														
Community service (See §10.2.8.A)	Civic clubs or community centers	C	C	C	C	C	C		P	P	P	C		§4.3.1
	Libraries or museums	C	C	C	C	C	C		P	P	P	C		§4.3.4
Day care (See §10.2.8.B)	All day care			C	C	C	C	C	P	P	C	C	C	§4.3.2
Educational facilities (See §10.2.8.C)	Schools, elementary or secondary	P	P	P	P	P	P	P	P	P	P			§4.3.7
	Military academies				P	P	P			P	P			
Government facilities (See §10.2.8.D)	Government offices			P	P	P	P	P	P	P	P	P	P	
	Post offices					C	C		P	P	P	P		
	Public safety facilities	P	P	P	P	P	P	P	P	P	P	P	P	
Medical facilities (See §10.2.8.E)	Hospitals								C	P		P		
	Medical or dental clinics							P	P	P	P	P		
Parks and open space (See §10.2.8.F)	Cemeteries and mausoleums	C	C			C	C							
	Golf courses or clubs	P	P	P	P									§4.3.3
	Parks or playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	§4.3.5



USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	C-B	L-I	H-I	USE STANDARD
Passenger terminals and services (See §10.2.8.G)	Airports											P		
	Heliports									P		P		
	All other passenger terminals and services									P	C	P		
Religious institution (See §10.2.8.H)	All religious institutions	P	P	P	P	P	P	C	P	P	P	P		§4.3.6
Social service institutions (See §10.2.8.I)	Alternative- or post-incarceration facility								P	P	P	P		
	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (NAICS <sup>1</sup> 62221, 6232)								P	P	P	P		
	Neighborhood resource center						C		P	P	P	P		
	Rehabilitative clinic								P	P	P	P		
	Social service facility, soup kitchen, transient lodging or shelter for the homeless (NAICS <sup>1</sup> 624, 6242)				C	C	C		C			C		
	All other social service institutions								P	P	P	P		
Utilities, minor (See §10.2.8.J)	All minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities, major (See §10.2.8.J)	Electric substations	C	C	C	C	C	C	C	C	C	C	C	C	
	Telecommunications towers and facilities	C	C	C	C	C	C	C	C	C	C	C	C	§4.3.8
	Utility offices, shops or yards					C	C					C	C	§4.3.9
	Water/wastewater treatment plants											C	C	
	Solar Farms	C	C	C	C	C	C	C	C	C	C	P	P	
<b>COMMERCIAL USES (SEE §10.2.9)</b>														
Eating establishments (See §10.2.9.A)	Coffee shops					P	P		P	P	P	P		§4.4.5
	Fast food								P	P	P	P		§4.4.9
	Restaurants, limited					C	C	C	P	P	P	P		§4.4.8
	Restaurant and bar								P	P	P			
	Brewpub								P	P	P			
Entertainment, indoor (See §10.2.9.B)	Adult uses									C		P	P	§4.4.1
	Bars or nightclubs								C	P	P	C		
	Bowling alleys								P	P	P			
	Firing ranges, indoor									P		P		
	Pool halls								C	P	P	P		
	Theaters, auditoriums or exhibition hall									P	P	P		
	Membership clubs or lodges								P	P	P	P		
Entertainment, outdoor (See §10.2.9.B)	Arenas or stadiums									P	P	P		
	Driving ranges									P				
	Riding academy or boarding stable	C										P		

<sup>1</sup> North American Industry Classification System (see <http://www.naics.com> for more information)

## §2.4.4 Use Categories

USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	C-B	L-I	H-I	USE STANDARD
Offices (See §10.2.9.C)	Bank or financial institution								P	P	P	P		
	Business and professional offices					P	P	P	P	P	P	P		
	Radio or television studio									P	P	P		
Overnight accommodations (See §10.2.9.D)	Bed and breakfasts		C	C	P	P	P	P	P	P	P			§4.4.4
	Hotels and motels									P	P			
	Inns						P	P	P	P	P			§4.4.6
Parking, commercial (See §10.2.9.E)	All commercial parking								P	P	P	P		
Retail sales and service, sales-oriented (See §10.2.9.F)	Alcoholic beverage or liquor								C	P	P			
	Artist studios or galleries						P	P	P	P	P			§4.4.3
	Building supply and lumber									P		P	P	
	Convenience stores with fuel service								C	P	C	P		
	Convenience stores without fuel service					P	P		P	P	P	P		
	Drug store with drive-through								C	P				
	Drug store without drive-through					P	P		P	P	P			
	Farmers market or farm stand								P	P				
	Flea market or auction								P	P				
	Florists, retail								P	P	P			
	Greenhouse or nursery									P		P		
	Grocery stores								P	P	P			
	Manufactured home sales									C		P		
Retail sales and service, personal service-oriented (See §10.2.9.F)	Animal care facilities and services								P	P	P	P		§4.4.2
	Art studio or gallery							P	P	P	P			
	Body art studios								C	P	P			
	Hair, nail, tanning or personal care services							C	P	P	P			
	Hardware stores								P	P	P	P		
	Headstone, monument or vault sales								P	P		P		
	Laundry or dry cleaning pickup stations								P	P		P	P	
	Mortuaries or funeral homes								P	P				
	Schools of special instruction							C	P	P	P			
Retail sales and service, repair-oriented (See §10.2.9.F)	All retail sales and service, repair-oriented								P	P	P	P		
Self-service storage (See §10.2.9.G)	All self-service storage									P		P	P	§4.4.7



USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	C-B	L-I	H-I	USE STANDARD
Vehicle sales and service (See §10.2.9.H)	Body shops and upholstery shops											P	P	
	Fuel stations, including full-service, mini-service and self-service								C	P	C	P	P	§4.4.10
	Towing services											P	P	
	Vehicle service, full											P	P	§4.4.10
	Vehicle services, limited								C	P	C	P	P	§4.4.10
	Vehicle sales, rental, or leasing facilities								C	P	C	P	P	
<b>INDUSTRIAL USES (SEE §10.2.10)</b>														
Light industrial service (See §10.2.10.A)	All light industrial service uses not listed below											P	P	
	Crematorium											P		
	Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items											P	P	
	Micro-brewery								C	P	C	P	P	§4.5.3
	Vehicle or equipment storage yards											P	P	§4.5.1
Warehouse and freight movement (See §10.2.10.B)	Cold storage plants, including frozen food lockers											P	P	
	Household moving and general freight storage											P	P	
	Parcel services									P		P	P	
	Separate warehouses used by retail stores such as furniture and appliance stores									C		P	P	
	Stockpiling of sand, gravel or other aggregate materials											P	P	
Waste-related service (See §10.2.10.C)	Recycling centers											P	P	
	Solid waste transfer or composting											P	P	
	Waste service												P	
	Wrecking or salvage yards											C	P	§4.5.2
Wholesale trade (See §10.2.10.D)	Sale or rental of machinery, equipment, heavy trucks									C		P	P	
	Lumber yard									C		P	P	
	Mail order house								P	P	P	P	P	
	Railroads and appurtenances, right-of- way and tracks	C	C	C	C	C	C	C	C	C	C	P	P	
	Retail sales of farm equipment and machinery and earth moving and heavy construction equipment											P	P	

## §2.4.4 Use Categories

USE CATEGORIES	USE TYPES	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	C-B	L-I	H-I	USE STANDARD
Heavy industrial (See §10.2.10.E)	Animal processing, packing, treating and storage												C	
	All other heavy industrial												P	

**OTHER USES (SEE §10.2.11)**

Agriculture (See §10.2.11.A)	Agricultural crops, community gardens	P	P	P	P	P	P	P	P	P	P	P	P	
	All other agriculture	C												

(Ord. No. 2012-31, 6/8/12)

(Ord. No. 2012-60, 8/2/12)

(Ord. No. 2015-81, 12/28/15)

(Ord. No. 2017-43, 10/5/17)

(Ord. No. 2018-45, 7/5/18)

(Ord. No. 2018-47, 7/5/18)

(Ord. No. 2018-48, 7/5/18)

## §2.5. RESIDENTIAL DISTRICTS

### §2.5.1. General

This section establishes the basic standards for all development in residential districts. The specific standards that apply may vary based on the zoning classification, building type and development type. These standards are not to be interpreted as a guarantee that allowed densities and development yields can be achieved on every lot. Parking requirements, availability of central water and wastewater services, and other factors may further limit development potential on some sites. Residential development shall comply with all applicable standards as set forth in Article 5, Site Development Standards, other provisions in this Chapter and all other applicable laws.

### §2.5.2. Residential Districts Purpose Statements

#### A. Single-Family Residential (RS-12 and RS-7)

The RS-12 and RS-7 districts are established to accommodate single-family detached residential neighborhoods on individual lots. The districts are differentiated primarily on the basis of minimum lot area and setback requirements. While the RS-12 and RS-7 districts primarily accommodate residential uses, specified nonresidential uses that are compatible with residential neighborhoods are also allowed.

#### B. Traditional Residential (RS-5)

The RS-5 district is established to accommodate traditional, small lot neighborhoods primarily characterized by single-family detached dwellings and other specified, compatible housing types. Lots in the RS-5 district have smaller minimum lot area and setback requirements, which are customarily associated with traditional neighborhoods. While the RS-5 district primarily accommodates residential uses, specified nonresidential uses that are compatible with residential neighborhoods are also allowed.

#### C. General Residential (RG-5)

The purpose of this district is to provide for the establishment of higher density residential uses, including single-family detached dwelling, two-family houses, townhouses and multiplexes, compatible with traditional residential neighborhoods. While the RG-5 district primarily accommodates residential uses, specified nonresidential uses that are compatible with residential neighborhoods are also allowed.

#### D. Mixed Residential (R-MX)

The R-MX district is established to accommodate a variety of housing opportunities at densities compatible with the applicable neighborhoods. While the R-MX district primarily accommodates residential uses, specified nonresidential uses that are compatible with residential neighborhoods are also allowed.

#### E. Multifamily Residential (R-MF)

The R-MF district is established to accommodate multifamily living in a higher density residential environment with due attention to existing uses, the character and suitability of areas so designated, and trends of growth and changes in the housing market. While the R-MF district primarily accommodates residential uses, specified nonresidential uses that are compatible with residential neighborhoods are also allowed.

### §2.5.3. Permitted Uses

Uses permitted in the residential districts by the Use Table in §2.4, as permitted or conditional uses, plus accessory uses (See also §4.6), shall be permitted in the residential districts.

## §2.5.4 Conventional Development Option (In Residential Districts)

**§2.5.4. Conventional Development Option (In Residential Districts)****A. Purpose**

Conventional subdivision is a pattern of residential development that provides the majority of property owners with substantial yards on their own property.

**B. General**

All residential development in residential districts shall comply with the area and dimensional standards of subsection C, below, the applicable provisions of Article 5, Site Development Standards, and all other applicable laws. A manufactured home on an individual lot shall be considered a single-family detached unit and shall also comply with the standards set forth in §4.2.7. General exceptions to area and dimensional standards and rules for measuring compliance can be found in §1.13.

**Commentary:** Existing lots and buildings are subject to the conventional development standards, below. Only new subdivisions that comply with the cluster development standards listed in §2.5.5 are eligible to use the cluster development option.

**C. Conventional Area and Dimensional Standards**

Residential Districts/Conventional Development						
Area and Dimensional Standards	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF
<b>Single-family Detached</b>						
<b>Lot, Minimum</b>						
Lot area per unit (square feet)	12,000	7,000	5,000	5,000	5,000	5,000
Lot width (feet)	75	60	50	50	50	50
<b>Yards, Minimum (feet)</b>						
Front	30	25	20	20	20	20
Side (street)	30	15	9	9	9	15
Side (interior)	10	9	5	5	5	5
Rear	25	25	25	25	25	25
<b>Building Height, Maximum (feet)</b>	35	35	35	35	35	35
<b>Impervious Surface, Maximum (percent)</b>	50%	55%	60%	60%	60%	60%
<b>Single-family Attached</b>						
<b>Density, Maximum (units/acre)</b>				10	10	10
<b>Lot, Minimum</b>						
Lot area per unit (square feet)				3,750	3,500	3,500
Lot width (feet)				25	25	25
<b>Yards, Minimum (feet)</b>						
Front				20	20	20
Side (street)				15	15	15
Side (interior)				5	5	5
Rear				25	25	25
<b>Building Height, Maximum (feet)</b>				35	35	35
<b>Impervious Surface, Maximum (percent)</b>				70%	75%	75%

## §2.5.4 Conventional Development Option (In Residential Districts)

Residential Districts/Conventional Development						
Area and Dimensional Standards	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF
<b>Two-family House</b>						
<b>Density, Maximum</b> (units/acre)				10	10	10
<b>Lot, Minimum</b>						
Lot area per building (square feet)				7,500	7,000	7,000
Lot area per unit (square feet)				3,750	3,500	3,500
Lot width (feet)				50	50	50
<b>Yards, Minimum</b> (feet)						
Front				20	20	20
Side (street)				15	15	15
Side (interior)				5	5	5
Rear				25	25	25
<b>Building Height, Maximum</b> (feet)				35	35	35
<b>Impervious Surface, Minimum</b> (percent)				70%	75%	75%
<b>Corner Lot Duplex</b>						
<b>Density, Maximum</b> (units/acre)			10	10	10	10
<b>Lot, Minimum</b>						
Lot area per building			7,500	7,500	6,000	6,000
Lot area per unit			3,750	3,750	3,000	3,000
Lot width			60	60	60	60
<b>Yards, Minimum</b> (feet)						
Front			20	20	20	20
Side (street)			15	15	9	9
Side (interior)			9	5	5	5
Rear			25	25	25	25
<b>Building Height, Maximum</b> (feet)			35	35	35	35
<b>Impervious Surface, Maximum</b> (percent)			65%	70%	75%	75%
<b>Multiplex</b>						
<b>Density, Maximum</b> (units/acre)				10	10	10
<b>Lot, Minimum</b>						
Lot area per building				7,500	6,000	6,000
Lot area per unit				3,750	2,000	2,000
Lot width				60	60	60
<b>Yards, Minimum</b> (feet)						
Front				20	20	20
Side (street)				15	9	9
Side (interior)				5	5	5
Rear				25	25	25
<b>Building Height, Maximum</b> (feet)				35	35	35
<b>Impervious Surface, Maximum</b> (percent)				75%	80%	80%
<b>Zero Lot Line House</b>						
<b>Density, Maximum</b> (units/acre)				7	7	7
<b>Lot Dimensions, Minimum</b>						
Lot area per unit (square feet)				5,000	5,000	5,000
Lot width (feet)				50	50	50
<b>Yards, Minimum</b> (feet)						
Front				20	20	20
Side (street)				15	15	15
Side (interior)				0	0	0
Side (total)				18	18	18
Rear				25	25	25
<b>Building Height, Maximum</b> (feet)				35	35	35
<b>Impervious Surface, Maximum</b> (percent)				60%	60%	60%

## §2.5.4 Conventional Development Option (In Residential Districts)

Residential Districts/Conventional Development						
Area and Dimensional Standards	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF
<b>Townhouse</b>						
<b>Density, Maximum</b> (units/acre)				8	8	10
<b>Lot Dimensions, Minimum</b>						
Lot area per unit (square feet)				2,000	2,000	2,000
Lot width (feet)				20	20	20
<b>Yards, Minimum</b> (feet)						
Front				15	15	15
Side (street)				10	10	10
Side (interior)				0	0	0
Rear				20	20	20
<b>Building Height, Maximum</b> (feet)				35	35	35
<b>Impervious Surface, Maximum</b> (percent)				90%	90%	90%
<b>Multifamily Building</b>						
<b>Density, Maximum</b> (units/acre)					16	20
<b>Lot Dimensions, Minimum</b>						
Lot area per unit (square feet)					2,000	750
Lot width (feet)					100	--
<b>Yards, Minimum</b> (feet)						
Front					20	20
Side (street)					9	9
Side (interior)					9	9
Rear					25	25
<b>Building Height, Maximum</b> (feet)					35	65 <sup>[1]</sup>
<b>Impervious Surface, Maximum</b> (percent)					80%	80%

<sup>[1]</sup> Lots abutting residential districts must comply with the upper floor step-back requirements of §1.13.8.F.

**§2.5.5. Cluster Development Option (In Residential Districts)****A. Purpose**

The cluster development alternative may be permitted in the RS-12, RS-7, RS-5, RG-5 and R-MX zoning districts. Cluster development is a pattern of residential development that allows subdivision designs with smaller yards on individual properties in exchange for the preservation of more open space than conventional development designs. Cluster development allows more compact and less costly networks of roads and utilities.

**B. General**

Applicants utilizing the cluster subdivision option shall comply with the area and dimensional standards of subsection C, below, all applicable development standards as set forth in Article 5, Site Development Standards, other applicable provisions of this Chapter and all other applicable laws. General exceptions to area and dimensional standards and rules for measuring compliance can be found in §1.13.

**C. Cluster Area and Dimensional Standards**

Residential Districts/Cluster Development								
Area and Dimensional Standards	Single-family Detached w/Street Access	Single-family Detached w/Alley Access	Single-family Attached	Corner Duplex	Two-family House	Multiplex	Zero Lot Line	Town-house w/Alley Access
<b>Maximum Density</b> (units/acre)								
RS-12	3.5	3.5	--	--	--	--	--	--
RS-7	--	6	--	--	--	--	--	--
RS-5	--	8	--	--	--	--	--	--
RG-5	--	8	11	11	11	11	8	11
R-MX	--	8	11	11	11	11	8	11
<b>Common Area, Minimum</b> (percent)								
RS-12	30%	30%	--	--	--	--	--	--
RS-7	20%	20%	--	--	--	--	--	--
RS-5	15%	15%	--	--	--	--	--	--
RG-5	15%	15%	15%	15%	15%	15%	15%	15%
R-MX	15%	15%	15%	15%	15%	15%	15%	15%
<b>Lot Dimensions, Minimum</b>								
Lot area per unit (square feet)	4,500	3,600	3,500	3,500	3,500	2,000	3,600	1,800
Lot width (feet)	45	36	35	70	70	60	40	18
<b>Yards, Minimum</b> (feet)								
Front	15	15	15	15	15	15	15	10
Side (street)	15	15	15	15	15	15	15	15
Side (interior)	5	5	5	5	5	5	0	0
Side (total)	10	10	10	10	10	10	10	10
Rear	20	20	20	20	20	20	20	20
<b>Garage Setback, Minimum</b> (feet)								
Front and street side (attached or detached)	20	20	20	20	20	20	20	20
Rear (attached)	20	20	20	20	20	20	20	20
Rear, adjacent to alley (detached)	5	5	5	5	5	5	5	5
<b>Bulk</b>								
Building height, maximum (feet)	35	35	35	35	35	35	35	40
Impervious area, maximum (percent)	70%	75%	75%	75%	75%	75%	75%	90%

## §2.5.6 Nonresidential Development Standards (In Residential Districts)

**D. Project Boundary Buffer Alternatives**

When a cluster development is proposed abutting an existing or approved residential subdivision that is not part of the cluster development, a project boundary buffer shall be provided in accordance with §5.4.5.A.2.

**E. Prohibited Uses**

Manufactured homes are not allowed in cluster developments. (See also §3.3.3.C.)

**§2.5.6. Nonresidential Development Standards (In Residential Districts)**

As set forth in the Use Table (See also §2.4), certain nonresidential uses are permitted in residential districts. Nonresidential development in residential districts shall comply with the development standards as set forth below. General exceptions to area and dimensional standards and rules for measuring compliance can be found in §1.13.

Nonresidential Development In Residential Districts						
Area and Dimensional Standards	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF
<b>Site Area, Minimum</b>						
Site area (square feet)	12,000	6,500	5,000	5,000	5,000	5,000
Site width (feet)	75	60	50	50	50	50
<b>Yards, Minimum (feet)</b>						
Front	30	25	20	20	20	20
Side (street)	10	9	9	9	9	9
Side (interior)	10	9	5	5	5	5
Side (total)	20	19	18	18	18	18
Rear	25	25	25	25	25	25
<b>Bulk</b>						
Height, maximum (feet) <sup>[1]</sup> <sup>[2]</sup>	35	35	35	35	35	35
Impervious area, maximum (percent)	40%	50%	60%	60%	60%	60%

Note:

<sup>[1]</sup> See also §1.13.8.E for applicable height exceptions.

<sup>[2]</sup> Lots abutting residential districts must comply with the upper floor step-back requirement of §1.13.8.F.



## §2.6. NONRESIDENTIAL DISTRICTS

### §2.6.1. General

Nonresidential development shall comply with all applicable standards as set forth in Article 5, Site Development Standards, other provisions in this Chapter and all other applicable laws.

### §2.6.2. Nonresidential Districts Purpose Statements

#### A. Residential Office (R-O)

The R-O district is intended to provide areas suitable for professional services, which meet the needs of the community, and to serve as a transitional district separating more intensive commercial districts and arterial traffic from the surrounding residential neighborhoods. Adaptive re-use and preservation of older residential structures is encouraged in the R-O district. Buildings, uses and parking should retain the residential character and scale of the residential neighborhood.

#### B. Local Business (L-B)

The L-B district is established to provide for small-scale commercial uses offering primarily convenience shopping and services for adjacent and nearby residential uses. Proximity to residences requires that commercial operations be low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. Development in the L-B district places relatively low demand on public services, transportation and utilities.

#### C. Highway Business (H-B)

The H-B district is established for the development of offices, hotels, service uses and similar businesses relying on close proximity to major transportation routes. These districts shall be restricted to areas located on arterials and highways. Uses within these districts shall have an attractive appearance consistent with building design standards, ample parking and loading areas, suitable landscaping and buffering. Controlled traffic movement, including the utilization of service roads, may be required.

#### D. Central Business (C-B)

The C-B district is established to encompass the retail, office and residential core of downtown Waynesboro and is established to encourage intense development and pedestrian activity through a mixture of uses appropriate to the downtown area. The standards of this district are established to provide for a vital downtown economy that accommodates commercial, civic, cultural, entertainment and residential uses.

#### E. Light Industrial (L-I)

The L-I district is intended to provide a location for low-intensity manufacturing and industrial activities that may generate some nuisances. Industrial uses are not appropriate interspersed with residential uses. Traffic generation will likely include heavy vehicles making access necessary to an arterial street or a U.S. interstate highway. Unless separated by an arterial or suitable buffer, the L-I district is not appropriate adjacent to any residential district.

#### F. Heavy Industrial (H-I)

The H-I district is established in order to provide sites for activities which involve major transportation terminals and manufacturing facilities that have a greater impact on the surrounding area than industries found in the L-I district, consistent with historical industrial use patterns. It is the intent of this district to provide an environment for industries that is

## §2.6.3 Nonresidential Development Standards (In Nonresidential Districts)

unencumbered by nearby residential development. Unless separated by an arterial, the H-I district is not appropriate adjacent to any residential district.

**§2.6.3. Nonresidential Development Standards (In Nonresidential Districts)**

- A. As set forth in the Use Table (See also §2.4), certain nonresidential uses are permitted in nonresidential districts. Permitted nonresidential uses shall comply with the following area and dimensional standards. General exceptions to area and dimensional standards and rules for measuring compliance can be found in §1.13.

Nonresidential Development In Nonresidential Districts						
Area and Dimensional Standards	R-O	L-B	H-B	C-B	L-I	H-I
<b>Site Area, Minimum</b>						
Site area (square feet)	6,000	6,000	8,000	N/A	20,000	20,000
Site width (feet)	50	50	60	N/A	100	100
<b>Yards</b>						
Front, minimum (feet)	20	10	20	0	20	25
Front, maximum (feet)	55	55	N/A	0	N/A	N/A
Side, minimum street (feet)	10	20	25	0	25	25
Side, minimum interior (feet)	5	5	0	0	5	0
<i>abutting residential district</i>	20	9	25	30	30	30
Rear (feet)	10	10	25	0	10	10
<i>abutting residential district</i>	20	20	30	20	40	40
Build-to line, mandatory (percent)	N/A	N/A	N/A	70%	N/A	N/A
<b>Bulk</b>						
Height, minimum (feet)	N/A	N/A	N/A	25 <sup>[1]</sup>	N/A	N/A
Height, maximum (feet)	35	35	50 <sup>[2]</sup>	100 <sup>[2]</sup>	100	100
Impervious area, maximum (percent)	50%	75%	85%	100%	85%	85%

Notes:

<sup>[1]</sup> The Waynesboro Land Use Guide recommends a minimum of two floors for all downtown buildings. A 13 foot floor-to-ceiling height is recommended by the Guide for all first floor space in downtown building.

<sup>[2]</sup> Lots abutting residential districts must comply with the upper floor step-back requirement of §1.13.8.F.

- B. More than one building may be permitted on a single lot (See also §4.1, Complexes).
- C. Mandatory build-to line requirements may be modified pursuant to the provisions of §7.6.

**Commentary:** The "mandatory build-to line requirement", new to Waynesboro, is explained in §1.13.5.E.

**§2.6.4. Residential Area and Dimensional Standards (In Nonresidential Districts)**

As set forth in the Use Table (See also §2.4), certain residential uses are permitted in nonresidential districts.

- A. Area and dimensional standards for single-family detached, two-family houses, corner lot duplexes and multiplexes shall be the same as in the RG-5 district. (See also §2.5)
- B. Area and dimensional standards for townhouses and multifamily building uses are established through the Conditional Use Permit review process (See also §7.6); however, in the H-B and C-B districts no townhouse or multifamily building shall be established on a parcel less than 20,000 square feet in area.
- C. Except in the C-B district, multifamily building parcels and upper-story residential units in nonresidential districts shall not exceed a density of 8 units per acre.
- D. Upper-story residential is permitted on the upper floors of a nonresidential building and shall comply with all area and dimensional standards of the principal building.

## Article 3. Planned and Overlay Zoning Districts

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### §3.1. PLANNED AND OVERLAY DISTRICTS ESTABLISHED

The following planned and overlay districts are hereby established:

Planned District	
PUD	Planned Unit Development
Overlay Districts	
-FO	Floodplain Overlay
-CO	Corridor Overlay
-GO	Groundwater Overlay
-HPO	Historic Preservation Overlay

### §3.2. PLANNED UNIT DEVELOPMENT (PUD)

#### §3.2.1. Purpose Statement

##### A. General

The Planned Unit Development (PUD) district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable or available zoning district standards. Examples of the types of development that may benefit from the PUD district include the following:

##### 1. Enhanced Protection of Natural Resource Areas

Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats and native plant communities.

##### 2. Traditional Neighborhood Development

Developments characterized by lot configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.

##### 3. Mixed-Use Development

Developments that contain a complementary mix of residential and nonresidential uses.

## §3.2.2 Code of Development

**B. Implement the Comprehensive Plan**

The Comprehensive Plan, and the Land Use Guide contained therein, recommends land use combinations for respective areas of the city. According to the Guide, the specific mix of uses in a Planned Unit Development should include a variety of physically and functionally integrated land uses, including light industrial, commercial, office, educational, civic, institutional, residential and service uses.

**§3.2.2. Code of Development**

In approving a Planned Unit Development district, the City Council shall require a Code of Development for each PUD development. The development proposed in the PUD shall be compatible with surrounding land uses and shall maintain and enhance the value of surrounding properties. The Code of Development shall be prepared by a professionally certified civil engineer, landscape architect or other land use professional. The approved Code of Development shall be filed as part of the approval and shall include:

**A. Introduction**

Each PUD development shall be designed to achieve the purposes for the PUD district as described §3.2.1.

**B. Concept Plan**

A concept plan shall illustrate the plan of development, including, but not limited to, streets and trails, land use pattern, and the relationship between the proposed PUD development and adjacent development.

**C. Permitted Uses**

The mix of permitted uses shall be established by the City Council at the time of approval and must be in accordance with the Comprehensive Plan Land Use Guide.

**D. Area and Dimensional Standards**

Area and dimensional standards shall be established at the time of approval.

**E. Common Area and Amenities**

The PUD district shall include a minimum of 20 percent common area. Common area and amenities shall comply with the standards of §5.8.

**F. Design Guidelines**

The PUD district Code of Development shall include a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. Such features shall be adopted in conjunction with and as part of the approval of a PUD approval.

**G. Site Development Standards**

Site Development Standards of Article 5 may be modified as part of Planned Unit Development approval in order to allow the applicant flexibility to maximize quality and livability within the built environment.

**H. Street Standards**

Typical street design standards, as described in City Code, Chapter 74, Article 4, may be modified as part of a Planned Unit Development approval in order to allow the developer or subdivider more flexibility in the arrangement of streets and lots. Approved streets should protect for the convenience, health, safety and general welfare of the future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community.

**I. Project Boundary Buffer Alternatives**

When a Planned Unit Development is proposed abutting an existing or approved residential subdivision that is not part of the Planned Unit Development, a project boundary buffer shall be provided in accordance with §5.4.5.A.2.

**Commentary:** Project boundary buffers are required to mitigate impacts upon existing residential development. Buffers are recommended but not required adjacent to existing nonresidential development.

**J. Phasing**

If development is proposed to occur in phases, the PUD Code of Development shall include a phasing plan for the development, and projected build-out events or dates for each phase. Each phase shall constitute a self-sufficient infrastructure system and include a proportionate share of any required common area and amenity facilities, unless some or all of such area and facilities is provided in a completed phase(s).

**§3.3. OVERLAY DISTRICTS****§3.3.1. General**

The overlay district standards of this section prescribe additional regulations as described herein, applicable to underlying parcels. These supplemental regulations are in addition to, and shall overlap and overlay, those of the underlying zoning districts. Properties within an overlay district are designated on the Zoning District Map. Parcels in the Historic Preservation Overlay district are also governed by one or more zoning districts, which continue in full force with applicable regulations as set forth elsewhere in this Chapter.

**§3.3.2. Corridor Overlay (-CO)****A. Purposes**

The corridor overlay (-CO) district is intended to protect and enhance significant entrance corridors to the city or those corridors of notable visual quality. All development in the -CO district shall be carefully reviewed for compliance with the applicable requirements of this Chapter to insure that this purpose is effected to the extent possible.

**B. Applicability**

The -CO district shall apply as shown on the Zoning District Map to an area extending 500 feet from either side of the centerline of the right-of-way along the following corridors:

1. Delphine Avenue from I-64 northeast to the corporate limits;
2. East Main Street from the corporate limits northwest to Broad Street;
3. West Main Street from the corporate limits southeast to Broad Street;
4. Rosser Avenue and/or P. Buckley Moss Drive from the corporate limits northeast to Main Street;
5. Ivy Street from the corporate limits south to Hopeman Parkway;
6. Broad Street (from East Main to West Main); and
7. Interstate 64 through the city of Waynesboro.

**C. Permitted Uses**

All permitted and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use type.

## §3.3.2 Corridor Overlay (-CO)

**D. Maximum Front Yard Requirement**

Maximum front yard in the -CO district shall be as follows:

1. Maximum: 95 feet

**Commentary:** The front yard requirement is intended to limit the amount of parking adjacent to designated suburban corridors. The maximum allows up to two bays of parking and required landscaping in front of buildings along the designated corridors.

**E. Prominent Building Requirements****1. Purpose**

The purpose of this section is to facilitate the creation of a convenient, attractive and harmonious community compatible with historic development by providing articulation and human scale for the prominent building façades of relatively large buildings.

**2. Applicability**

The standards of this subsection E shall apply to:

- (a) Construction, renovation or redevelopment of nonresidential structures and complexes with aggregate floor area of more than 60,000 square feet; and/or
- (b) Expansion of such structures or complexes by more than 3,000 square feet or ten percent of existing floor area.

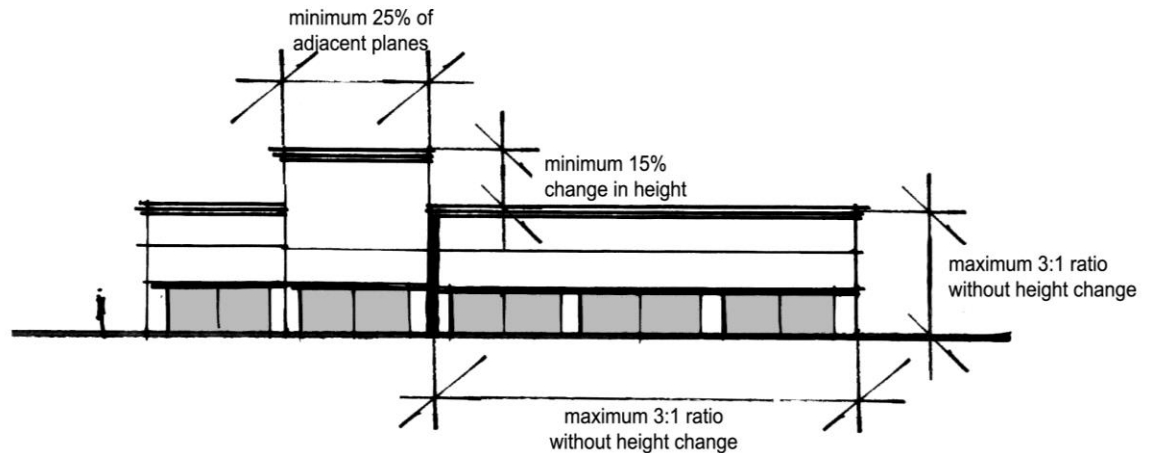
**Commentary:** See §4.1 for more information on complexes.

**3. Building Articulation Standards**

- (a) Façades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a minimum depth of three percent of the length of the façade and extending a minimum of 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet.
- (b) Ground floor façades that face public rights-of-way or parking areas shall have arcades, display windows, entry areas, awnings or other such features along a minimum of 75 percent of their horizontal length and a corner wrap of the same façade treatment for a distance equal to five percent of the ground floor façade extending from all front building corners.

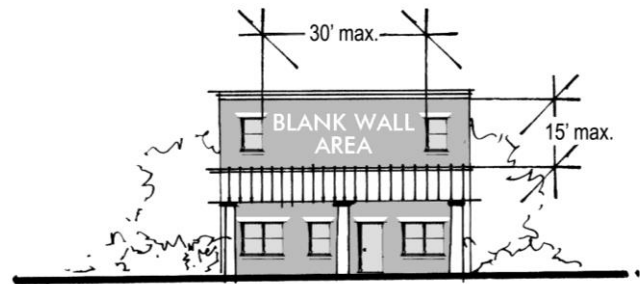
## §3.3.3 Historic Preservation Overlay (-HPO)

- (c) No horizontal wall section shall extend for a distance greater than three times its height without a change in elevation of a minimum of 15 percent of such height. This height change shall continue for a minimum of 25 percent of the length of either adjacent plane.



#### 4. Blank Wall Area

Blank wall areas on building façades facing public right-of-way shall extend a maximum of 15 feet in the vertical direction or 30 feet in the horizontal direction.



#### F. Alternative Compliance

The City Council may modify the standards of this section by Conditional Use Permit in accordance with §7.6 where the alternative proposed achieves the purposes of this subsection §3.3.2.

**Commentary:** Considerable flexibility exists in how one achieves the intent and purpose of these building design standards. The standards serve to provide a starting point for negotiations and to focus discussion on the appropriate issues.

### §3.3.3. Historic Preservation Overlay (-HPO)

#### A. Purpose and Intent

The -HPO district is established, in accordance with VA Code Ann. 15.2-2306, to protect and enhance valuable historic resources of the nation, state and the City. Protection of historic resources promotes the general welfare by generating economic opportunities and attracting visitors; encouraging interest and education in architecture, design and history; and making the City an attractive and desirable place to live and work. Specifically, the -HPO district is intended to:

1. Encourage the preservation and rehabilitation of important historic, architectural and cultural resources;

## §3.3.3 Historic Preservation Overlay (-HPO)

2. Prevent the loss of irreplaceable historic resources and diminishment of the City's historic districts;
3. Promote resources that link present and future generations to the City's unique history and thereby contribute to a shared sense of community;
4. Enhance tourism and economic development opportunities;
5. Preserve property values and contribute to pleasant and attractive neighborhoods; and
6. Pursue the Comprehensive Plan goals for historic preservation.

**B. Applicability**

1. The -HPO district shall apply, as shown on the Zoning District Map, to the following historic districts and historic landmarks as described in the Virginia Landmarks Register and the National Register of Historic Places:

**(a) Historic Districts**

- (1) The Tree Streets Historic District
- (2) The Port Republic Road Historic District
- (3) The Waynesboro Downtown Historic District

**(b) Landmarks**

- (1) Fishburne Military School
- (2) Fairfax Hall
- (3) The Plumb House
- (4) The Coiner-Quesenbery House

**Commentary:** Inventories describing contributing structures and buildings of the historic districts are available in the office of the Zoning Administrator.

**2. Designation of Historic Districts and Landmarks**

- (a) Additional parcels, structures and buildings may be added to the -HPO district as new landmarks and districts or as additions to existing districts through an inventory and designation process in keeping with the Virginia Department of Historic Resource requirements for district and landmark designation. The City Council may designate local landmarks and districts following this process regardless of State or national designations.
- (b) Designation of parcels or landmarks to the Historic Preservation Overlay district requires a Zoning District Map amendment (rezoning) as described in §7.4.

**C. Permitted Uses**

All permitted and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use classification, provided however, manufactured homes shall not be permitted.



**D. Maintenance and Building Code Provisions**

Owners of historic landmarks or contributing historic buildings and structures shall not allow them to fall into a state of disrepair so as to endanger their physical integrity or the public health and safety.

**E. Order of Demolition for Unsafe Buildings**

Nothing in this article shall apply to or in any way prevent the moving, or demolition in whole or in part of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the Building Official.

**F. Certificate of Appropriateness****1. Applicability**

A Certificate of Appropriateness is required prior to demolition or relocation of an historic structure.

**2. Application Requirements**

An application for Certificate of Appropriateness shall be submitted in accordance with §7.3.3 Application Requirements.

**3. Notice and Public Hearings**

The Planning Commission shall hold all required public hearings and give notice in accordance with §7.2.5, Notice and public hearings.

**4. Action by Planning Director**

The Planning Director shall review the application and, considering the review criteria in subsections 7 and 8, below, and make a recommendation to the Planning Commission.

**5. Action by Planning Commission**

- (a) Following a properly advertised public hearing and after having reviewed relevant information on the matter the Planning Commission may approve the application as proposed, approve the application with modifications or deny the application in which case written reasons for denial shall be forwarded to the applicant.
- (b) The Planning Director shall forward written notice of approval, modification or denial to the Zoning Administrator.

**6. Right to Relocate or Demolish**

- (a) In accordance with VA Code Ann. 15.2-2306, the owner of any historic landmark, building or structure shall have the right to relocate or demolish such landmark, building or structure so long as:
  - (1) The owner has applied to the City for the right to do so in a manner as described (herein);
  - (2) The owner has, for a time period as listed herein and at a price reasonably related to its fair market value, made a bona fide offer to sell:
    - (i) The landmark, structure or building and the land pertaining thereto; or
    - (ii) The landmark, building or structure for sale separate from the land to any individual or entity which gives reasonable assurance to preserve the landmark, structure or building.

## §3.3.3 Historic Preservation Overlay (-HPO)

- (3) No bona fide contract, binding on all parties thereto, shall have been executed for the sale of landmark, structure or building and the land pertaining thereto, prior to the applicable time period as listed below:
  - (i) Three months when the offering price is less than \$25,000.00;
  - (ii) Four months when the offering price is \$25,000.00 or more but less than \$40,000.00;
  - (iii) Five months when the offering price is \$40,000.00 or more but less than \$55,000.00;
  - (iv) Six months when the offering price is \$55,000.00 or more but less than \$75,000.00;
  - (v) Seven months when the offering price is \$75,000.00 or more but less than \$90,000.00; and
  - (vi) 12 months when the offering price is \$90,000.00 or more.

**(b) Bona Fide Offer to Sell**

- (1) The applicant shall, in writing, notify the Zoning Administrator of the bona fide offer to sell to begin the offer time period as listed above. The applicant shall provide the Zoning Administrator evidence of normal efforts of an earnest seller to aggressively market the property including conspicuous and regular advertising in publications of local circulation or advertising with various listing services. The applicant shall also place conspicuous advertising on the property in a location and of such size as might normally be expected for the sale of any property by an earnest seller. The Zoning Administrator shall review the applicant's offer to sell and any proposed conditions to that sale within ten days of the original notice to determine that a bona fide offer has been initiated. If at any time the seller fails to follow or maintain the bona fide offer to sell, the time period for sale shall lapse.
- (2) If no bona fide contract to sell has been executed at the termination of the offer period, the seller shall provide the Zoning Administrator an affidavit demonstrating their efforts to sell, detailing inquiries and attesting to the fact that no viable purchase offer was made.
- (3) Sale of the property shall terminate the petition to demolish and any new owner would be required to follow the procedures as listed (herein) in order to demolish or relocate a regulated structure.

**(c) Fair Market Value**

Fair market value shall be considered a price not exceeding the assessed value of the property, as determined by the City's real estate assessor, such assessment being performed upon indication by the owner/applicant that he/she wishes to pursue demolition after denial of a certificate of appropriateness by the Planning Commission. This assessment shall be based on both an interior and exterior inspection of the property and shall represent a current assessment of the property's fair market value. The owner/applicant may challenge the assessed value as a fair market value by seeking at his/her sole expense an independent appraisal of the property in question completed by a licensed appraiser. Should the City's real estate assessor and the independent appraiser not agree upon the

said fair market value, they shall choose a third qualified appraiser. A median value shall be established by the three appraisers, which shall be final and binding. The bona fide offer to sell period shall commence once a fair market value is established.

#### **7. Demolition criteria**

The Planning Commission may consider any or all of the following criteria when deliberating on an application for certificate of appropriateness to demolish a landmark or structure or building within the -HPO district:

- (a) Whether or not the building or structure embodies distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or is associated with events that make a significant contribution to the broad local history or is associated with historically significant persons.
- (b) Whether or not the building or structure contributes visible architectural value to and provides historic continuity with properties within the same block, including both sides of the street, and the viewshed.
- (c) Whether the building or structure is of such age, authenticity and unusual or uncommon design, setting, workmanship, and materials, and whether such design, quality and workmanship and traditional materials could be reproduced.
- (d) Specific plans for the site should the structure or building be demolished and the architectural compatibility of those plans and uses with properties within the same block, including both sides of the street and the viewshed.
- (e) Whether it is economically and practically feasible in the opinion of a qualified structural engineer and/or building trades professional to preserve or restore the structure.
- (f) Whether the property owner can make alternate, economically viable uses of the property.
- (g) Whether relocation may be appropriate and feasible as an alternative to demolition.
- (h) Whether the existing structure is suited to or can be adapted to a proposed change in land use.
- (i) Whether the structure or building is a contributing or noncontributing resource within the -HPO district.

#### **8. Relocation Criteria**

The Planning Commission may consider any or all of the following criteria when deliberating on an application for certificate of appropriateness to relocate a landmark or structure or building within the -HPO district:

- (a) Whether or not the building or structure embodies distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or is associated with events that make a significant contribution to the broad local history or is associated with historically significant persons.

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§3.3.4 Groundwater Management Overlay (-GMO)

- (b) Whether or not the building or structure contributes visible architectural value to and provides historic continuity with properties within the same block, including both sides of the street, and the viewshed.
- (c) Specific plans for the site, should the structure or building be demolished; and the architectural compatibility of those plans and uses with properties within the same block, including both sides of the street, and the viewshed.
- (d) Whether the structure or building can be moved without harm or damage to its physical integrity.
- (e) Whether the proposed relocation area is compatible with the building or structure's documented historic, scenic, cultural, aesthetic or architectural character in terms of architectural style and period of construction and furthers preservation of the building or structure and is located within the city.
- (f) Where appropriate, relocation should be encouraged by allowing improvements to be sold separate from the underlying property at an offering price not to exceed the fair market value as determined according to §3.3.3.F.6(c).
- (g) Whether the structure or building is a contributing or non-contributing resource within the -HPO district.
- (h) Whether the existing structure is suited to or can be adapted to a proposed change in land use.

**9. Appeals**

If an application for a Certificate of Appropriateness is denied or modified, the applicant may appeal such decision within 30 days to the City Council. The City Council shall consider the application following a review of the Planning Director's report and the full written record of the Planning Commission's meeting and decision on the matter.

(Ord. No. 2012-31, 6/8/12)

**§3.3.4. Groundwater Management Overlay (-GMO)****A. Purpose and Intent**

For the protection of public health and to ensure the availability of a pure water supply, the City Council may delineate groundwater management areas within the City in areas where the aquifers are known to contain any contaminant or contaminants exceeding the maximum contaminant levels established under State or Federal law, including an appropriate buffer area.

**B. Applicability**

The -GMO district shall apply as shown on the Zoning District Map. Such groundwater management areas shall constitute an overlay on existing zoning and may be established in the same manner as property within the city is rezoned pursuant to §7.4.

**C. Permitted Uses**

All permitted and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use classification; provided, however, such uses may be further restricted by the City Council in conjunction with development review.

**D. Requirements as to Domestic Water Supply**

Connection of buildings to city water system shall be required for all development within the –GMO district where such service is available either on-site, by easement or in an adjacent public right-of-way. Thereafter, use of any other source of water supply for domestic use shall cease. A reasonable charge for the connection may be imposed for such connection, but irrespective of anything in the City Code to the contrary, said charges shall not exceed the actual cost to the City of installing the line.

**E. Restrictions on Private Wells**

No person owning property within a groundwater management area designated hereunder shall place a new well or operate an existing well for domestic use on such property unless a public water system as described in §3.3.4.D is not available to such property. This section shall not prohibit use of an existing well for lawn or ornamental plant irrigation.

**§3.3.5. Floodplain Overlay (-FO)****A. Purposes**

The purposes of this section, comprising the City's -FO district regulations, are to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood elevations, velocities and frequencies;
2. Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding;
3. Requiring all those uses, activities, and developments that do occur in floodprone districts to be protected and/or floodproofed against flooding and flood damage;
4. Ensuring that dwellings and their inhabitants are protected from hazards associated with flooding; and
5. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

**B. Scope**

1. These provisions shall apply to all privately- and publicly-owned lands within the jurisdiction of the City and identified as being floodprone.
2. The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood elevations may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that districts outside the -FO district, or that land uses permitted within such district, will be free from flooding or flood damage.
3. This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

## §3.3.5 Floodplain Overlay (-FO)

4. This section supersedes any ordinance currently in effect in floodprone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this section.
5. Any and all improvements, analyses, studies and/or investigations required by this section shall be performed at the sole cost of the applicant and/or land owner.

**C. Delineation of District**

The boundaries of the -FO district, described below, are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file in the office of the Zoning Administrator. The effective date of the Flood Insurance Rate Map and Flood Insurance Study is September 28, 2007 and as periodically revised and/or amended by FEMA.

1. The Floodway zone is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this zone are specifically defined in the City of Waynesboro Flood Insurance Study.
2. The special floodplain district shall be those areas identified as an AE zone on the maps accompanying the Flood Insurance Study for which 100-year flood elevations have been provided.
3. The approximated floodplain district shall be those areas identified as an A or A99 zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the governing body.
4. The shallow flooding district shall be those areas identified as zone AO or AH on the maps accompanying the Flood Insurance Study.
5. Where no floodway has been determined, the Floodplain Administrator may require that the applicant for the proposed use, development and/or activity shall determine the floodway in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by qualified engineers or others of demonstrated qualifications, who shall certify the technical methods used to reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the City.

**D. Physical Changes Affecting Flood Conditions**

1. In the event that the base flood elevations increase or decrease resulting from physical changes affecting flood or flooding conditions, as soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.
2. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

**E. Floodplain Development Permits**

A floodplain development permit is required for all development in the -FO district pursuant to the requirements of §7.12.

**F. Prohibited and Allowable Development****1. General**

- (a) No land shall be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered in the -FO district except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.
- (b) In all areas covered by this section, which shall include all property lying in the -FO district and zoned in any of the zoning classifications under this Chapter, no uses, activities or development shall be permitted except in compliance with the following restrictions and such other reasonable safeguards and regulations as the Floodplain Administrator may impose for the promotion and maintenance of the general welfare, health and commerce of the inhabitants of the city, and in accordance with good zoning practices; and, in addition, no such development shall be permitted in such areas except upon written approval of compliance by the Floodplain Administrator in accordance with the restrictions, safeguards and regulations described in this section, which shall be given precedence over any other provision of this Chapter which may appear in conflict with this section.

**2. Prohibited Uses**

The following uses shall be prohibited in the -FO district:

- (a) Solid waste, trash hauling, landfills, dumps, junkyards, storage tanks, hazardous materials storage, outdoor storage of vehicles and/or materials;
- (b) The filling of jurisdictional wetlands;
- (c) Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the base flood; and
- (d) The construction or storage of any object subject to flotation or movement during flooding.

## §3.3.5 Floodplain Overlay (-FO)

**3. Permitted Uses**

In the -FO district the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and provided that they do not require structures, fill or storage of materials and equipment:

- (a) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (b) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, athletic playing fields, and fishing areas.
- (c) Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.
- (d) Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.

**4. Fill**

In any development where filling has been completed in order to make a building lot, the developer shall seek and have approved a letter of Federal insurance rate map amendment through the Federal Emergency Management Agency.

**5. Approval Conditions**

No zoning approval or occupancy permit shall be issued under this section for any allowable development in the -FO district except on the following conditions:

- (a) All new construction and substantial improvement of structures shall have the lowest floor, including basement, elevated at least one foot above the design flood elevation; or be designed, together with attendant utility and sanitary facilities, so that below the design flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (b) No recreational vehicles may be placed on sites except for non-residential use and then shall either be on the site for fewer than 180 consecutive days, or be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.
- (c) Electrical control panels in permitted structures shall be mounted above the design flood elevation.
- (d) All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- (e) All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and



discharges from the systems into the floodwaters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.

- (f) New development shall be reviewed to assure that it will be reasonably safe from flooding, and submittals shall include base flood elevation data. If proposed new development is in the -FO district, proposals shall be reviewed to assure:
  - (1) They are consistent with the need to minimize flood damage;
  - (2) Public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - (3) Adequate drainage is provided to reduce exposure to potential flood hazards; and
  - (4) New lots that may be prone to flood hazard are not created.
- (g) No new construction, substantial improvements, or other development (including but not limited to fill) shall be permitted within zone AE (base flood elevation as determined and specified on map) on the community's FIRM (flood insurance rate map), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (h) Within any floodway area, no encroachments, including, but not limited to fill, new construction, substantial improvements or other development shall be permitted unless the applicant demonstrates, through hydrologic and hydraulic analyses, and in accordance with standard engineering practice, that the proposed encroachment would result in any increase in the 100-year flood elevation.
- (i) Where floodproofing is utilized for a particular structure in accordance with this section a qualified engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation in relation to mean sea level, to which such structures are floodproofed, shall be maintained by the Building Official.
- (j) Industrialized buildings/modular structures that are placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the structure is elevated to or above the design flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (k) Permitted structures shall be constructed and placed on the building site so as to minimize obstruction to the flow of flooding waters. Permitted structures shall not be constructed in the floodway.
- (l) Permitted structures shall be anchored to prevent flotation, collapse and lateral movement which may result in damage or restriction of the flow of floodwaters.
- (m) The developer shall demonstrate to the City that through appropriate methods as approved or otherwise mandated by the Floodplain Administrator that the flood-

## §3.3.5 Floodplain Overlay (-FO)

carrying capacity within the altered or relocated portion of any watercourse is maintained.

- (n) All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and onsite waste disposal sites. The City may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (o) All utilities, such as gas lines, electrical and telephone systems being placed in floodprone areas should be located, elevated, where possible, and constructed to minimize the chance of impairment during a flooding occurrence.
- (p) Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood elevations.
- (q) Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable state and local codes and ordinances, such as the Building Code and Appendix G, Flood Resistant Construction, as amended or as henceforth may be amended at any future time. Prior to the issuance of any building permit, the City shall require all applications to include compliance with all applicable State and Federal laws, codes and regulations. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- (r) Foundation vents shall have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above finished grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (s) Manufactured homes that are placed or substantially improved within zone AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated so that:
  - (1) The lowest floor of the manufactured home is elevated no lower than the design flood elevation; or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade; and

The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

(Ord. No. 2012-31, 6/8/12)

**§3.3.6. General Standards**

The following provisions shall apply to all development in the –FO district:

- A.** New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B.** Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C.** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D.** New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E.** Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

**§3.3.7. Specific Standards**

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according §3.3.7.G, the following provisions shall apply:

**A. Residential Construction**

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above the base flood elevation (recommend > one foot freeboard).

**B. Non-Residential Construction**

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood elevation (recommend > one foot freeboard). Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Zoning Administrator as required by §6.7.2.D.

## §3.3.7 Specific Standards

**C. Elevated Buildings**

Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - (a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - (b) The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
  - (c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - (d) The bottom of all required openings shall be no higher than one foot above the adjacent grade.
  - (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
4. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

**D. Standards for Manufactured Homes, Mobile Homes and Recreational Vehicles**

1. All manufactured homes or mobile homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured or mobile home parks or subdivisions, in a new manufactured or mobile home park or subdivision or in an existing manufactured or mobile home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in §3.3.6.A and B, and §3.3.7.A.
2. All recreational vehicles placed on sites must either
  - (a) Be on the site for fewer than 180 consecutive days;

- (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
- (c) Meet all the requirements for manufactured or mobile homes in §4.2.7 and this subsection D.

#### **E. Standards for the Floodway District**

The following provisions shall apply within the Floodway District:

##### **1. Encroachments**

Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the {developer or applicant} first applies – with the City of Waynesboro’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

- 2. If §3.3.7.E.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §3.3.5.
- 3. The placement of manufactured or mobile homes is prohibited, except in an existing manufactured or mobile homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

#### **F. Standards for the Special Floodplain District**

The following provisions shall apply within the special floodplain district:

- 1. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Waynesboro.
- 2. Development activities in zones A1-30, AE, and AH, on the City of Waynesboro’s Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the {developer or applicant} first applies – with the City of Waynesboro’s endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

## §3.3.7 Specific Standards

**G. Standards for Approximated Floodplain**

The following provisions shall apply with the Approximate Floodplain District:

1. The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the Flood Insurance Study. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
2. The Floodplain Administrator reserves the right to require hydrologic and hydraulic analyses for any development.
3. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood elevation (recommend > one foot freeboard). During the permitting process, the Floodplain Administrator shall obtain:
  - (a) the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
  - (b) the elevation (in relation to mean sea level) to which the structure has been flood-proofed if the structure has been flood-proofed in accordance with the requirements of this article.

**H. Standards for the Shallow Flooding District**

The following provisions shall apply within the shallow flooding district:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet (recommend: one foot freeboard) above the highest adjacent grade. When a freeboard is included in the height of a structure, the flood insurance premiums will be significantly cheaper.
2. All new construction and substantial improvements of non-residential structures shall
  - (a) Have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (recommend one foot freeboard above the flood depth level) above the highest adjacent grade; or

- (b) Be completely flood-proofed to the specified flood level if the structure has been flood-proofed in accordance with the requirements of this article, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- 3. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

**I. Standards for Subdivision Proposals**

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- 4. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

**J. Construction on Land Lying Partially within District**

Nothing in this section shall prohibit any use or construction on a parcel of land lying partly in the -FO district and partly outside such -FO district, if such use or construction is confined to the portion of such parcel of land lying outside the -FO district and is otherwise in accordance with this section and other relevant sections of this Chapter. The Building Official may issue a building permit for such use or construction outside the -FO district on the written representation of the applicant satisfactory to the Building Official that the use or construction will in fact be outside the -FO district.

**K. Existing Buildings and Structures in Floodplain Areas**

A building or structure which lawfully existed before the enactment of these provisions, but which is not in conformity with the provisions of this section, may be continued subject to the condition that substantial damage to or improvement of any building or structure shall require the entire structure to be brought into full compliance with the provisions of this section.

**L. Other Applicable Provisions of This Chapter**

In addition to the provisions of this section relating to the -FO district, all other provisions of this Chapter are applicable except as herein otherwise modified.

**M. Administrative Appeal**

An appeal from any decision by the Floodplain Administrator shall be made within 30 days of the final decision in accordance with §7.15, Administrative appeal.





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(Ord. No. 2017-43, 10/5/17)

## §4.1. COMPLEXES

Nonresidential, two-family houses, multiplexes, townhouse and multifamily building complexes may be established on a single unified parcel, provided that the following requirements are met.

### §4.1.1. Defined

A complex is a group of two or more office, industrial, commercial, two-family houses, multiplexes, townhouses and multifamily buildings and/or other operations on an unsubdivided parcel, operating under one name or presenting other elements of a unified image of identity to the public.

### §4.1.2. General

Complexes shall comply with all applicable development standards as set forth in Article 5, Site Development Standards, all other provisions in this Chapter and all other applicable laws.

### §4.1.3. Uses

Uses within complexes shall be limited to those permitted within the zoning district in which the development is located (See also §2.4, Use Table).

### §4.1.4. Intensity

The overall intensity of the land use shall be no higher, and the standard of development no lower, than that permitted in the district in which the project is located.

### §4.1.5. Required Yards (Setbacks)

The distance of every building from every property line shall comply with the respective yard front, rear and side requirements of the district in which the development is located as specified in Article

2. In no case, however, shall any portion of a building be located closer to a street than the required minimum front yard setback of the zoning district.

#### **§4.1.6. Building Separation**

Minimum spacing between any two buildings shall be 20 feet, unless a greater separation is required by the Fire Code.

#### **§4.1.7. Building Design**

Design for buildings within complexes shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location and details.

### **§4.2. RESIDENTIAL USE STANDARDS**

#### **§4.2.1. Corner Lot Duplexes**

(New, based in part on existing provisions from the RB-2, RB-3 and RB-4 districts)

- A. Each corner lot duplex must have a primary ground-floor building entrance that is clearly defined and highly visible on the front building façade or other building façade that faces a public street or right-of-way other than an alley.
- B. No more than one entrance may be permitted per building façade. The entrance must be in the form of a porch or covered entry that is at least eight feet in width and six feet in depth. A patio-style door, such as sliding glass door, or a door that leads directly into a garage does not qualify as a primary entrance.
- C. Street-facing walls greater than 50 feet in length must be articulated with bays, projections or recesses at least ten feet in width that effectively break-up the mass of the building.
- D. Where a developed alley is provided, all vehicular access shall be taken from the alley.

**Commentary:** "Corner lot duplex" is a design-improved duplex, a housing alternative to the multiplex (below) that is more compatible with the traditional single-family housing patterns than the typical, side-by-side duplex. Applicants willing to comply with the more restrictive design requirements for corner lot duplexes, as compared other duplex-type housing forms, can avoid public, Conditional Use Permit review. (See also §4.6.5 for accessory apartment standards.)

#### **§4.2.2. Multiplexes**

- A. Each multiplex must consist of 3-5 dwelling units and each dwelling unit shall have a primary entrance denoted by a porch or covered entry that is at least eight feet in width and six feet in depth.
- B. Street-facing façades may not exceed 70 feet in width.
- C. Street-facing façades greater than 50 feet in length must be articulated with bays, projections, recesses or other design elements that effectively break-up the mass of the building.
- D. Outdoor (surface) parking areas shall not be located between the street and principal structures.

#### **§4.2.3. Multifamily Buildings**

- A. Outdoor (surface) parking areas shall not be located between the street and principal structures.

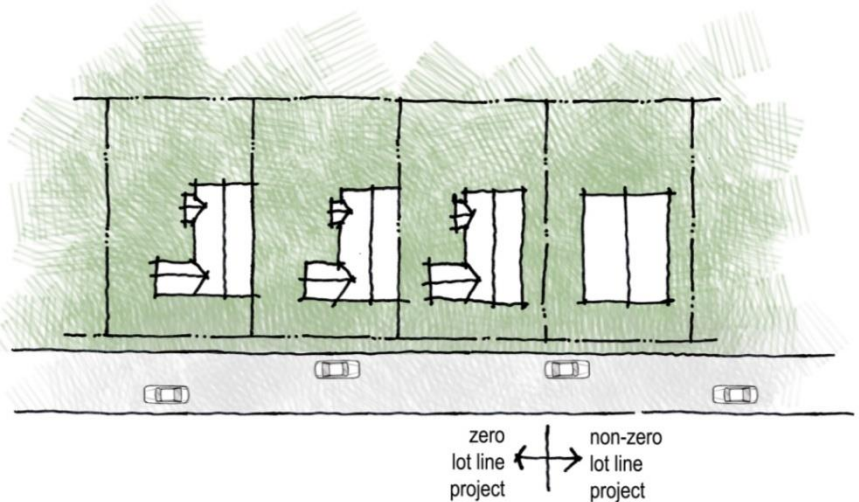
## §4.2.4 Zero Lot Line Houses

**§4.2.4. Zero Lot Line Houses**

Zero lot line houses (lot line house) must comply with the lot and building standards of the underlying general district, except as modified by the following standards:

- A. Lot line house developments must consist of at least three contiguous lots with frontage on the same street.
- B. Planning for all house locations for lot line house developments must be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site planning is possible, while ensuring that neighborhood character is maintained.

- C. The side yard on one side of the lot containing a lot line house may be reduced to as little as zero. The zero or reduced yard side of a lot line house may not abut a street and may not abut a lot that is not part of the lot line house development.



- D. On the “non-zero” side, a yard must be provided equal to at least 2 times the minimum side yard requirement of the underlying district, as specified in §2.5 and §2.6.
- E. When the lot line house’s exterior wall or eaves are set back less than two feet from the abutting side lot line, a perpetual maintenance easement at least five feet in width shall be provided on the lot abutting the zero lot line property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be shown on the plat and incorporated into each deed transferring title to the property. This provision is intended to ensure the ability to conduct maintenance on the lot line house.
- F. Windows, doors or other openings that allow for visibility into the side yard of the lot abutting the reduced or zero setback side of the lot line house are prohibited. Windows that do not allow visibility into the side yard of the lot abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the Building Code.

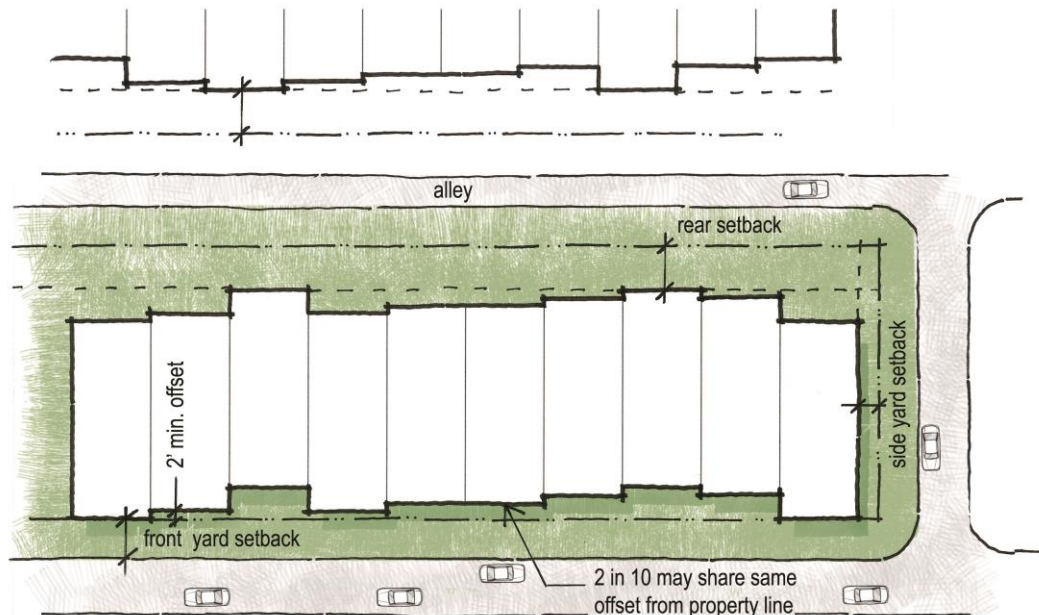
**§4.2.5. Townhouses**

- A. The first floor shall be located a minimum of 18 inches above finished grade.

**Commentary:** An elevation change, even as minimal as 18 inches, provides a degree of privacy, so passing cars and pedestrians do not look directly into the windows and the occupants’ perspective is from above the street.

- B. Outdoor (surface) parking areas shall not be located between the street and principal structures.

- C. The exterior façades of all townhouse units shall be varied in material and design so that no more than five of any ten abutting units will have the same architectural appearance or front yard setback.
- D. No more than two of any ten abutting dwelling units having the same front yard setback. Varied street yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit and no setback distance shall be less than the required minimum. Side yards are not required for interior townhouses, but street and rear yards shall be provided for all such dwellings and building separation requirements shall be maintained for all townhouse structures. (See also §4.1, Complexes)



#### §4.2.6. Upper-Story Residential

Such uses shall adhere to all dimensional standards of the permitted nonresidential use.

#### §4.2.7. Manufactured Homes

##### A. General

All manufactured homes shall:

1. Be on a full foundation or completely skirted with materials approved by the Building Official;
2. Be set up and tied down in accordance with the standards set by Virginia Uniform Statewide Building Code regulations; and
3. Wheels, axles, tongue, towing apparatus and transporting lights, if any, shall be removed prior to final installation of the unit.

##### B. -HPO District

Manufactured homes are not allowed in the -HPO district. (See also §3.3.3)

## §4.2.8 Manufactured Home Parks or Subdivisions

**§4.2.8. Manufactured Home Parks or Subdivisions****A. Applicability**

The standards of this section shall apply equally to all allowed uses in a manufactured home park or subdivision, including any nonconforming mobile homes.

**B. General Requirements**

1. Minimum park or subdivision area: 5 acres
2. Maximum density: 6 homes and spaces or lots per acre
3. Minimum space or lot area: 4,500 square feet
4. Minimum space or lot width: 40 feet
5. Minimum space or lot depth: 100 feet
6. Minimum building separation: 15 feet, provided that the minimum separation may be reduced to ten feet between carports, porches and patios open on three sides and adjacent buildings.
7. Each manufactured home shall comply with the specific use requirements of §4.2.7.
8. A homeowner's association or similar entity shall be established for maintenance of common areas which are not maintained by the owner or developer.

**C. Allowed Uses**

Allowed uses shall include:

1. Manufactured homes and detached single-family dwellings;
2. Mobile homes lawfully installed prior to the effective date of this Chapter; and
3. Common facilities and uses accessory to dwelling units, including recreation facilities for the use of residents, park management offices, laundry facilities, tenant storage areas, parking areas, and garbage and trash disposal facilities.

**D. Site Plan Required**

1. Each home in a manufactured home park shall be located on a manufactured home space designated on a site plan prepared in accordance with the requirements of §7.7, which shall be approved and filed as part of the approval of any new manufactured home park established after the effective date of this Chapter and prior to the enlargement of any existing manufactured home park.
2. The site, including manufactured home stands, structures and all site improvements, shall be laid out in relation to topography, the shape of the tract and the shape, size and position of structures, with consideration for usability of space, appearance and livability, and adjacent land uses.

**Commentary:** A clustered park-type arrangement with grouping or clustering of manufactured home units and which conforms to the terrain and natural landscape features is preferable to a rigid pattern.

3. All manufactured homes shall be placed on a designated manufactured home lot and shall not obstruct the use of, or project over, any driveway, walkway or public utility easement.

**E. Streets and Access**

Unless otherwise permitted by the City Council, public streets internal to the development shall be provided in accordance with subdivision regulations (See also City Code, Chapter 74). No manufactured home site shall be designated so as to permit direct access to a street outside the boundaries of the manufactured home park or subdivision.

**F. Project Boundary Buffer**

A Class C buffer shall be provided along project boundaries in accordance with §5.4.5.B.4.

**G. Signs and Numbering of Spaces**

1. Each manufactured home park or subdivision shall have a sign located adjacent to a public street which includes the name of the park and the street address.
2. A maximum of two manufactured home park or subdivision identification signs may be utilized, with a maximum sign face of 40 square feet per face. Sign illumination shall be limited to external, non-flashing lighting. Maximum height of such signs shall not exceed 12 feet.
3. Each manufactured home space or lot shall be identified with four-inch reflective numbers on contrasting background and/or letters set at least 40 inches above ground level and clearly visible from the adjacent roadway.

**§4.2.9. Boarding or Rooming Houses**

- A. Boarding or rooming houses shall have a full-time resident manager or owner on the site.
- B. Occupancy shall be for a maximum of 8 persons, in addition to the resident manager or owner and family; and minimum occupancy period shall be for 14 days.
- C. Such use shall not be deemed a home occupation.
- D. Individual guest rooms may not contain kitchens.
- E. All parking will be provided on the side or rear of the principal structure.

**§4.2.10. Group Homes/Other (8 or Fewer)**

Group homes housing persons shall comply with the following standards.

- A. Occupancy shall be limited to no more than eight mentally ill, intellectually disabled, or developmentally disabled persons, with one or more resident counselors or other staff persons. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in VA Code Ann. § 54.1-3401.
- B. Such facilities shall be licensed by the Virginia Department of Behavioral Health and Developmental Services.

**§4.2.11. Group Homes/Seniors**

Occupancy of group homes housing seniors shall be limited to no more than three persons over the age of 61, living with not more than one caretaker.

**§4.3. PUBLIC AND CIVIC USE STANDARDS****§4.3.1. Civic Clubs or Community Centers**

In residential districts, all structures shall be located not less than 25 feet from side or rear lot lines.

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§4.3.2 Child Care Centers**§4.3.2. Child Care Centers**

Child care centers shall be State licensed or employee sponsored.

**§4.3.3. Golf Courses or Clubs**

In residential districts, all structures shall be located not less than 25 feet from side or rear lot lines.

**§4.3.4. Libraries or Museums**

In residential districts, all structures shall be located not less than 25 feet from side or rear lot lines.

**§4.3.5. Parks or Playgrounds**

In residential districts, all structures shall be located not less than 25 feet from side or rear lot lines.

**§4.3.6. Religious Institution**

In or adjacent to residential districts, religious institutions shall comply with the following requirements. (See also §4.6.13 for requirements related to religious institutions accessory uses.)

- A. All structures shall be located not less than 25 feet from side or rear lot lines.
- B. Religious institutions in or adjacent to any residential district with seating capacity for more than 300 persons or more than 3,000 square feet of accessory uses shall have the principal vehicular entrance and exit on an arterial or collector street within 150 feet of its intersection with an arterial street.
- C. Buffering in excess of that required by §5.4 may be required through the review and approval of a major or minor site plan to address the development intensity of more than 3,000 square feet of accessory uses.
- D. Accessory uses shall require additional lot area to comply with the dimensional standards applicable to the use and the general use district.

**§4.3.7. Schools, Elementary or Secondary**

In residential districts, all structures shall be located not less than 25 feet from side or rear lot lines.

**§4.3.8. Telecommunications Tower and Facilities****A. Purpose**

The purpose of this section is to:

- 1. Encourage provision of adequate telecommunications facilities in nonresidential areas where the adverse impact on the city is minimal;
- 2. Encourage co-location and use of telecommunications sites and facilities, and minimize the total number of telecommunications sites; and
- 3. Minimize the adverse visual impact of such towers and facilities.

**B. Applicability****1. General**

The requirements of this section govern the siting of telecommunications towers and facilities, except as specifically excluded herein.

**2. Existing Structures and Towers**

- (a) The placement of a telecommunication antenna on alternative telecommunications structures such as roofs, walls, water tanks, and existing



towers may be approved by the Zoning Administrator (without a CUP) provided the antenna:

- (1) Does not add more than 20 feet to the existing structure; and
  - (2) Meets all applicable standards of local, State and Federal Building Codes and this Chapter.
- (b) Applications for such use must include:
- (1) A final site plan for approval; and
  - (2) A report prepared by a qualified engineer indicating the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure.
- (c) The placement of additional buildings or supporting equipment must comply with the standards of this and other applicable City ordinances or regulations.

### **3. Federal and State Law**

In case of conflict, Federal or State law, such laws shall supersede the requirements of this section.

### **C. Location and Construction**

The requirements for the location and construction of all new telecommunications facilities regulated by this Chapter shall include the following:

1. New telecommunications facility site shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that existing telecommunications facilities or alternative telecommunications structures cannot accommodate the applicant's proposed antenna.
2. Telecommunications towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
3. At the telecommunications facility, the design of the buildings and related structures used in conjunction with telecommunications facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and the built environment.
4. If an antenna is installed on an alternative telecommunications structure, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the alternative telecommunications structure so as to make the antenna and related equipment as visually unobtrusive as possible.
5. A telecommunications facility or telecommunications tower shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
6. No advertising of any type may be placed on the telecommunications facility, or other structures associated with the telecommunications facility, except that a sign

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§4.3.8 Telecommunications Tower and Facilities

shall be required displaying the name, registration number and emergency contact number of the tower owner. The sign shall not exceed four square feet in size and shall be located on the security fence or other approved location.

**D. Structural**

1. Prior to the use or extension of a telecommunications tower, the owner shall have obtained approval of the structural integrity by a qualified engineer and a copy of such report shall be filed with the Zoning Administrator.
2. To ensure the structural integrity of a telecommunications facility or telecommunications tower, the owner or operator of a telecommunications facility or telecommunications tower shall ensure that it is maintained in compliance with standards contained in applicable Federal, State and local Building Codes and regulations.

**E. Required Yards (Setbacks) and Separation**

The following setbacks and separation requirements shall apply to all telecommunications facilities except alternative telecommunications structures:

1. Telecommunications towers shall be setback a minimum of 110 percent of the height of the telecommunications tower from any off-site structures used for human habitation, provided this provision shall not apply to monopole towers certified by a structural engineer. Such monopole towers shall comply with the setbacks of the underlying zoning district for principal structures.
2. Security fencing, equipment and accessory facilities must comply with setback requirements applicable to primary structures.

**F. Security**

Telecommunications towers and facilities shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anti-climbing device, unless otherwise approved by the City.

**G. Perimeter Buffer**

A Class A buffer shall be provided around the perimeter of telecommunications towers and facilities in accordance with §5.4.5.A.2(a), unless otherwise approved by the City.

**H. Co-Location**

1. The following requirements shall pertain to the co-location of an antenna that will be placed on a telecommunications facility or telecommunications tower that was sited under the provisions of this Chapter and will not increase the height of the telecommunications tower:
  - (a) Inventory and contour map of existing facilities within the city and at least five miles from the corporate limits, including specific information about the location, height, coverage and capacity zones, and design of each telecommunications facility, telecommunications tower and antenna;
  - (b) Calculations and necessary documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements;
  - (c) Radio frequency coverage;
  - (d) Height of telecommunications tower with proposed antenna; and

(e) Other information deemed by the City to be necessary to assess compliance with this Chapter.

2. The City may share such information with other applicants applying for approvals or Conditional Use Permits under this Chapter or other organizations seeking to locate telecommunications towers within the city; provided, however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

**I. Local Government Access**

Owners of towers shall provide the city with co-location opportunities as a community benefit to improve radio communication for City departments and emergency services provided it does not conflict with the co-location requirements of this Chapter.

**J. Federal Requirements**

All telecommunications towers and antennas must comply with or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of telecommunications towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring telecommunications towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the telecommunications towers and antennas at the owner's expense.

**K. Removal of Defective or Abandoned Telecommunications Facilities**

1. Any antenna, telecommunications tower, or telecommunications facility found to be defective or unsafe shall be repaired to comply with Federal, State and local safety standards, or removed within six months at the owner's expense. Any antenna, telecommunications tower or facility that is not operated for a continuous period of 24 months shall be considered abandoned.
2. Where removal of telecommunications antenna, tower or facility is required, the owner shall remove such telecommunications antenna, tower or facility within 90 days of receipt of notice from the City notifying the owner of such removal requirement. Removal includes the removal of the antennas, telecommunications towers, and telecommunications facilities, fence footers, underground cables and support buildings. The buildings and foundation may remain (with land owner's approval). Where there are two or more users of a single telecommunications facility or telecommunications tower, this provision shall not become effective until all users cease using the antennas and telecommunications tower.
3. If the antenna, telecommunications tower and telecommunications facility are not removed as herein required, the City may either seek court enforcement of such removal or the City may, at its discretion, remove the antenna, telecommunications tower and facility at the expense of the owner.

**L. Supplemental Information**

The following supplemental information shall be required before the City will consider an application for a Conditional Use Permit for a telecommunications facility, telecommunications tower or for siting an antenna on an alternative telecommunications structure:

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§4.3.9 Utility Office, Shops and Yards**1. Inventory of Applicant's Existing Sites**

Each applicant for a telecommunications facility, telecommunications tower or antenna shall provide the Zoning Administrator with an inventory of its existing facilities that are within the city or within five miles of the border thereof, including specific information about the location, height and design of each tower. The City may share such information with other applicants applying for approvals or Conditional Use Permits under this Chapter or other organizations seeking to locate antennas within the city, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

**2. Site Plan**

A scaled site plan including site topography and topography within a 400-foot radius of the proposed tower, a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements including radio frequency coverage, tower height, setbacks, parking, security fencing, landscaping, proposed ingress and egress, adjacent uses including proximity to residential uses and residential district boundaries.

**3. Co-Location**

The applicant shall encourage co-location by providing the following information: An engineering report, certifying that the proposed telecommunications tower is compatible for a minimum of three similar users including the primary user; information demonstrating that antennas, telecommunications towers, and telecommunications facilities for possible co-locator antennas are no higher in elevation than necessary; co-location policy which outlines policy regarding company's willingness to co-locate on other company's telecommunications towers and company's willingness to accept other users on its telecommunications towers.

**4. Design Standards**

- (a) Applicant shall indicate design of the telecommunications facility and telecommunications tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusion.
- (b) Applicant shall provide actual photographs from the site showing adjoining properties and other relevant views and simulated photographic images of the proposed telecommunications tower from the perspective of adjoining properties.

**5. Other**

The City may request other information deemed necessary to assess compliance with this Chapter.

**§4.3.9. Utility Office, Shops and Yards**

Outdoor storage and equipment shall be screened to a height of eight feet from view off-site in accordance with the requirements of §5.4.8.B.

## §4.4. COMMERCIAL USE STANDARDS

### §4.4.1. Adult Uses

#### A. Purpose

The standards of this section are intended to address potentially negative, secondary effects of adult uses on the community.

#### B. Establishment

The following activities shall each constitute the "establishment" of an adult use, as referred to herein:

1. The initial opening of an adult use (including, without limitation, the conversion, in whole or part, of an existing business to any adult use);
2. The relocation of an existing adult use; or
3. An increase in the floor area of an existing adult use, by 25 percent or more.

#### C. Location

1. No adult use may be established within 1,000 feet of a residential zoning district or property used as a residence, school, educational institution, religious institution, public park, playground, playfield or child care center, regardless of zoning.
2. No adult use may be established within 1,000 feet of any other such adult use in any zoning district.
3. All distances specified in this section shall be measured in a straight line from the property line of the adult use to the nearest regulated use. The distance between an adult use and a residential zoning district shall be measured from the property line of the use to the nearest point of the boundary line of the residential zoning district.

### §4.4.2. Animal Care Facilities and Services

Animal care facilities, including veterinary clinics or animal hospitals and kennels, shall comply with the standards of this section.

A. All activities shall be conducted indoors except as permitted herein.

B. Waste handling and ventilation shall be designed to substantially control odors discernable off-site.

C. All kennels with outdoor runs shall be subject to the following setback requirements:

1. Residential zoning boundaries: 150 feet

2. Residential uses: 300 feet

For the purpose of this section, measurement of the setback requirements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of an existing dwelling unit or residential district boundary to the nearest portion of the kennel.

D. Outdoor exercise areas, runs, or yards, when provided for training or exercising, shall be restricted to use during daylight hours.

E. Animal care facilities and services with outdoor runs and overnight boarding shall not be allowed in the C-B (Central Business) District.

(Ord. No. 2014-29, 6/6/14)

## §4.4.3 Art Studios or Galleries

**§4.4.3. Art Studios or Galleries**

In residential districts, all structures shall be located not less than 25 feet from side or rear lot lines.

**§4.4.4. Bed and Breakfasts**

- A. Bed and breakfast establishments shall be operated as an incidental use to the primary use of the structure as an owner-occupied residence.
- B. Overnight accommodations shall be provided with five or fewer guest rooms.
- C. Accessory food service shall not be available to persons other than overnight guests; provided, however, wedding parties and similar larger groups may be served by temporary use permit approved pursuant to §7.8.

**Commentary:** The above food service limitation should not be interpreted as to deny a restaurant type allowed by any underlying nonresidential district.

**§4.4.5. Coffee Shops**

Coffee shops shall:

- A. Have less than 2,000 square feet of floor area and shall not have drive-through facilities; and
- B. Not have a commercial kitchen, as defined by a commercial hood.

**§4.4.6. Inns**

- A. Inns shall have a full-time resident manager or owner on the site.
- B. Overnight accommodations shall be provided with six or more, but less than 20 guest bedrooms.
- C. An inn shall only be permitted if it is adjacent to or has direct access to an arterial or collector street, as defined Article 10.
- D. Accessory food service shall not be available to persons other than overnight guests; provided, however, wedding parties and similar larger groups may be served by temporary use permit approved pursuant to §7.8.

**Commentary:** The above food service limitation should not be interpreted as to deny a restaurant type allowed by any underlying nonresidential district.

**§4.4.7. Mini-Warehouse Facilities**

- A. Individual storage units shall have a maximum of 300 square feet.
- B. Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans. Loading docks shall not be permitted.
- C. Storage units shall only be used for storage of household goods and personal effects as defined in VA Code Ann. § 58.1-3504; tangible personal property employed in a trade or business as defined in VA Code Ann. § 58.1-3503.A.17 and inventory of stock on hand as that term is used in VA Code Ann. § 58.1-3510.A; and motor vehicles or boats.
- D. No office, retail or wholesale use of the storage units shall be permitted.
- E. Under no circumstances may radioactive materials, explosives and flammable or hazardous materials be stored therein.

- F. One accessory residential unit may be permitted solely for the use of a caretaker or watchman.
- G. All storage shall be within completely enclosed buildings, except as designated on an approved site plan.
- H. Any outdoor storage areas shall comply with the requirements of §5.7.3. Such areas shall not be used for the storage or display of inoperable vehicles.

#### **§4.4.8. Restaurants, Limited**

Limited restaurants shall have less than 2,500 square feet of floor area and shall not have accessory drive-through facilities or an accessory bar.

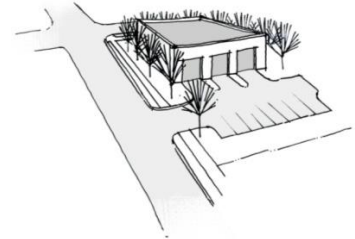
#### **§4.4.9. Restaurants with Drive-Through**

- A. Restaurants with drive-through shall comply with the requirements of §4.6.9.
- B. Restaurants with drive-through in the C-B district may be allowed only by Conditional Use Permit approved in accordance with the requirements of §7.6.

#### **§4.4.10. Vehicles Sales and Service**

All service bay doors (openings) shall face away from adjacent residential uses and from corridors designated in §3.3.2.B .

(Ord. No. 2017-43, 10/5/17)



### **§4.5. INDUSTRIAL USE STANDARDS**

#### **§4.5.1. Vehicle or Equipment Storage Yards**

Vehicle or equipment storage yards shall be conducted wholly within a non-combustible building or screened to a height of eight feet from view off-site in accordance with the requirements of §5.4.8.

#### **§4.5.2. Wrecking or Salvage Yards**

- A. Wrecking or salvage yards shall comply with the requirements of §5.7, Outdoor storage and display. (See also §5.4.8)
- B. No wrecking or salvage yard shall be located within 300 feet of a residential district.

**Commentary:** The Virginia Division of Motor Vehicles requires City approval in the form of a certificate of zoning compliance prior to the establishment of a wrecking or salvage yard, or similar operation.

#### **§4.5.3. Micro-brewery**

- A. The facility may include other uses such as retail sales, tasting rooms, restaurants or outdoor recreational uses. In C-B, L-B, and H-B Districts, the facility must include at least one of the following components: retail, eating, drinking or tasting.
- B. All production, processing and distribution activities must be conducted within an enclosed building.
- C. Outside storage is allowed with appropriate fence screening and/or buffer planting areas in accordance to Zoning Ordinance §5.4.8.B.

(Ord. No. 2017-43, 10/5/17)

**§4.6. ACCESSORY BUILDINGS AND USE STANDARDS****§4.6.1. General**

Accessory buildings and uses shall comply with all standards in the district for the principal use, except as expressly set forth below.

- A. Accessory buildings and uses shall be accessory and clearly incidental and subordinate to permitted principal uses. An accessory use shall only be allowed when a principal use exists (for permitted accessory uses associated with a principal see §10.2, Use Categories).
- B. Accessory buildings and uses shall be located on the same lot as the permitted use or building.
- C. Accessory buildings and uses shall not involve operations or buildings not in keeping with the character of the primary use or principal building served.
- D. Accessory buildings and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected in association with the principal use, where applicable.
- E. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
- F. An accessory use shall be located within the same district as the principal use.
- G. Tractor trailers and storage pods are prohibited for use as storage buildings or buildings, except as permitted on an active construction site or by temporary use permit. (See also §4.7)

**§4.6.2. Accessory Buildings**

Accessory buildings shall comply with the dimensional standards for principal buildings (Article 2), except as specified below:

**A. Setbacks**

- 1. No accessory building shall be located closer than five feet to any building.
- 2. No accessory building shall extend in front of the front building line of the principal building.
- 3. No accessory building may extend within five feet of any rear or side (interior) property line.

**B. Height**

- 1. The height of accessory buildings in residential districts shall not exceed 22 feet or the height of the principal building, whichever is less.
- 2. The height of accessory buildings in nonresidential districts shall not exceed the height of the principal building.

**C. Floor Area**

- 1. The maximum floor area of individual accessory buildings shall be 50 percent of the floor area of the principal building.
- 2. The combined floor area of all accessory buildings on a lot shall not exceed 60 percent of the floor area of the principal building. (See §1.13.3.D for more information.)



**§4.6.3. Residential Accessory Structures and Uses**

Residential accessory structures and uses shall include, but not be limited to, the following:

- A. Accessory apartments, subject to the standards of §4.6.5;
- B. Amateur radio and receive-only antennas, subject to the standards of §4.6.6;
- C. Barbecue pits;
- D. Children's play areas and equipment, playhouses;
- E. Fences and walls, subject to the standards of §4.6.10;
- F. Garages, carports and similar structures;
- G. Home occupations, subject to the standards of §4.6.11;
- H. Patios, gazebos, etc.;
- I. Swimming pools, hot tubs and spas;
- J. Noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers and similar accessory structures;
- K. Small wind energy conversion systems, subject to the standards of §4.6.14;
- L. Utility service lines delivering electric, telephone, CATV and other utility services; and
- M. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot.

**§4.6.4. Nonresidential Accessory Structures and Uses**

Nonresidential accessory structures and uses shall include, but not be limited to, the following:

- A. Amateur radio and receive-only antennas, subject to the standards of §4.6.6;
- B. Car washes, subject to the standards of §4.6.7;
- C. Caretaker's residences, subject to the standards of §4.6.8;
- D. Child care centers;
- E. Drive-through facilities, subject to the standards of §4.6.9;
- F. Fences and walls, subject to the standards of §4.6.10;
- G. Loading areas, subject to the standards of §4.6.12;
- H. Refueling facilities for fleet vehicles that belong to a specific use;
- I. Religious institutions accessory uses, subject to the standards of §4.6.13;
- J. Small wind energy conversion systems, subject to the standards of §4.6.14;
- K. Utility service lines delivering electric, telephone, CATV and other utility services; and
- L. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot.

**§4.6.5. Accessory Apartments**

Accessory apartments may be permitted as accessory use to single-family detached dwellings, subject to the following requirements:

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§4.6.5 Accessory Apartments**A. Purpose**

Accessory apartments are intended to provide additional housing options for the benefit and convenience of families and households; e.g., housing for the elderly, handicapped, “boomerang” adult children, care providers and personal guests of households. It is anticipated that each approved apartment will serve a variety of the above purposes as necessary over time and by doing so enhance the sense of community and social responsibility which all citizens share.

**B. General**

1. The owner of the property shall occupy either the primary structure or the accessory apartment as his/her primary residence.
2. Maximum occupancy of accessory dwelling units shall be limited to two persons per bedroom.
3. Accessory apartments shall be built in an architectural style and of materials similar to the principal structure.
4. Accessory apartments shall not be sold separately, and shall not be rented to guests for periods of less than 30 consecutive days.
5. Accessory apartments shall not have a separate electrical meter.

**C. Attached Accessory Apartments**

1. Minimum lot area required for attached apartment: 5,000 square feet.
2. Accessory apartments shall be attached to the principal dwelling and no new entrance or other exterior modifications shall be visible from the street to suggest the presence of the accessory apartment.
3. Maximum floor area of such apartments shall not exceed 400 square feet or one-half the size of the principal dwelling, whichever is less.

**D. Detached Accessory Apartments**

1. Minimum lot area required for detached apartments: 10,000 square feet.
2. Detached accessory apartments may be separate structures or attached to another allowed accessory structure (e.g., a garage apartment).
3. Detached accessory apartments shall be subject to approval of a minor site plan pursuant to §7.7.4.
4. A landscaped buffer, increased setbacks or other measures may be required to mitigate the impact of such apartments on adjacent dwellings.
5. Maximum floor area of such apartments shall not exceed 600 square feet or one-half the size of the principal dwelling, whichever is less.
6. Manufactured homes may not be used as detached accessory apartments.
7. Such apartments shall not unreasonably interfere with the use and enjoyment, adjacent property.

**E. Alternative Standards**

Accessory apartments not satisfying the above standards may be approved as a conditional use pursuant to §7.6.

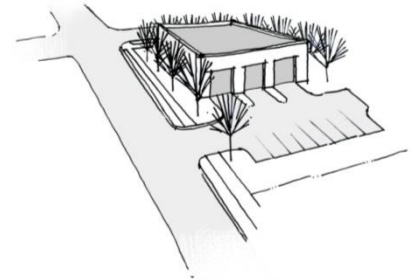
**§4.6.6. Amateur Radio and Receive-Only Antennas**

- A.** Accessory amateur radio and receive-only antennas shall be under 75 feet in height; and
- B.** Owned and operated by a Federally-licensed amateur radio operator, and used exclusively for noncommercial purposes; or used for receive-only purposes, including, but not limited to, television reception.

**§4.6.7. Car Washes**

Car washes shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas. All service bay doors (openings) shall face away from adjacent residential uses and from corridors designated in §3.3.2.B .

(Ord. No. 2017-43, 10/5/17)

**§4.6.8. Caretaker's Residences**

- A.** No more than one caretaker's residence shall be allowed on a lot unless otherwise expressly allowed by this Chapter.
- B.** Caretaker's residences may be occupied exclusively by the caretaker and his/her immediate family.
- C.** A caretaker's residence may contain a maximum of 1,000 square feet of gross floor area.

**§4.6.9. Drive-Through Facilities**

- A.** No drive-through facilities or windows shall be permitted on the side of a building adjacent to any residential district.
- B.** Drive-through facilities in the L-B or C-B district may be approved only by Conditional Use Permit pursuant to §7.6. Such facilities are prohibited in the R-O district.
- C.** Screening shall be provided in accordance with the requirements of §5.4.8.A

**§4.6.10. Fences and Walls**

Unless otherwise expressly stated, fences and walls shall comply with the following requirements:

**A. Residential Districts**

Maximum height of fences or walls in residential districts shall be as follows:

1. Front yard: 4 feet
2. Side and rear yards: 6 feet

**B. Nonresidential Districts**

Except as otherwise specified, maximum height of fences or walls in nonresidential districts shall be as follows:

**1. Front Yard**

- (a)** H-B, L-I and H-I districts: 8 feet

## §4.6.11 Home Occupations

- (b) LB, C-B and R-O zoning districts: 4 feet

**2. Rear Yard:**

- (a) All nonresidential districts: 8 feet

(Ord. No. 2012-31, 6/8/12)

**§4.6.11. Home Occupations****A. Type A**

Type A home occupations may be approved by the Zoning Administrator as a normal and customary accessory use. (See also §4.6.1)

1. Type A home occupations and all related activities shall be carried on wholly within the principal building or fully enclosed accessory building, and only by a resident of the household.
2. There shall be no advertising by sign or by media, or visible display or storage of materials on premises.
3. Type A home occupations shall not generate more traffic or noise than other uses permitted by right in the same district.

**B. Type B**

Type B home occupations may be approved as a conditional use pursuant to §7.6.

1. Type B home occupations and all related activities shall be carried on wholly within the principal building or fully enclosed accessory building by residents of the principal dwelling, plus up to two persons who are not residents of the principal dwelling.
2. Signage shall be limited to one non-illuminated wall or free-standing sign up to two square feet in area.
3. Type B home occupations shall not generate more traffic or noise than other zoning uses permitted by right or by conditional use in the same district.

**Commentary:** The degree of variation from the residential character of the premises that will result from the home occupation shall be a key factor weighed by the City in granting the Conditional Use Permit required to operate a Type B home occupation.

**C. Prohibited Home Occupations**

The following uses are not permitted as home occupations.

1. Animal hospitals and kennels;
2. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators or any other work related to automobiles and their parts;
3. Bulk storage of flammable liquids;
4. Commercial nursery or truck farm;
5. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;

6. Food handling, processing or packing, other than services that utilize standard home kitchen equipment;
7. Funeral homes and mortuaries;
8. Group instruction;
9. Material or equipment storage businesses;
10. Medical or dental clinics and labs;
11. Restaurant;
12. Retail-oriented uses (See also §10.2.9.F);
13. Tow truck services; and
14. Vehicle or equipment rental.

**§4.6.12. Loading Areas**

All loading areas shall be off-street and shall comply with the requirements of §5.1.8

**§4.6.13. Religious Institutions Accessory Uses****A. Accessory Uses Permitted By Right**

The following accessory uses are permitted by right up to a maximum 3,000 square feet of gross floor area:

1. Offices for the institution;
2. Meeting rooms for intermittent community meetings or instruction;
3. Fellowship hall;
4. Child care center;
5. Kitchen facilities, including “Meals on Wheels” or other similar programs using the kitchen in the place of worship but delivering food elsewhere;
6. Senior center, neighborhood arts center or other community center;
7. Temporary child care during religious services or events;
8. Outdoor play area;
9. School with enrollment less than 50 students;
10. Unlighted athletic field or similar facility;
11. Gymnasium or similar indoor recreational facility;
12. Cemetery and/or columbarium; and
13. Residence for clergy employed by the institution.

The following accessory uses are permitted by right without limitation upon square feet of gross floor area:

14. Rotating Thermal Shelters

(Ord. No. 2012-31, 8/2/12)

## §4.6.14 Small Wind Energy Conversion Systems

**B. Accessory Uses Permitted By Conditional Use Permit**

1. Accessory uses totaling more than 3,000 square feet gross floor area;
2. School with enrollment of 51 or more students; and
3. Lighted athletic field or similar facility.

**§4.6.14. Small Wind Energy Conversion Systems****A. General**

1. Small wind energy systems may be ground-mounted or attached to a building or other structure, except as provided in this section.
2. Only one small wind energy conversion system is allowed per lot, provided that up to three ground-mounted small wind energy conversion systems may be allowed on a single lot if approved through the conditional use process pursuant to §7.6.
3. Multiple small wind energy systems may not be approved on residential district lots of less than 40,000 square feet in area.

**B. Location, Setbacks and Height**

1. Small wind energy conversion systems may not be located in required building setbacks or within drainage, utility or other established easements.
2. No portion of a system may extend on or over a property line.
3. The lowest point of any moving elements, such as blades or vanes, must be at least 20 feet above the ground beneath such feature.
4. All power transmission and telemetry lines from the tower to any building or other structure must be placed underground.
5. Small wind energy conversion systems must comply with the height limits of the underlying district, measured from existing grade to the highest point of the system structure, which includes the tip of the top blade when the blade is in its highest position.

**C. Operational and Performance Standards**

1. Operational noise may not be audible at the property line except during short-term, high wind speed events, such as storms.
2. All systems must be equipped with manual and automatic (mechanical or electrical) over-speed controls to limit the blade rotation speed to within the design limits of the system.
3. The rotating turbine may not produce vibrations that are perceptible to humans standing at ground level outside the property lines of the subject site.
4. Towers, rotors and turbines may not be illuminated unless required by a State or Federal agency, such as the FAA.

**D. Design**

1. Lattice type towers and towers using guy wires are prohibited.

2. All structures and equipment must maintain factory colors or be finished in a non-reflective, matte finished, neutral color.
3. No commercial messages may be placed or painted on the tower, rotor, turbine, generator or tail vane that is legible from off-site. This provision is not intended to prohibit warning signs or manufacturer's logos.
4. All climbing pegs, ladders and similar apparatus on freestanding towers must be located at least 12 feet above the ground at the base of the structure.

**E. Abandonment**

Any wind energy conversion system that is not operated for a continuous period of 12 months or more or that is in an obvious state of disrepair and a threat to public safety will be deemed abandoned and must be dismantled and removed by the property owner.

## **§4.7. TEMPORARY USE STANDARDS**

### **§4.7.1. Purpose and Intent**

There are certain uses that may be permissible on a temporary basis subject to the controls, limitations and regulations of this section. The following sections provide the procedures and criteria used by the Zoning Administrator in reviewing temporary use applications.

### **§4.7.2. Permitted Temporary Uses**

**A. Temporary Uses Allowed by Permit**

No temporary use shall be established unless a temporary use permit is approved pursuant to the provisions of §7.8, except as specifically exempted below. In addition to complying with the approval criteria of §7.8.5, the following uses shall comply with the applicable specific use requirements:

1. Concrete and/or asphalt products, temporary, shall be subject to §4.7.4;
2. Construction offices, temporary, shall be subject to §4.7.5;
3. Outdoor events, temporary, shall be subject to §4.7.6;
4. Peddlers, temporary, subject to §4.7.7;
5. Residential sales offices and model homes, temporary, shall be subject to §4.7.8;
6. Residence, temporary, shall be subject to §4.7.9; and
7. Other uses similar in nature to the ones listed above, with corresponding controls, limitations and regulations, in accordance with §10.2.1.C.

**B. Temporary Uses Exempt from Permit**

Storage pods for storage of household or other goods, temporary, are exempt from permit requirements but shall be subject to §4.7.10.

### **§4.7.3. General Standards**

- A.** No temporary use shall be permitted unless the applicant demonstrates compliance with these standards to the satisfaction of the Zoning Administrator. The Zoning Administrator may impose reasonable conditions on the proposed use to ensure compliance with these standards or other applicable provisions of law.

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§4.7.4 Concrete and/or Asphalt Products, Temporary

- B. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.
- C. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.
- D. Adequate refuse management, security, emergency services and similar necessary facilities and services shall be available for the temporary use, and all necessary sanitary facilities shall be approved by the appropriate health agency.
- E. The site shall be suitable for the proposed use, considering flood hazard, drainage, soils and other conditions which may constitute a danger to life, health or safety.
- F. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.

**§4.7.4. Concrete and/or Asphalt Products, Temporary**

Temporary facilities for manufacturing concrete, asphalt or related products shall comply with the standards of this section. Such uses may be located in any zoning district where they are directly associated with construction in the area. Retail sales of such products shall be prohibited in conjunction with temporary plants. The production site must be returned to its pre-construction state following completion of the associated project.

**§4.7.5. Construction Offices, Temporary**

An industrialized building may be used as a temporary office, security shelter, or shelter for materials or tools necessary for construction on or development of the premises upon which the temporary office is located. Such use shall be strictly limited to the time construction or development is actively underway.

**§4.7.6. Outdoor Events, Temporary**

Temporary outdoor events, including but not limited to carnivals, circuses, festivals, fairs, dog shows, horse shows, outdoor retail sales events, fireworks shows, tent revivals and similar events, regardless of whether or not admission is charged, may be permitted subject to the following standards:

- A. A temporary use permit for such activities shall be issued for not more than ten consecutive days, in any six month period.
- B. No such activity shall be located closer than 300 feet to a residential use, without the approval of City Council. This provision shall not apply to City-sanctioned/sponsored events.
- C. Adequate provisions must be made for parking, and safe ingress and egress must be provided.
- D. Night operations shall be permitted only if there is a lighting plan which provides for safe lighting without excessive glare into residential areas or streets.
- E. Signs for temporary outdoor events shall comply with §5.6.

**§4.7.7. Peddlers, Temporary**

Temporary peddlers, including but not limited to the sale of food, beverage or other products from a stationary location without permanent facilities and itinerant merchants, may be permitted subject to the following standards:



## §4.7.8 Residential Sales Office and Model Homes, Temporary

- A. A temporary permit for such activities shall be issued for not more than 45 consecutive days, in any six month period;
- B. Adequate provisions must be made for parking, and safe ingress and egress must be provided;
- C. Night operations shall be permitted only if there is a lighting plan which provides for safe lighting without excessive glare into residential areas or streets; and
- D. Signs for temporary peddlers shall comply with §5.6.

**§4.7.8. Residential Sales Office and Model Homes, Temporary**

- A. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development. Such offices and homes shall be removed or converted to a use permitted within the district when certificates of occupancy have been issued to 80 percent of the associated residential units or when use as a sales office or model home has ceased.
- B. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased. Upon sale the home shall comply with the applicable residential parking standards at that time.

**§4.7.9. Residence, Temporary**

No recreational vehicle, trailer, tent, garage, barn or other similar vehicle or building erected on any lot shall be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted for more than ten consecutive days.

**§4.7.10. Storage Pods, Temporary**

Storage pods for off-site storage of household or other goods located in a yard are permitted for a maximum of 30 consecutive days.



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## §5.1. PARKING AND LOADING

### §5.1.1. Purpose

The regulations of this section are in rough proportion to the generalized parking and transportation demands of different land uses. By requiring such facilities, it is the intent of this section to help avoid the negative impacts associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design impacts that can result from parking lots and other vehicular use areas. The provisions of this section are also intended to help protect the public health, safety, and general welfare by:

- A. Helping avoid and mitigate traffic congestion;
- B. Encouraging multi-modal transportation options and enhanced pedestrian safety;
- C. Providing methods to reduce the amount of impervious surfaces in parking areas and adequate drainage structures in order to reduce the environmental impacts of storm water runoff;
- D. Encouraging paving or alternate means of surfacing of parking areas in order to address dust abatement and improve air quality; and
- E. Providing flexible methods for responding to the transportation and access demands of various land uses in different areas of the city.

### §5.1.2. Applicability

#### A. General

The parking and loading requirements of this section apply to all districts and all uses within the city of Waynesboro.

#### B. New Development

Unless otherwise expressly stated, parking and loading requirements shall apply to all new uses established and all new structures constructed.

#### C. Enlargements and Expansions

Unless otherwise expressly stated,

1. The parking and loading standards of this section apply when an existing building or use is:
  - (a) Enlarged or expanded to include additional dwelling units; or

(b) Enlarged by ten percent or 2,000 square feet, whichever is less.

2. In the case of enlargements or expansions triggering requirements for additional parking, additional parking spaces are required only to serve the enlarged or expanded area, not the entire building or use.

**Commentary:** There is no requirement to address lawfully existing parking deficits in conjunction with enlargements or expansions.

#### D. Change of Use

Unless otherwise expressly stated,

1. When the use of property changes, additional parking facilities must be provided to serve the new use only when the number of parking spaces required for the new use exceeds the number of spaces required for the lawful use that most recently occupied the building, based on the standards of this section.

**Commentary:** "Credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Chapter, regardless of whether such spaces are actually provided.

2. When the number of parking spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the property, additional parking spaces are required only to make up the difference between the amount of parking required for the previous use and the amount of parking required for the new use, based on the standards of this section.

### §5.1.3. Parking Requirements

#### A. Minimum Requirements

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the parking ratio requirements of §5.1.3.C.

#### B. Maximum Requirements

Nonresidential uses requiring 50 or more parking spaces may not provide more than 110 percent of the minimum number of spaces required under the parking ratio requirements of §5.1.3.C, below. However, this maximum shall not apply to parcels that are located in H-B Districts that are not in the Corridor Overlay District.

**Commentary:** Parking spaces may not exceed minimum requirements by more than ten percent.

#### C. Calculations

The following rules apply when calculating the required number of parking spaces:

##### 1. Multiple Uses

Unless otherwise expressly stated, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses. Where exact future tenants are unknown, the Zoning Administrator may establish overall parking requirements pursuant to §5.1.3.C.

##### 2. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than  $\frac{1}{2}$  is rounded down to the next lower whole number, and any fraction of  $\frac{1}{2}$  or more is rounded up to the next higher whole number.

## §5.1.3 Parking Requirements

**3. Area Measurements**

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area (GFA).

**4. Occupancy - or Capacity-Based Standards**

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

**5. Unlisted Uses**

Upon receiving a development application for a use not specifically listed in §10.2.1.C, the Zoning Administrator is authorized to apply the parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a different minimum parking requirement on the basis of parking data provided by the applicant and the planning department.

**D. Exception for C-B District**

The requirements of this §5.1.3 do not apply in the C-B district, except for the maximum requirements as established in Section 5-3.B.

**E. Parking Ratio Requirements**

USE CATEGORIES	USE TYPES	GENERAL REQUIREMENT
<b>RESIDENTIAL USES (SEE §10.2.7)</b>		
Household living (See §10.2.7.A)	All household living not listed below	2 spaces per unit
	Corner lot duplexes, multiplexes, multifamily building or upper-story residential	1.5 spaces per efficiency or one bedroom unit 2 spaces per 2 or more bedroom units
Group living (See §10.2.7.B)	All group living uses not listed below	1 space per bedroom
	Group homes/other	1 space per 2 beds
	Nursing or convalescent home	1 space per 5 beds
	Residential assisted living facility not having individual dwelling units	1 space per 4 beds
<b>PUBLIC AND CIVIC USES (SEE §10.2.8)</b>		
Community service (See §10.2.8.A)	Civic clubs or community centers	15 spaces, plus one space for each 200 GFA
	Libraries or museums	15 spaces, plus one space for each 200 GFA
Day care (See §10.2.8.B)	All day care	1 space per employee
Educational facilities (See §10.2.8.C)	All educational facilities	1 space per 4 seats in main assembly area, but not less than 5 per classroom
Government facilities (See §10.2.8.D)	All government facilities	1 per 250 SF
Medical facilities (See §10.2.8.E)	Hospitals	1 space per 2 beds
	Medical or dental clinics	1 space per 250 SF

USE CATEGORIES	USE TYPES	GENERAL REQUIREMENT
Parks and open space (See §10.2.8.F)	All parks and open space uses not listed below	Determined by Zoning Administrator per §5.1.9
	Country clubs or golf courses	1 space per 5 members
Passenger terminals and services (See §10.2.8.G)	All passenger terminals and services not listed below	Determined by Zoning Administrator per §5.1.9
	Airports or heliports	1 space per 400 feet passenger terminal area
Religious institution (See §10.2.8.H)	All religious institutions	1 space per 8 seats in main assembly area
Utilities, minor (See §10.2.8.J)	All minor utilities	None
Utilities, major (See §10.2.8.J)	All major utilities	1 space per 1,000 SF
<b>COMMERCIAL USES (SEE §10.2.9)</b>		
Eating establishments (See §10.2.9.A)	Coffee shops	1 space per 100 GFA
	Fast food without drive-through	1 space per 100 GFA
	Restaurants with drive-through	1 space per 100 GFA
	Restaurants, limited	1 space per 100 GFA
	Restaurant and bar	1 space per 100 GFA
Entertainment, indoor (See §10.2.9.B)	Adult uses	1 space per 100 GFA
	Bars or nightclubs	1 space per 100 GFA
	Bowling alleys	4 spaces per lane
	Exhibition hall	5 spaces per 100 GFA
	Firing ranges, indoor	1 space per 100 GFA
	Pool halls	1 space per 100 GFA
	Theaters or auditoriums	1 space per 4 seats
	Membership clubs or lodges	1 space per 200 SF, plus 1 per 4 employees
Entertainment, outdoor (See §10.2.9.B)	Arenas and stadiums	1 space per 4 seats
	Fairgrounds	Determined by Zoning Administrator per §5.1.9
	Driving ranges	1 space per tee box
	Stables or equestrian facilities	Determined by Zoning Administrator per §5.1.9
Offices (See §10.2.9.C)	All office uses not listed below	1 space per 400 GFA
	Bank or financial institution	1 space per 250 GFA
	Radio or television studio	Determined by Zoning Administrator per §5.1.9
Overnight accommodations (See §10.2.9.D)	All overnight accommodations uses not listed below	1 space per bedroom
	Hotels and motels, Inns	1 space per room, plus 1 space per 200 SF conference or restaurant area
Parking, commercial (See §10.2.9.E)	All commercial parking	Determined by Zoning Administrator per §5.1.9
Retail sales and service, sales-oriented (See §10.2.9.F)	All retail sales and service, sales oriented except as listed below	1 space per 250 GFA
	Artist studios or galleries	1 space per 400 GFA
	Building supply and lumber	1 space per 300 GFA
	Flea market or auction	5 spaces per 100 GFA

0 (Ord. No. 2012-31, 6/8/12)

USE CATEGORIES	USE TYPES	GENERAL REQUIREMENT
Retail sales and service, personal-service oriented (See §10.2.9.F)	All retail sales and service, personal service oriented not listed below	1 space per 200 GFA
	Mortuaries or funeral homes	1 space per 50 square feet of floor space in funeral service rooms
Retail sales and service, repair-oriented (See §10.2.9.F)	All retail sales and service, repair-oriented	1 space per 200 GFA
Self-service storage (See §10.2.9.G)	All self-service storage	5 spaces, plus 1 space per 100 storage units
Vehicle sales and service (See §10.2.9.H)	All vehicle sales and service not listed	1 space per 200 GFA, plus 3 spaces per service bay
	Full-service, mini-service fuel stations	1 space per 200 GFA
	Vehicle service, full or limited	3 spaces per service bay
	Vehicle sales and rental	1 space per 500 GFA
<b>INDUSTRIAL USES (SEE §10.2.10)</b>		
Light industrial service (See §10.2.10.A)	All light industrial service uses not listed below	1 space per 1,000 GFA
	Building, heating, plumbing or electrical contractors	1 space per 200 GFA
	Printing, publishing and lithography	1 space per 200 GFA
Warehouse and freight movement (See §10.2.10.B)	All warehouse and freight movement uses	1 space per 1,000 GFA
Waste-related service (See §10.2.10.C)	All waste service	1 space per 500 SF of GFA + 1 space per 5,000 SF of outside storage area
Wholesale trade (See §10.2.10.D)	All wholesale trade uses	1 space per 1,000 GFA
Heavy industrial (See §10.2.10.E)	All heavy industrial uses	1 space per 1,000 GFA
<b>OTHER USES (SEE §10.2.11)</b>		
Agriculture (See §10.2.11.A)	All agriculture uses not listed below	Determined by Zoning Administrator per §5.1.9
	Greenhouse or nursery	1 space per 200 GFA

(Ord. No. 2012-31, 6/8/12)

(Ord. No. 2017-43, 10/5/17)

#### §5.1.4. Location of Parking

- A. Except as otherwise specified, required parking spaces must be located off-street and on the same lot as the building or use they are required to serve.
- B. All or a portion of required parking may be provided off-site, in accordance with the provisions of this section.

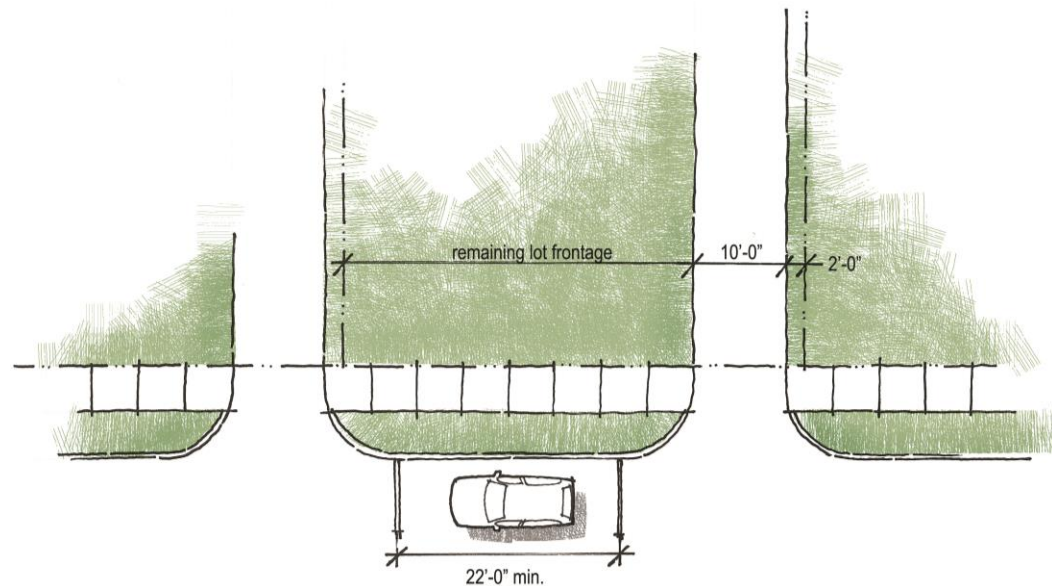


- C. Any off-site parking space must be located within 300 feet walking distance of the shared parking area, measured between the entrance of the use to be served and the outer perimeter of the furthest parking space within the shared parking lot. (See also §5.1.4.G)
- D. Sites utilized for required parking spaces for commercial or industrial uses shall be in nonresidential districts.
- E. Parking space location must be owned or under legal control of the same property where building or use requiring parking spaces is located. Off-site parking areas may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this section.

Commentary: See also §5.1.5.A.

#### F. Street Parking

Any complete parking space located in a public right-of-way that immediately abuts a lot(s) of record shall count towards the minimum parking requirements of §5.1.3.E for the uses on such abutting lot(s). For purposes of this section, “complete parking space” shall be a minimum of 22 feet long and subject to determination by the City Engineer that the space meets all applicable minimum safety and design standards, e.g. site distance, minimum separation from intersections and entrances.



#### G. Shared Parking

##### 1. Purpose

Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

## §5.1.4 Location of Parking

**2. General**

The Zoning Administrator may approve shared parking facilities, subject to the following standards:

**(a) Eligible Uses**

Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both.

**(b) Ineligible Uses**

Accessible parking spaces (for persons with disabilities) may not be shared and must be located on-site.

**(c) Location**

Shared parking spaces shall be located within 300 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

**(d) Zoning Classification**

Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

**(e) Temporary Uses**

Up to ten percent of required parking spaces for any use may be used jointly by a temporary commercial use.

**(f) Shared Parking Study**

Applicants wishing to use shared parking as a means of satisfying parking requirements shall submit a shared parking analysis to the Zoning Administrator that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Zoning Administrator and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.

**(g) Agreement**

Applicants must provide a shared parking agreement executed by the parties establishing the shared parking spaces. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required by this section.

**3. Shared Parking for Different Categories of Uses**

A use may share parking with a different category of use according to only one of the following subsections:

**(a) Office Use and Retail Sales-Oriented Use**

If an office use and a retail sales-oriented use share parking, the parking requirement for the retail sales-related use may be reduced by up to 20 percent,

provided that the reduction does not exceed the minimum parking requirement for the office use.

**(b) Residential Use and Retail Sales-Oriented Use**

If a residential use shares parking with a retail sales-related use (expressly excluding lodging uses, eating and drinking establishments and entertainment-related uses), the parking requirement for the residential use may be reduced by up to 30 percent, provided that the reduction does not exceed the minimum parking requirement for the retail sales-related use.

**(c) Residential Use and Office Uses**

If a residential use and an office use share parking, the parking requirement for the residential use may be reduced by up to 50 percent, provided that the reduction does not exceed the minimum parking requirement for the office use.

**4. Shared Parking for Uses with Different Hours Of Operation**

**(a) For the purposes of this section, the following uses are considered daytime uses:**

- (1)** Customer service and administrative offices;
- (2)** Retail sales uses, except eating and drinking establishments, lodging uses, and entertainment-related uses;
- (3)** Warehousing, wholesaling, and freight movement uses;
- (4)** Manufacturing, production and industrial service uses; and
- (5)** Other similar primarily daytime uses, as determined by the Zoning Administrator.

**(b) For the purposes of this section, the following uses are considered nighttime or Sunday uses:**

- (1)** Auditoriums accessory to public or private schools;
- (2)** Religious assembly uses;
- (3)** Entertainment-related uses, such as theaters, bowling alleys, and dance halls; and
- (4)** Other similar primarily nighttime or Sunday uses, as determined by the Zoning Administrator.

**(c) Up to 90 percent of the parking required by this section for a daytime use may be supplied by the parking provided for a nighttime or Sunday use and vice-versa, when authorized by the Zoning Administrator.**

**(d) The applicant must show that there is no substantial conflict in the principal operating hours of the uses for which shared parking is proposed.**

(Ord. No. 2012-31, 6/8/12)

**§5.1.5. Parking Area Design**

All parking and loading spaces shall be provided with safe and convenient access to a public street and be subject to the site plan review procedures of §7.7.

## §5.1.5 Parking Area Design

**A. Dimensions and Access**

1. Each parking stall shall be striped.
2. Each parking space and the maneuvering area thereto shall be located entirely within the boundaries of the site.
3. All parking spaces and aisles shall comply with the following minimum requirements.

Parking Space and Aisle Dimensions					
Angle (degrees)	Width of Stall (feet)	Depth of Stall 90 Degrees to Aisle (feet)	Width of Aisle (feet)		Width of Stall Parallel to Aisle (feet)
			One-way	Two-way	
45	9 feet	21.1 feet	13 feet	20 feet	12.7 feet
45	10 feet	21.1 feet	13 feet	20 feet	14.1 feet
60	9 feet	22.3 feet	15 feet	--	10.4 feet
60	10 feet	22.3 feet	14 feet	--	11.6 feet
90	9 feet	18 feet	--	24 feet	9 feet
90	10 feet	18 feet	--	22 feet	10 feet
Parallel	9 feet	9 feet (width)	13 feet	24 feet	22 feet

**Commentary:** The table above provides minimum standards for two parking stall width options, nine-foot wide spaces and ten-foot wide spaces.

- (a) Parking spaces (90 degree only) that abut a landscape island may be reduced in length to 16 feet provided that the island is a minimum of four feet in depth and protected by wheel stops or curb.
- (b) Parking spaces (90 degree only) that abut a sidewalk adjacent to a building may be reduced in length to 16 feet provided that the sidewalk is a minimum of six feet in width.
- (c) The width of the alley may be assumed to be a portion of the maneuvering space requirement for parking facilities located adjacent to a public alley.
- (d) In no event shall pavement be located within six feet of a right-of-way, unless the pavement is part of an entrance driveway.
- (e) Grades within parking lots shall not exceed six percent.
- (f) Tandem parking for up to one space in the driveway in front of a garage shall be permitted and count toward required parking.
- (g) For single family detached, single family attached, zero lot line houses, two family duplexes and corner lot duplexes, the maximum width of impervious vehicular travel ways and parking areas located within the required front yard setback shall not exceed 25% of the lot width.

**Commentary:** See also the more restrictive use standards for multiplexes (§4.2.2) multifamily buildings (§4.2.3), and townhouses (§4.2.5). For more information regarding required yards or “setbacks”, see §1.13.5.

#### 4. Surfacing

##### (a) Surfacing Required

Except as provided below, where off-street facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt bituminous, concrete or dustless material approved by the Zoning Administrator and shall be maintained in a smooth, well-graded condition.

##### (b) Grass Lawn Parking

- (1) Grass lawn or other pervious parking surfaces may be permitted for specific uses as set forth below, provided they are approved by the Zoning Administrator.
- (2) Where provided, such alternative parking surfaces shall be maintained in a smooth, well-graded condition. If parking demand causes the grass or lawn to be damaged or destroyed to the extent that it ceases to grow, then paving of such an area in accordance with this section may be required.
- (3) All driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn for uses which require parking on an average of less than twelve days per month; for schools, churches, parks and playgrounds, ball fields, football and baseball stadiums, fairgrounds and other similar outdoor recreation areas.



#### 5. Wheel Stops

Wheel stops, curbing or other barriers shall be provided to prevent potential conflicts between pedestrians and landscaping by vehicles.

#### 6. Landscaping Requirements

See §5.4.7.

### B. Use of Parking Areas

#### 1. General

- (a) Required parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.
- (b) Required parking spaces may not be used for the display of goods for sale or lease or for storage of building materials.
- (c) Required parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Parking spaces that are required by this Chapter must be maintained for the life of the principal use.
- (d) No motor vehicle repair work of any kind is permitted in a required parking space. This provision shall not be applicable to single-family detached dwelling units.

## §5.1.5 Parking Area Design

**2. Trash Receptacles and Service Areas**

- (a) Trash receptacles, trash compaction, recycling collection, grease collection and other similar service areas may be located in parking area but shall not reduce applicable parking requirements.
- (b) Trash receptacles, trash compaction, recycling collection, grease collection and other similar service areas must be screened in accordance with §5.4.8.E.
- (c) Trash receptacles and service areas may not be located in the front or street side setback area.
- (d) A concrete pad shall extend in front of each dumpster so that the front wheels of a truck servicing the dumpster shall rest on the pad no less than eight feet in front of the dumpster.
- (e) Concrete pads for trash and recycling pads shall be sloped to a central drain with a strainer that is connected to the sanitary sewer service. The purpose of this drain is to allow for the capture of runoff generated during the cleaning of the pad. The drain shall be constructed so that it can be plugged at all other times.
- (f) Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing excessive amounts of grease, flammable wastes, sand or other harmful substances when deemed necessary by the Director of Public Works. All interceptors shall be easily accessible for cleaning and inspection and shall be of a type and capacity approved by the Director of Public Works. Installation of an interceptor shall also require a separate manhole to be installed on the City's sewer main. Such interceptors shall not be required for private living quarters or dwelling units.

**C. Accessible Parking (For People with Disabilities)**

- 1. All parking spaces reserved for the disabled on public property or in privately owned parking areas open to the public shall be identified by above-grade signs and otherwise marked and signed as required by State law.
- 2. Requirements as to number and dimension of such parking spaces reserved for the disabled shall comply with all applicable State and Federal laws.
- 3. Failure of the owner of such privately owned parking areas to comply with this section shall constitute a violation of this Chapter under Article 9.
- 4. All disabled parking signs shall include the following language: PENALTY, \$100--500 Fine, TOW AWAY ZONE. Such language may be placed on a separate sign and attached below existing above-grade disabled parking signs, provided that the bottom edge of the attached sign is no lower than four feet above the parking surface.

(Ord. No. 2012-31, 6/8/12)

**§5.1.6. Stacking Requirements**

The following vehicle stacking standards shall apply unless otherwise expressly approved by the Zoning Administrator. The Zoning Administrator may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

**A. Minimum Number of Spaces**

Off-street stacking spaces shall be provided as follows:

Off-street Stacking Space Requirements		
Facility or use	Minimum Spaces	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window
Car lubrication stall	2	Entrance to stall
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, hand-operated	3	Entrance to wash bay
Child care drop off	3	Passenger loading area
Gasoline pump island	2	Pump island
Parking area, controlled entrance	4	Key code box
Restaurant drive-through	6	Order box
Restaurant drive-through	4	Order box to pick-up window
Valet parking	3	Valet stand
School drop-off (public and private)	Determined by Zoning Administrator	
Other	Determined by Zoning Administrator	

**B. Design and Layout**

Required stacking spaces are subject to the following design and layout standards:

**1. Dimensions**

Stacking spaces shall be a minimum of eight feet by 20 feet in size.

**2. Location**

Stacking spaces shall not impede on- or off-site traffic movements, or movements into or out of parking spaces.

**3. Design**

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Zoning Administrator for traffic movement and safety.

(Ord. No. 2012-31, 6/8/12)

**§5.1.7. Bicycle Parking Requirements****A. General**

This section establishes requirements for bicycle parking and storage facilities.

These requirements apply regardless of any motor vehicle parking exemptions or reductions.

**B. Spaces Required**

Bicycle parking requirements are based in part on the parking ratio requirements of §5.1.3.C. The minimum number of bicycle spaces to be provided shall be determined from the following table:

## §5.1.8 Off-Street Loading Requirements

Ratio of Required Parking Spaces To Bicycle Spaces	
Use	Spaces Required
1-40	2
41-60	3
61-80	4
81-100	5
Over 100	6 plus 1 for each 20 parking spaces over 100, provided that the maximum number of required bicycle spaces shall not exceed 20.

**C. Bicycle Parking Space Design and Location****1. General**

Required bicycle parking spaces must:

- (a) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;
- (b) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
- (c) Allow both the bicycle frame and the wheel to be locked in an upright position;
- (d) Be designed so as not to cause damage to the bicycle;
- (e) Facilitate easy locking without interference from or to adjacent bicycles; and
- (f) Be in highly visible, active, well-illuminated areas that do not interfere with pedestrian movements.

**2. Location**

Bicycle parking shall be located so as to not conflict with automobile or pedestrian traffic and be within 100 feet of a customer entrance.

**3. Size**

All required short-term bicycle parking spaces must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

**§5.1.8. Off-Street Loading Requirements****A. Loading Facilities Required**

- 1. Off-street loading spaces shall be required for uses that regularly handle or receive the shipment of goods, except in the C-B district.
- 2. Large quantities of goods at the rate of one loading space for each 10,000 square feet, or fraction thereof, and shall be of sufficient quantity to adequately serve the proposed use.
- 3. Vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate that an adequate on-site area exists for the loading and unloading of such trucks.
- 4. Any convenience store or similar use requiring deliveries by truck shall demonstrate that an adequate on-site area exists for the loading and unloading of such trucks.

**B. Design and Layout**

- 1. Loading and unloading activity shall not be permitted in any public right-of-way. In no case shall loading and unloading activity encroach on or interfere with the public



use of streets, sidewalks, and lanes by automotive vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. Where off-street loading facilities are provided, they shall be not less than 12 feet in width by 35 feet in length, with not less than 14 feet of vertical clearance.
3. Hours of loading and unloading operation adjacent to ground floor residential uses shall be limited between the hours of 6:30am and 10:00pm. Loading docks shall be signed to indicate "no idling."

**C. Screening**

All loading areas shall be screened in accordance with §5.4.8.

**§5.1.9. Alternative Compliance**

The Zoning Administrator is authorized to approve other alternatives to strict compliance with the parking and loading requirements of this section if the Site Review Team finds, based on evidence provided by the applicant that the proposed plan will:

- A. Not adversely affect surrounding neighborhoods and uses;
- B. Not adversely affect traffic congestion and circulation; and
- C. Be at least as effective as strict compliance with the requirements of this section in meeting the purpose of this §5.1.

(Ord. No. 2012-31, 6/8/12)

## **§5.2. ACCESS MANAGEMENT**

**§5.2.1. Access Required**

**A. Minimum Improved Street Frontage**

1. Except as otherwise stated, no principal building, structure or use may be erected or established on any lot which does not abut on a street constructed to the standards of the City and dedicated as a public street to the City or the State (See also City Code, Chapter 74, Subdivision Regulations).
2. All street frontage adjacent to building sites shall be improved to City standards across the entire frontage of the parcel.

**B. Technical Review**

All driveways and access roadways are subject to the approval of the Zoning Administrator and/or the City Engineer and compliance with other applicable requirements of this Chapter.

**C. Exceptions**

1. Multiplexes, townhouses and multifamily buildings with frontage on a private street may be allowed by Conditional Use Permit in accordance with §7.6. (See also §4.2). For all other uses, the Zoning Administrator may authorize, in specific situations, the erection or establishment of a principal building, structure, or use on a lot not meeting these requirements:
  - (a) if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, and there are special circumstances; or

## §5.2.2 Curb Cuts

- (b) an available traffic engineering study justifies such modification.
- 2. Approved modifications shall be the minimum necessary to serve the needs of the proposed development and minimize the impact on the adjacent street.
- 3. In the case of a nonresidential use, that an easement has been recorded guaranteeing accessibility unless the application of these requirements to the proposed use not feasible or undesirable.

(Ord. No. 2012-31, 6/8/12)

**§5.2.2. Curb Cuts**

All curb cuts shall be in accordance with City standards and specifications.

**A. Residential****1. Location**

No residential curb cut shall be located:

- (a) within five feet, at the curb line, from the line of the adjacent property; or
- (b) within 25 feet of the corner of a street intersection.

**2. Maximum Width**

Maximum width of residential curb cuts shall be as follows:

- (a) Curb cuts serving multifamily buildings or townhouse development: 24 feet, excluding landscaped center medians
- (b) Curb cuts serving all other residential uses: 15 feet

**B. Nonresidential**

The location and design of nonresidential curb cut shall comply with the following standards, except as otherwise required by the City Engineer.

**1. Spacing**

- (a) Unless lot dimensions preclude such spacing, minimum spacing between curb cuts shall depend upon the adjacent street design speed and shall be as follows:

Minimum Curb Cut Spacing	
Street Design Speed	Minimum Spacing Standard
Under 30 mph	125 feet
30-39 mph	200 feet
40-49 mph	325 feet
50 mph and above	450 feet

- (b) Spacing shall be measured from curb cut centerline to the centerline of the adjacent or facing curb cut.
- (c) No curb cut shall be located within 50 feet of any street intersection.
- (d) No curb cut shall be located within 200 feet of an intersection involving at least one arterial street. If the frontage width of a development site is insufficient to comply with this requirement, the curb cut shall be situated as far as practicable from the intersection.
- (e) Curb cuts on the same site shall be not less than 200 feet apart.

- (f) Curb cuts facing one another across from a street shall be aligned so that:
  - (1) Their centerlines are not more than two feet apart; or
  - (2) Their centerlines are not less than 200 feet apart.
- (g) These requirements shall not apply to median-divided streets.

## 2. Width

Curb cuts shall not be more than 35 feet in width, excluding landscaped center medians.

### §5.2.3. Cross-Access

#### A. Description and Purpose

Cross-access refers to providing vehicular access between two or more contiguous sites so that motorists do not need to re-enter the public street system to gain access to abutting nonresidential sites. Cross-access between abutting properties reduces vehicular conflicts between motorists on the street and motorists entering and leaving driveways. Reduced traffic conflicts result in fewer accidents and improved traffic flow on the public street network, promoting the public health, safety and welfare.

#### B. Requirements

Vehicular access shall be required between abutting lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots, except where topography or other physical conditions make such access unreasonable. The location and dimensions of such easement shall be determined by the Zoning Administrator.

**Commentary:** Cross-access between parking lots is about public safety and convenience, not owner preference. It is intended to minimize vehicular movements in and out of the public right-of-way.

### §5.2.4. Setbacks and Intersection Visibility (Safe Sight Triangle)

On any lot, a safe sight triangle shall be maintained in accordance with VDOT standards, except as otherwise required by the City Engineer.

(Ord. No. 2012-31, 6/8/12)

## §5.3. BICYCLE AND PEDESTRIAN FACILITIES

### §5.3.1. Applicability

- A. All new development shall provide pedestrian facilities and pedestrian access in accordance with the requirements of this section.
- B. Buildings and structures lawfully existing as of the effective date of this Chapter may be redeveloped, renovated or repaired without providing pedestrian facilities in conformance with this section, provided there is no increase in gross floor area in such building or structure or ten percent increase in impervious area on the site.

### §5.3.2. Types of Pedestrian Facilities

#### A. Sidewalks

Sidewalks are any strip or section of concrete or such other materials that provide an appropriate surface of the required minimum in width, typically located adjacent and parallel

## §5.3.3 Sidewalk Standards

to vehicle roadways, intended for use as a walkway for pedestrians. Sidewalks are located within a dedicated road right-of-way or public easement not less than 15 feet in width.

**B. Accessways**

Accessways are strips or sections of concrete, stone or such other materials that provide an appropriate surface a minimum of four feet in width, not typically located adjacent to vehicle roadways, which provide pedestrian and non-motorized access to a property. Accessways are located within a dedicated public easement not less than 15 feet in width.

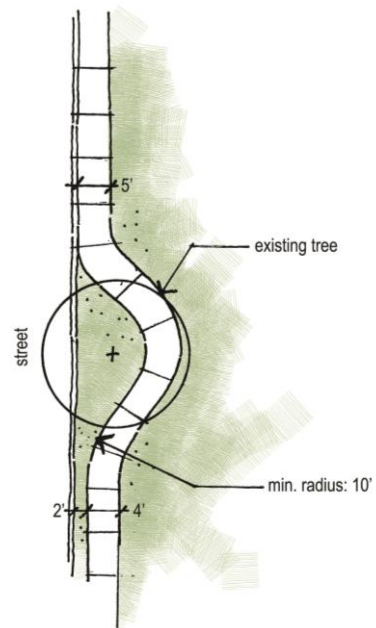
**C. Multi-Use Paths**

Multi-use paths are strips or sections of asphalt, concrete, stone or such other materials that provide an appropriate surface a minimum of eight feet in width, not typically located adjacent to vehicle roadways, which provide pedestrian and non-motorized access to a property. Multi-use paths are located within a dedicated public easement not less than 15 feet in width.

**§5.3.3. Sidewalk Standards**

Sidewalks shall be placed within the right-of-way adjacent to the building lot or parcel as determined by the Zoning Administrator and as specified below.

- A.** Sidewalks shall be required on both sides of all arterial and collector streets.
- B.** Sidewalks shall be required along one or both sides of local streets.
- C.** The Zoning Administrator may review each development and site plan on its own merits to determine whether additional sidewalks will be required based on anticipated pedestrian demand in the area.
- D.** Where sidewalks are required, the subdivider shall construct all sidewalks according to one of the following placement alternatives:
  - 1.** Sidewalks shall be placed against the back of curb and have a minimum paved width of five feet; or
  - 2.** Sidewalks shall be placed such that a minimum two foot green space is maintained between the back of curb and the inside edge of the sidewalk; sidewalk paved width shall be a minimum of four feet for this placement; or
  - 3.** Sidewalks shall be placed in a variation of the above location and/or width alternatives that provides the same level of service.
- E.** Where a combination or variation from the three placement methods described in subsection D, above, is necessary or desired; or where an obstruction is located within the paved area, the following criteria must be satisfied.
  - 1.** All radii in the transition section must be a minimum of ten feet.
  - 2.** All transition sections must be approved by the Zoning Administrator.



- F. In order to provide safe and adequate access on sidewalks, all sidewalks shall comply with minimum clear width requirements around all obstructions, natural or manmade.
- G. All sidewalks must be constructed concurrently with the street or, if the street is already constructed, prior to acceptance of any improvements adjacent to such street.

**§5.3.4. Accessways**

Accessways shall be provided in blocks over 800 feet in length and at the end of cul-de-sacs that abut an existing or future school, park, greenway, trail, bikeway or street.

**§5.3.5. Trails**

Trails shall be provided in accordance with adopted plans.

## **§5.4. LANDSCAPING**

### **§5.4.1. Purpose**

The standards of this section provide for the preservation of existing vegetation and for the installation and maintenance of new vegetation and other landscape architectural features. The purpose of these standards is to:

- A.** Improve property and community appearance without compromising community safety, including minimization of the offsite visual impact of extensive land disturbance;
- B.** Allow for the ecological benefits provided by plant materials, including protection of land from unnecessary erosion and watercourse sedimentation, reduction of stormwater runoff, improvement of air quality, and provision of wildlife habitat;
- C.** Reduce the urban heat island effect;
- D.** Enhance the beauty of the built environment; and
- E.** Enhance the privacy and welfare of citizens by separating incompatible land uses.

### **§5.4.2. Applicability**

Unless otherwise expressly stated:

- A.** Development for which major site plan approval is required (See §7.7) shall comply with all requirements of this section; and
- B.** Development for which a minor site plan approval is required need only comply with the buffer requirements (§5.4.5), street tree requirements (§5.4.6) and screening requirements (§5.4.8).

### **§5.4.3. General Provisions**

#### **A. Protection of Existing Vegetation**

##### **1. Credit for Existing Plant Material**

##### **(a) Credit for Existing Plant Material**

- (1)** Credit for existing plant material above the minimum planting size shall be allocated on a two-for-one basis for canopy trees, understory trees or shrubs. Credit for existing plant material below the minimum planting size shall be allocated on a one-for-one basis, subject to the approval of the Zoning Administrator.
- (2)** Required planting areas shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area, approval shall be obtained from the City. Where existing vegetation is inadequate to comply with the required planting standards, additional plant material shall be required.
- (3)** The retention of existing vegetation shall be maximized within proposed planting areas. Existing native habitat or vegetation located within planting area that meets the minimum requirements of this section may be counted. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.

- (4) Credit may be permitted for existing plant material and walls on adjacent property, provided such items are in a permanently protected area, including, but not limited to:
  - (i) A conservation easement or preserve area on adjacent property; or
  - (ii) An existing utility or drainage easement exceeding 100 feet in width.

## 2. Tree Protection During Construction

Existing trees specified on the landscape plan to remain on the site shall be protected from vehicular movement and material storage over their root spaces during construction. An undisturbed area with a porous surface shall be reserved around a tree, based on diameter at breast height (DBH) of the tree as follows, and with no protective distance less than four feet from the base of the tree.

Tree Protection During Construction	
Minimum Trunk Diameter at Breast Height (DBH)	Area Required
4-10 inches	80 SF
11-16 inches	180 SF
17-20 inches	320 SF
21 inches or more	340 SF

## B. Installation

### 1. Plant Materials

Specific plant materials shall be subject to the approval of the Zoning Administrator. All plant material shall comply with or exceed size and shape relationships specified in the latest edition of The American Standard for Nursery Stock published by the American Association of Nurserymen.

### 2. Trees

#### (a) Canopy Trees

- (1) Canopy trees shall have a minimum size of two-inch caliper and six feet in height at time of planting.
- (2) Canopy trees shall be planted at least 18 feet apart.

#### (b) Deciduous Understory Trees

- (1) Deciduous understory trees with single stems shall have a minimum size of one-inch caliper and a minimum height of eight feet at the time of planting.
- (2) Multi-stemmed deciduous understory trees shall have a minimum height of eight feet at the time of planting.
- (3) Deciduous understory trees shall be planted at least 12 feet apart.

#### (c) Evergreen Understory Trees

Evergreen understory trees shall have a minimum height of six feet at the time of planting.

#### (d) Mixing Of Tree Species

A mix of species shall be provided.

## §5.4.3 General Provisions

**3. Shrubs**

Shrubs shall be at least one gallon container size and one foot in height.

**4. Soils**

Planting areas shall have un-compacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or roadbase fill shall be removed.

**5. Issuance of Certificate of Occupancy**

- (a) A permanent certificate of occupancy shall not be approved until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this section.
- (b) A temporary certificate of occupancy may be issued for a period of 30 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Zoning Administrator.

**C. Maintenance Requirements****1. Responsibility**

The responsibility for maintenance of a planted area shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a planted area.

**2. Easements**

Where such trees and shrubs are planted in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal. In buffer plantings below overhead utility lines, understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree.

**3. Maintenance**

- (a) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- (b) Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as “lollipoping” or “meatballing” that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of this Chapter. Additional plant material shall be required to replace or supplement the damaged plant material.
- (c) Dead or diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason, and shall comply with all minimum standards and conform to these regulations.
- (d) Natural water courses shall be maintained in a natural condition.



## §5.4.4 Site Landscaping Requirements

- (e) A water source shall be supplied within 50 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated, an irrigation system shall be required. Irrigation systems shall comply with the standards of the City.
- (f) Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
- (g) Where other uses are incorporated, including pedestrian, bike or other trails, these uses shall be maintained to provide for their safe use.

**4. Failure to Maintain**

In the event that any owner of a planted area fails to maintain the planted area according to the standards of this section, the City shall have the right to recover the cost of enforcement, including reasonable attorney fees. The City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the planted area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the planted area.

**D. Landscape Plans**

1. A landscape plan shall be submitted in conjunction with a required site plan (See also §7.7). Landscaping plans shall be prepared by certified landscape architects or other professionals with a proficiency in preparing landscaping plans.
2. Landscape plans shall consist of a legible drawing of sufficient scale to clearly depict the actual dimensions of the parcel and its features including but not limited to: property lines, all structures, all existing and proposed utilities, parking areas, drives and access roadways, sidewalks, etc., existing trees of 6 inch DBH and larger, existing vegetation with notations of what will be retained and any topographic variations that either affect or will be affected by the landscaping. Scale must be determined by the Zoning Administrator at the time of staff review. (Depending on the size of the project, the plan can range anywhere from 1"=10' to 1"=50'.)

**E. Alternative Compliance**

The City Council may modify the landscape standards of this section by Conditional Use Permit in accordance with §7.6 where the alternative proposed achieve the purposes of this §5.4 .

(Ord. No. 2012-31, 6/8/12)

**§5.4.4. Site Landscaping Requirements**

All areas of a site that are not covered by structures, driveways, parking areas or other paved surfaces must be landscaped. Such landscaping may include turf grass or other organic or inorganic material. Pervious surfaces and bare dirt do not constitute landscaping.

**§5.4.5. Buffer Requirements**

A buffer is landscaped transition between dissimilar uses. A buffer may also contain, or be required to contain, a barrier such as a berm, fence or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard" or "setback."

## §5.4.5 Buffer Requirements

**A. Buffer Types**

There are three types of required buffers that may occur on any given parcel.

**1. District Boundary Buffers**

Perimeter compatibility is required along the boundaries of all incompatible zoning districts. The following table shall be used to determine the required buffer classification between adjacent districts.

Subject Property District	Adjacent Property District											
	RS-12	RS-7	RS-5	RG-5	R-MX	R-MF	R-O	L-B	H-B	C-B	L-I	H-I
RS-12	--	--	--	--	--	--	--	--	--	--	--	--
RS-7	A	--	--	--	--	--	--	--	--	--	--	--
RS-5	B	A	--	--	--	--	--	--	--	--	--	--
RG-5	B	A	--	--	--	--	--	--	--	--	--	--
R-MX	B	A	A	A	--	--	--	--	--	--	--	--
R-MF	B	B	B	B	A	--	--	--	--	--	--	--
R-O	B	B	B	B	A	--	--	--	--	--	--	--
L-B	B	B	B	B	B	B	B	--	--	--	--	--
H-B	B	B	B	B	B	B	B	B	--	--	--	--
C-B	--	--	--	--	--	--	--	--	--	--	--	--
L-I	C	C	C	C	C	C	C	C	C	B	--	--
H-I	C	C	C	C	C	C	C	C	C	B	--	--

<For District References see §2.1>

**2. Project Boundary Buffers**

- (a) Project boundary buffer requirements are established to mitigate the effect of specific types of development on adjacent properties. Where a project boundary buffer is required, such buffer shall be in accordance with one of the following alternatives:
- (1) No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.
  - (2) Where narrower lot widths are provided, a Class C buffer shall be provided along project boundaries in accordance with §5.4.5.B. A project boundary buffer shall not be required along arterial or collector streets.
- (b) Alternatives to the above requirements to deal with topography may be approved, subject to review.

**3. Use Boundary Buffers**

Where nonresidential or multiple family development occurs adjacent to single-family detached, single-family attached, two family houses (duplex) or corner lot duplexes, a class B buffer shall be provided in accordance §5.4.5.B.

**B. Buffer Classifications****1. General**

- (a) Minimum width and plant material requirements are specified below for each buffer class.
- (b) Subject to the approval of the Zoning Administrator, a wall, fence or berm complying with the standards in subsection 4, below, may be substituted for buffer width or in lieu of some of the required shrubs in buffer Classes A and B. A wall, fence or berm is required in all Class C buffers.

**2. Class A Buffer**

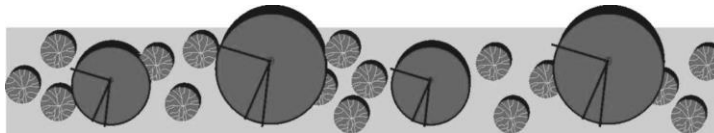
Class A buffers shall include:

- (a) **Minimum width:** 10 feet
- (b) **Plants per 100 linear feet:** 2 canopy trees, 2 understory trees, and 12 shrubs

**3. Class B Buffer**

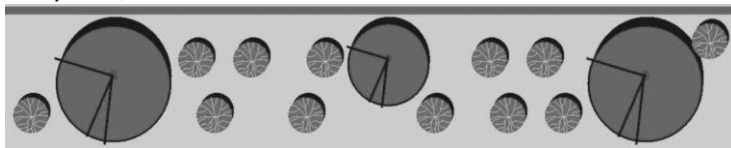
Class B buffers shall include:

- (a) Minimum width: 15 feet
- (b) Plants per 100 linear feet: 1 evergreen tree, 1 canopy tree and 2 understory trees, 16 shrubs

**4. Class C Buffer**

Class C buffers shall include:

- (a) Minimum width: 20 feet
- (b) Plants per 100 linear feet: 1 wall, fence or berm, 1 evergreen tree, 1 canopy tree, 1 understory tree, 12 shrubs

**(c) Options and Limitations****(1) Wall or fence**

The wall option requires a 6-foot solid wall or fence along the interior side of the buffer area; chain link fences may not be used as part of a required buffer (See also §4.6.10).

## §5.4.6 Street Tree Requirements

**(2) Berm**

The landscape berm option requires a berm between 4 and 6 feet in height. If the berm is less than 6 feet in height, it must include at least one shrub per 3 lineal feet along the top of the berm.

**C. Location of Buffer**

Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.

**D. Permitted Use of Buffer Area**

A buffer area shall not be used for any principal building or use, accessory building or use, vehicle use area or storage area except as specifically permitted below.

1. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian or bike trails, provided that:
  - (a) Trails may be incorporated provided adequate width (minimum 15 feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of common area for the development.
  - (b) No existing plant material shall be eliminated, other than nuisance exotics; and
  - (c) All other requirements of this section shall be met.
2. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes and bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances shall be allowed.
3. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However a minimum 10-foot contiguous width of the buffer complying with the buffer requirements of this section shall be preserved as a planting area without stormwater facilities.

**E. Ownership of Buffers**

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the City, a land conservancy or land trust, or homeowners' association. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of this section.

(Ord. No. 2012-31, 6/8/12)

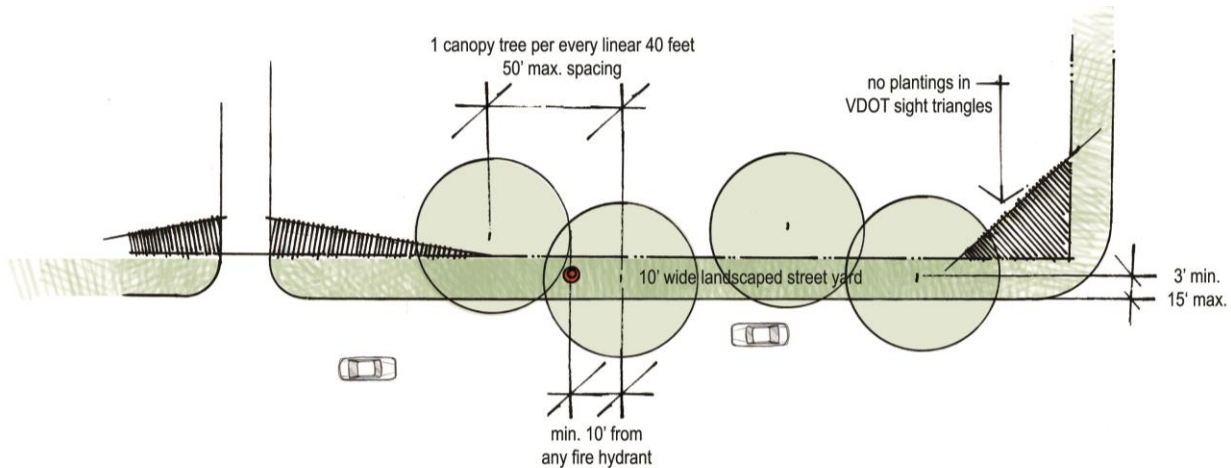
**§5.4.6. Street Tree Requirements**

A minimum ten foot wide landscaped street yard shall be provided along all streets. Street trees shall be required along all streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet part.

- A. All street trees shall be planted no less than three feet or more than 15 feet from the back of the curb or edge of pavement.
- B. No tree shall be planted within VDOT sight triangle (§5.2.4) or closer than ten feet from any fire hydrant.

C. Street tree requirements of this subsection shall not apply in the C-B district.

### §5.4.7. Parking Lot Landscaping Requirements



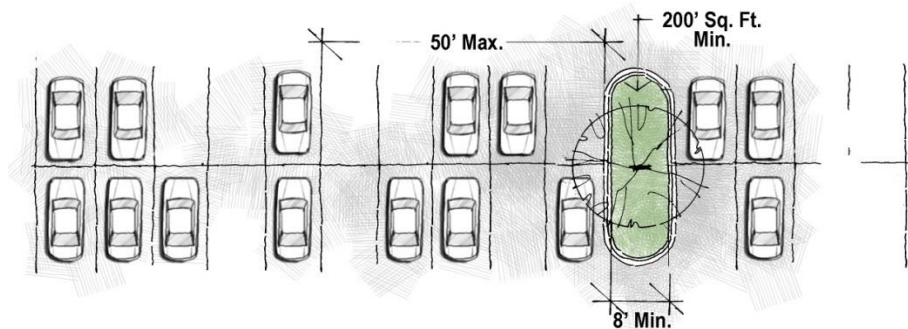
#### A. Perimeter

1. The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by a continuous landscaped hedge, a decorative masonry wall, a treated wood fence, wrought iron or any combination thereof. At the time of installation, such screening shall be at least 30 inches in height. Any vegetative screen shall reach a minimum height of 36 inches within two years of planting.
2. The perimeter of all parking areas and other vehicular use areas adjacent to residentially-zoned property shall provide a Class C buffer (See §5.4.5.B). A compact hedge or low wall may be substituted for other buffer requirements in the C-B district or -CO district (See also §3.3.2).

#### B. Interior

##### 1. Interior Islands

An interior landscaped island shall be provided for every ten spaces. Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one canopy tree. Planting islands shall be evenly distributed throughout the parking area, with no parking space located more than 100 feet from a planting island. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees, where approved by the Zoning Administrator.



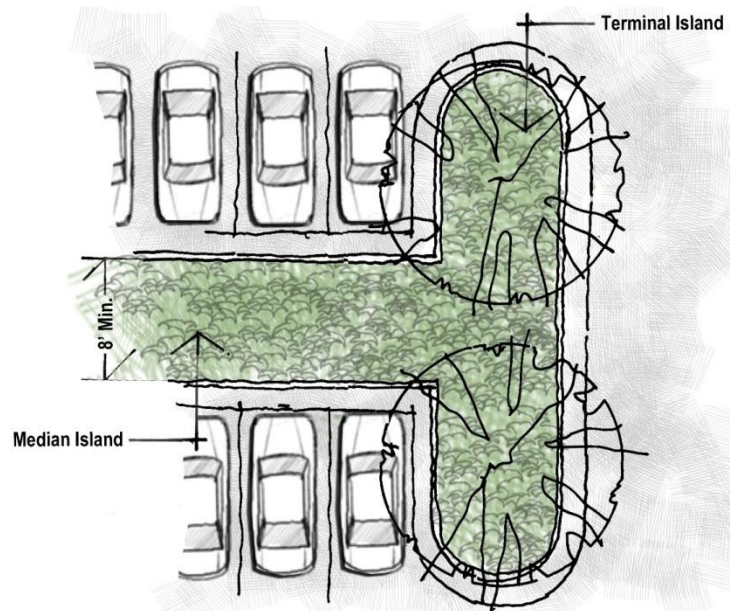
## §5.4.8 Screening Requirements

**2. Terminal Islands**

All rows of spaces shall terminate in a curbed landscaped island. Each island shall conform to the specifications described in subsection 1, above.

**3. Median Islands**

A median island with a minimum width of eight feet inside the curb shall be sited between every six single parking rows and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees, where approved by the Zoning Administrator.

**§5.4.8. Screening Requirements****A. Drive-Through Facilities**

Drive-through windows and lanes shall be subject to the following screening requirements:

1. Drive-through windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-through lane, located between the drive-through lane and the adjacent right-of-way.
2. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 48 inches within two years of planting.

**B. Fencing and Walls**

Fencing and walls used for screening shall:

1. Comply with the accessory use requirements of §4.6.10;
2. Be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood; chain-link fences and barbed wire or concertina wire shall not be utilized for screening purposes;
3. Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments; and
4. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet; wall off-sets shall be provided through the use of columns, landscaped areas, transparent sections or a change in materials.

**C. Loading Areas**

Loading areas shall be subject to the following screening requirements:

1. Provide a minimum year-round screen of all loading areas visible from residential properties or public right-of-way.
2. The screen shall consist of berms, walls, fences, plant material or combination totaling eight feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.
3. Loading docks not in the L-I or H-I district shall be located at the side or rear of buildings a minimum of 50 feet away from any residential district property, unless the loading area is wholly within an enclosed building.

#### **D. Mechanical Equipment**

1. All roof, ground and wall mounted mechanical equipment (e.g. Air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public right-of-way at ground level of the property line.
2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers painted to blend with the primary structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
  - (a) Planting screens;
  - (b) Brick, stone, reinforced concrete, or other similar masonry materials; or
  - (c) Redwood, cedar, preservative pressure treated wood, or other similar materials.

#### **E. Trash Receptacles and Service Areas**

Trash receptacles, trash compaction, recycling collection, grease collection and other similar service areas must be screened from view of streets and all abutting lots with a solid wall or fence.

#### **F. Wrecking and Salvage Yards, Vehicle Storage Yards and Similar Uses**

Wrecking and salvage yards, vehicle storage yards and similar uses shall be limited to the area shown on an approved site plan. Such areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public right-of-way by a fence, wall, dense evergreen hedge, or combination of such features with a minimum height of six feet.

(Ord. No. 2012-31, 6/8/12)

## **§5.5. OUTDOOR LIGHTING**

### **§5.5.1. Purpose**

The purpose of these standards is to assure that exterior lights shall be shielded so that they do not cast direct light beyond the property line in accordance with these standards.

### **§5.5.2. Applicability**

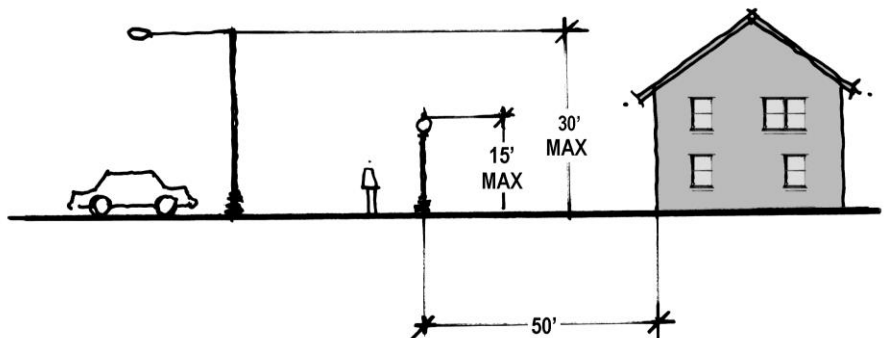
- A. Adequate lighting shall be provided in nonresidential and multiple-family developments (multiplexes, townhouses and multifamily buildings) conforming to accepted engineering standards.

## §5.5.3 Standards

- B. Parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of property and to facilitate the safe passage of persons using the roads, sidewalks, and parking lots after dark. However, measures shall be provided to prevent light spillover onto adjacent properties and glare toward motor vehicle operators. The measures used to prevent the spillover of light and glare shall be indicated on the site plan.
- C. Buildings and structures lawfully existing as of the effective date of this Chapter may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this section, provided there is no increase in floor area in such building or structure or impervious area on the site and provided outdoor lighting is not otherwise being replaced.
- D. Where a building or structure existed as of the effective date of this Chapter, and such building is enlarged in floor area or impervious area on the site by ten percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this section shall be provided.
- E. The following shall be exempt from these provisions:
  - 1. Outdoor lights used for a temporary event; permitted through a temporary use permit.
  - 2. Outdoor lights used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the light fixtures are located at least 100 feet from any adjacent residential use and the event or function meets all other applicable zoning requirements.
  - 3. Outdoor lighting exempt from the section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

**§5.5.3. Standards**

- A. Only incandescent, florescent, metal halide, or color corrected high-pressure sodium light sources may be used.
- B. The maximum height for lighting fixtures shall be a maximum of 30 feet within vehicular use areas and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any residential use or residential property boundary shall not exceed 15 feet in height.



- C. The light source (fixture or luminaire) shall be completely concealed, directed downward and shall not be visible from any street right-of-way or adjacent properties. In order to direct light



downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

- D.** Under canopy lighting fixtures shall be fully recessed into the canopy, baffled or otherwise shielded to prevent glare.
- E.** Lighting shall be oriented not to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
- F.** Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.
- G.** Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers).
- H.** Maximum luminance levels shall not exceed 0.5 foot candles at the property boundary except as required herein.

#### **§5.5.4 Lighting Plan**

A lighting plan shall be submitted in conjunction with a required major site plan. (See also §7.7). The following outdoor lighting information must be included in the plan.

##### **A. Diagram**

A diagram indicating the location and height of all poles and fixtures as well as a photometric plan denoting foot candle levels, including levels at all property lines.

##### **B. Detail**

A detail of illuminating devices, fixtures, lamps, color or lights, supports, reflectors and other devices.

(Ord. No. 2012-31, 6/8/12)

## §5.6. SIGNS

### §5.6.1. Purpose

The sign regulations of this Chapter are intended to protect the health, safety, and general welfare by establishing standards for the design, construction, location, illumination, and maintenance of all signs and sign structures. Such regulations are necessary and desirable for the following reasons:

- A. To protect the public safety by ensuring that traffic signs and devices are easily visible and free from obstruction or other distraction caused by signs;
- B. To ensure that signs are designed, constructed, installed and maintained in a way that protects life, health, property and the public welfare, especially during periods of high winds;
- C. To support the desired character of Waynesboro, as expressed in adopted City plans and to promote an attractive visual environment;
- D. To control the size, placement, and use of signs and other attention-gathering paraphernalia in order to preserve the right of citizens to enjoy Waynesboro's natural scenic beauty; and
- E. To address the ongoing technological advancements in the sign industry that continue to result in new sign types.

### §5.6.2. Permit Required

Except as otherwise expressly provided in §5.6.4 and §5.6.6, below, all persons erecting, changing, installing or otherwise placing signs must first obtain a sign permit in accordance with the procedures of §7.10. The Zoning Administrator shall refuse to issue sign permit(s) to any applicant who refuses to pay costs assessed for the removal of signs not in compliance with the requirements of this section.

### §5.6.3. Measurement

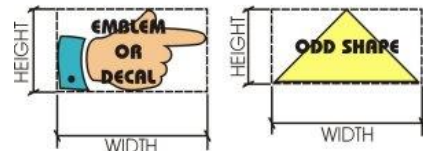
#### A. Area

Except where specifically addressed, the area of all signs shall be computed as follows:

1. The area of a wall sign which consists of individual letters that are erected directly onto a wall is measured by finding the area of the minimum imaginary or actual rectangle or square which fully encloses all sign words, copy or message.



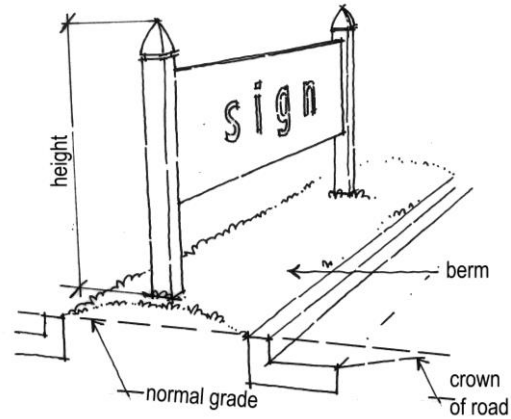
2. The area of a sign with three or more sides shall be computed as the sum of the area of each side designed either to attract attention or communicate information.



3. The area of any other sign is measured by finding the area of the minimum imaginary or actual rectangle or square which fully encloses all extremities of one side of the sign, exclusive of its supports.

**B. Sign Height Measurement**

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing grade prior to construction; or newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the site, whichever is lower.

**§5.6.4. Maximum Number**

Any licensed business or nonresidential use may have no more than two permitted signs per major street frontage, plus additional sign for each additional street frontage unless otherwise specified. Only one street frontage per licensed business or nonresidential use shall be designated as major street frontage. Incidental Signs, traffic control signs, real estate signs, yard sale signs, promotional signs, political signs and public art shall not be counted in calculating the maximum number of allowed signs per §5.6.6.A.

**§5.6.5. Signs Allowed without a Permit**

The following signs shall be allowed in all districts and are not counted toward the applicable limits on the number or area of signs allowed. No sign permit shall be required. Additionally, no signs allowed under this subsection may be illuminated, except where specifically allowed.

**Signs Allowed in All Districts Without a Sign Permit****Construction Signs**

Signs identifying architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and/or the expected completion date.

**Standards**

Such signs shall not exceed an area of 32 square feet and shall be removed prior to the issuance of a certificate of compliance.

**Flags**

Flags of the United States of America, this commonwealth or any official government organization and religious, charitable, fraternal, military or community service organizations.

**Standards [Reserved]**

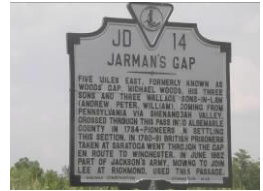
## §5.6.5 Signs Allowed without a Permit

**Signs Allowed in All Districts Without a Sign Permit****Historic Markers**

Historic markers of area when approved by the Virginia Historic Landmarks Commission or the Zoning Administrator.

**Standards**

- (a) Such signs or markers shall be made of cast metal, cut masonry, painted wood or metal or other similar weatherproof material.
- (b) Such signs shall not be more than 15 square feet in area.
- (c) Signs attached to buildings shall not exceed six square feet in area.

**Identification Signs**

Signs such as building numbers, addresses, private parking signs.

**Standards**

- (a) Only one identification sign shall be allowed per dwelling unit or nonresidential building or establishment.
- (b) Identification signs in residential districts or Planned Unit Developments shall not exceed one square foot in area per sign.
- (b) Identification signs for nonresidential uses in nonresidential districts or Planned Unit Developments shall not exceed 12 square feet per sign.

**Incidental Signs**

An on-premise sign giving information or direction for the convenience and necessity of the public; i.e., "entrance", "exit", "no admittance", "telephone", "parking", "loading only", "telephone" and similar directives.

**Standards**

- (a) Such signs shall not exceed 6 square feet of area per sign or 4 feet in height and shall not contain any logos.
- (b) No sign with a commercial message legible from a position off-site shall be considered incidental.

**Political Signs**

Signs expressing support for a candidate for public office or another position regarding a public figure or issue, but bearing no commercial message.

**Standards**

[Reserved]

**Public Art**

Street graphics and other forms of art such as, but not limited to, murals and sculptures that shall not constitute any type of outdoor advertising of a commercial message.

**Standards**

[Reserved]



**Signs Allowed in All Districts Without a Sign Permit****Promotional Signs**

Temporary business or promotional signs displayed inside building or establishment, which are in view of the general public, including those temporarily attached to windows.

**Standards**

[Reserved]

**Professional Name Plates**

Signs denoting the office of a professional.

**Standards**

Such sign shall not exceed three square feet and shall be placed upon the wall of the building where the office is located.

**Real Estate Signs**

Signs advertising the premises for sale, rent or lease.

**Standards**

Such signs shall not exceed six square feet in area and four feet in height for freestanding signs and shall be located on the land or premises advertised.

**Traffic Control Signs**

Traffic, municipal, legal notice, directional or informational signs; railroad crossing signs, danger, safety, temporary or emergency signs.

**Yard Sale Signs**

Signs advertising a yard or garage sale

**Standards**

- (a) Yard sale signs shall not exceed 4 feet in height and 6 square feet in area per sign.
- (b) Limited to 1 sign per lot.
- (c) Such signs may be erected up to 5 days prior to the event and shall be removed within 2 days after the event.



(Ord. No. 2012-31, 6/8/12)

**§5.6.6. Signs Requiring Permits****A. Maximum Aggregate Sign Area**

Unless otherwise specified, the maximum allowable aggregate sign area per licensed business or nonresidential use in the respective districts, shall be as follows:

## §5.6.6 Signs Requiring Permits

Maximum Aggregate Sign Area (SF)										
RS-12	RS-7	RS-5	R-MX	R-MF	R-O	L-B	H-B	C-B	L-I	H-I
1	1	6	6	6	6	32	120	32	120	120

**B. Exceptions**

The maximum aggregate sign area standards of subsection A, above, shall not apply to the following types of signs requiring permits, which are described in subsection C, below:

1. Wall signs, in nonresidential districts;
2. Public and non-profit signs; and
3. Subdivision or housing signs.

**C. Sign Types and Standards**

Upon issuance of a sign permit in accordance with §7.10, the following signs shall be allowed subject to the following requirements.

### Signs Requiring Permits

#### Changeable Copy Sign

Any sign that allows the copy to change. These signs may be lighted or unlighted, with detachable precut letters and figures, or the message may be electronic.

**Standards**

- (a) Changeable copy signs may be included as a part of a permitted monument sign in any nonresidential district.
- (b) The information displayed on a changeable copy sign shall remain static for a minimum period of four seconds at a time.
- (c) No signs that are not permanently affixed to the ground may be considered eligible for consideration as changeable copy signs.
- (d) Electronic signs are prohibited in residential districts.

(Ord. No. 2017-43, 10/5/17)





### Signs Requiring Permits

#### Freestanding Sign

A sign supported by uprights or braces in or upon the ground surface, properly anchored for safety and not attached to any building. This sign type includes:

##### Monument Sign

A sign supported by a solid base or platform to which such sign is affixed forming a sign structure of low profile in nature. The height of a monument sign includes the base.

##### Pole Sign

A sign, high profile in nature, erected on a vertical framework of one or more uprights, supported by the ground.

##### Standards

- (a) No part of any freestanding sign shall exceed 25 feet in height; monument signs shall not exceed eight feet in height.
- (b) Individual freestanding signs shall not exceed 60 square feet.
- (c) A defined landscaped area at the base of the sign. The required landscaped area shall be parallel to the face of the sign. The required landscaped area shall be at least 50 square feet in area. The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50 percent of the defined landscaped area at maturity. Paving and artificial plant materials shall not be included in fulfilling this requirement.



#### Marquee Sign

Signs/message areas on a permanent roof-like structure projecting over an entrance of a building (marquee).

##### Standards

Marquee signs shall be allowed in the H-B and C-B districts, subject to the following standards:

- (a) Marquees shall be permitted as additional wall signs only at theaters and may have changeable copy on each of two faces.
- (b) The marquee shall maintain a vertical clearance over a sidewalk of at least seven feet, six inches.
- (c) The message area may extend the full length of the marquee, to a maximum of 300 square feet.
- (c) The sign may extend above the top of the marquee provided the vertical dimension of the structure including both marquee and sign shall not exceed five feet.
- (e) If such signs are illuminated, the illumination shall be by internal lighting only. Exposed light sources shall not be used.
- (f) Only one marquee sign shall be allowed per establishment



#### Portable Sign

Signs not permanently attached to the ground or other permanent structure, or a signs designed to be transported, including but not limited to, signs designed to be transported by wheels; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

##### Standards

- (a) Such sign shall not exceed 32 square feet.
- (b) Only one sign per separately identifiable place of business or use shall be displayed at any given time on such premises.
- (c) Where there is more than one business or use on a lot or parcel, each business or use may display such a sign, provided all portable signs are at least 200 feet apart and no sign shall be displayed for more than 30 consecutive days during a six-month calendar period.



## §5.6.6 Signs Requiring Permits

**Signs Requiring Permits**

- (d) The sign permit shall specify the beginning and end dates of the permitted display. Only one such permit shall be issued to each separately identifiable business or use during each six-month calendar period. The 30-day display period shall be based upon permitted display dates as approved by the Zoning Administrator.
- (e) Each business or use eligible for a sign permit for a portable sign shall be granted no more than two such permits per calendar year.
- (f) If the Zoning Administrator finds that any portable sign is unsafe, a hazard to the public, or has been constructed or erected or is being maintained in violation of this Chapter, such sign shall be removed summarily and without notice at the expense of the permittee, lessee, operator or owner of the property or business upon which it is located. Any portable sign not removed within five days after expiration of the permit shall be removed at the expense of the permittee, lessee, operator or owner of the property or business upon which it is located.

**Public and Non-Profit Signs**

Signs identifying municipal or governmental buildings or buildings used for religious, charitable, military, nonprofit educational, fraternal or community service purposes.

**Standards**

- (a) Such signs shall be erected upon the land upon which such building or use is located, and not be over 32 square feet in area or four feet in height.

**Projecting Sign**

A display sign which is attached directly to the building wall, and which extends more than 15 inches (381 mm) from the face of the wall.

**Standards**

- (a) No part of any projecting sign shall be higher than 25 feet from grade at principal entrance or street grade.
- (b) Projecting signs shall not project more than 36 inches from the surface of the structure and shall not be allowed above the cornice line.

**Sandwich Sign**

Movable A-frame signs located on sidewalks in pedestrian-oriented commercial areas within nonresidential districts.

**Standards**

- (a) The sidewalk in the area near the sandwich sign shall be wide enough to allow for at least 36 inches of width for unrestricted pedestrian movement with the sidewalk signs in place.
- (b) Each sandwich sign shall not exceed two and one half feet in width and four feet in height. The sign itself shall be moveable, shall not be permanently attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.
- (c) Each sidewalk sign allowed under this section, shall be removed each day by the close of business, and shall be replaced or removed when the appearance or condition of the sign deteriorates.
- (d) No sandwich sign shall be located further than 15 feet from the door of the establishment advertised.





### Signs Requiring Permits

#### Subdivision or Housing Signs

Signs identifying subdivisions or housing developments shall include only the name of the subdivision or development.

##### Standards

- (a) Such signs shall not exceed 32 square feet in area or six feet in height.



#### Suspended Sign

A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

##### Standards

Suspended signs shall be permitted in all zoning districts, subject to the following regulations:

- (a) The sign shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.
- (b) The sign shall maintain a vertical clearance over a sidewalk of at least seven feet, six inches.
- (c) The sign area shall not exceed four square feet.
- (d) Only one sign shall be allowed per establishment or per exterior wall per establishment.



#### Temporary Sign

A sign constructed of cloth, fabric, or other lightweight temporary material with or without a structural frame intended for a limited period of display; including decoration displays for holidays or public demonstrations. The temporary sign shall be for a special event, not a routine business activity. The following temporary signs shall be allowed.

- (a) Signs displayed during the month of December for the purpose of selling Christmas trees and other holiday vegetation and accessory items.
- (b) Signs for fund raisers, special events and similar type signs including political signs and signs to benefit religious, charitable, military, fraternal, athletic, or community service organizations for reasonable periods of time on private property, or for specific periods of time on public property only upon authorization of the Zoning Administrator.
- (c) Signs regarding employee safety, similar corporate and organizational promotional activities for reasonable periods of time as determined by the Zoning Administrator.
- (d) Banners, streamers, pennants and balloons on private property may be displayed for reasonable periods of time as approved by the Zoning Administrator.

##### Standards

Temporary signs shall be allowed in every district for special events, subject to the following requirements:

- (a) The sign shall not be displayed for more than 30 consecutive days.
- (b) The sign area shall not exceed 32 square feet.
- (d) Only 1 sign shall be allowed per business per special event.
- (e) Each business site may be issued 2 sign permits for a temporary sign within a 12-month period. Each 12-month period shall begin with the issuance of the first permit and shall expire 12 months from that date.



### Signs Requiring Permits

#### Wall Sign

A sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than 15 inches (381 mm) from the face of the fence or wall.

##### Standards

- (a) Wall signs for buildings housing a single tenant, or housing more than one tenant where each tenant has its own outside entrance, shall not exceed fifteen percent of the area of the wall in question and in no case exceeding a total of 400 square feet.
- (b) For a building whose setback exceeds 250 feet, an additional ten percent increase in wall sign may be approved by the Zoning Administrator.



#### Window Sign

Any permanent sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

##### Standards

[Reserved]



### §5.6.7. Illumination

- A. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with pedestrian, vehicular or bicycle traffic safety.
- B. Internally illuminated signs shall be required to have an opaque background and translucent copy.
- C. Sign lighting shall not be detrimental to adjacent residential property.
- D. Signs shall not be illuminated by a string of lights placed around the sign.
- E. Within 200 feet of off-site residential zones or uses, only internally illuminated signs that allow only the sign characters and logos to emit light or signs that are illuminated by means of a light that shines on the face of the sign shall be allowed. For the purposes of this subsection, property directly across a public right-of-way, other than a controlled access highway, shall be considered to be adjacent property.
- F. The American Flag may be illuminated by spot lights.



### §5.6.8. Variances

Variances from the requirements of this section may be approved by the Board of Zoning Appeals (BZA) in accordance with §7.14. Variances may provide for signs different in character or greater in area, height and number only when the BZA finds that:

- A. Due to unique circumstances demonstrated by conditions and plans submitted, a strict application of the requirements of this section would result in unnecessary or unreasonable hardship for the property owner;
- B. The need for such variance is not shared generally by other properties; and
- C. The requested variation is in the public interest and consistent with the purpose and intent of this section.

## §5.6.9 Design, Construction and Maintenance

**§5.6.9. Design, Construction and Maintenance**

- A. All signs shall comply with applicable provisions of the Building Code.
- B. Signs shall be constructed of permanent materials and permanently affixed to the ground or building, except for temporary signs.
- C. Signs shall be maintained in good condition at all times and shall be kept free of cracked or peeling paint, holes, missing or damaged sign panels or supports, and weeds, grass or vegetation that obscures the view of the sign message.

**§5.6.10. Prohibited Signs**

The following signs are prohibited within the city of Waynesboro unless otherwise stated in this section:

- A. Billboards or general advertising signs, except where the owner or lessor of the premises is seeking a new tenant, signs relating to the activities of the previous tenant may remain in place for not more than 30 days from the date of vacancy.
- B. Any sign affixed to, hung, placed or painted on any fence, cliff, tree, public utility pole, radio or television or similar tower; provided, that this prohibition shall not affect official traffic, parking or informational signs placed on utility poles by the City.
- C. Off premises advertising on public and private property, except for sandwich board signs as allowed by §5.6.6.
- D. Roof sign or signs erected, constructed, and maintained above the roof of the building.
- E. Signs within the public right-of-way, except as specifically allowed by this section.
- F. Any sign or banner within or across a public right-of-way, unless specifically approved by the Zoning Administrator.
- G. Any sign attached to, rather than printed on, an awning which is not a marquee.
- H. Any flashing or moving sign, except temporary signs erected by City or State government.
- I. Any sign which the traffic engineer determines to imitate an official traffic sign or signal, or conflict with traffic safety needs due to its location, coloring, movement, shape or illumination.
- J. Any sign which displays obscene, indecent or immoral matter.



(Ord. No. 2012-31, 6/8/12)

**§5.6.11. Other Prohibitions**

- A. No sign shall be located in such a manner as to obstruct free or clear vision, or cause hazards for vehicular, bicycle or pedestrian traffic by reason of location, shape, illumination, color, or height. In addition, no sign shall be erected, replaced or relocated so as to:
  1. Prevent free ingress or egress from a required door, window or fire escape; or
  2. Obstruct the light or ventilation required by the provisions of this Chapter or other City ordinances from any window.

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§5.6.12 Common Signage Plans

- B. No advertising or business sign of any kind shall be attached to a standpipe or fire escape.
- C. Signs may not overhang or project in public right-of-way except for signs on buildings abutting the public right-of-way or located in such proximity thereto as to render compliance with this section impossible.

**§5.6.12. Common Signage Plans**

A common signage plan is a plan for all signs associated with a complex, consisting of several buildings, businesses or uses in a single development. The signage plan shall include all signs within the complex, including out parcels.

**A. Applicability**

The requirements of a common signage plan shall apply to all buildings, businesses or uses within a related complex (as evidenced by a concept plan or site plan) even if the properties are subdivided.

**B. Permit Required**

Common signage plans shall be subject to the permit requirements of §7.10, Sign Permit.

**C. Required Plan Elements**

The common signage plan shall consist of five elements, in addition to other restrictions imposed by the applicant:

**1. Location**

Identify sign locations on buildings or property.

**2. Materials and Illumination**

Describe the type of sign and sign materials, including construction materials and proposed lighting, if any.

**3. Size**

Itemize sign size at identified locations. The allocation of sign area for multi-tenant structures may favor one tenant or series of tenants over another, provided the property owner identifies the available sign area per tenant.

**4. Letter Style**

Describe the dominant letter style and letter height to be used on the sign(s).

- (a) The Zoning Administrator may allow modifications to the lettering style to accommodate State and Federal registered trademarks (logos).

- (b) In allowing the modifications, the Zoning Administrator may limit the logo size.

**5. Colors**

List the colors to be used on each sign.

- (a) A maximum of three colors plus either black or white are allowed in a single common plan, provided that Federal and State registered trademarks may be employed in addition to the specified colors.
- (b) Any neon lighting for building signage shall be matched to an approved color specified on the signage plan in order to be included as a part of the color scheme.

**6. Free-Standing Sign****(a) Sign Area**

A maximum of one free-standing sign shall be permitted for the complex per street frontage. Such sign shall not exceed 100 square feet.

**(b) Number of Signs**

Individual shops and businesses within complexes may not have free-standing signs.

**7. Wall Signs****(a) Sign Area**

Wall signs allowed for individually licensed shops and businesses in a complex shall not exceed 15 percent of the area of the wall in question and in no case a total of 400 square feet. For a building whose setback exceeds 250 feet, an additional ten percent increase in wall sign may be requested.

**(b) Number of Signs**

Individual shops and businesses in complexes may have wall signs and sandwich signs only.

**§5.7. OUTDOOR STORAGE AND DISPLAY****§5.7.1. Applicability**

Regulations governing outdoor storage and display shall apply in all districts. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this section. For the purpose of this section, outdoor display and storage shall be broken into three categories: outdoor display, limited outdoor storage and general outdoor storage.

**§5.7.2. Outdoor Display**

- A.** Outdoor display is display of products actively available for sale. Outdoor displays are normally brought indoors overnight.
- B.** Outdoor display shall be allowed adjacent to a principal building wall and extending to a distance no greater than ten feet from the wall. Such display shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the sidewalks.

**§5.7.3. Outdoor Storage****A. General**

- 1.** Outdoor storage is more intensive than outdoor display. Materials stored in outdoor storage are not normally brought indoors overnight.
- 2.** Areas used for outdoor storage shall be permitted following review and approval of a site plan illustrating the extent of the area proposed for outdoor storage.

**B. Limited Outdoor Storage**

- 1.** Limited outdoor storage includes garden supplies, building supplies, plants, vehicle sales and services, manufactured home sales, play equipment and other similar uses.
- 2.** Limited outdoor storage shall comply with the following standards:

## §5.8.1 General

- (a) No outdoor storage shall be allowed in front or street side yards or within 15 feet of any public right-of-way, whichever is greater.
  - (b) No outdoor storage shall be permitted within required vehicular use areas.
  - (c) Outdoor storage may be located to the side of a building, provided it is not located within the required side yard (setback).
  - (d) Any rear yard may be used for outdoor storage purposes.
3. Additionally, vehicles for sale or rent shall be located and displayed on a paved vehicle use area buffered under the same requirements as for a parking lot. (See also §5.4.7)

**C. General Outdoor Storage**

- 1. General outdoor storage includes material stored in boxes, crates, pods or other shipping containers; lumber yards; pipe; wrecking, junk, and salvage yards; vehicle storage yards; and other similar uses.
- 2. In addition to the requirements of paragraph B.2, above, areas used for general outdoor storage shall be screened from view from the public right-of-way, public vehicular use areas, or adjacent residential development pursuant to §5.4.8.F.

**§5.8. COMMON AREA****§5.8.1. General**

- A. Where common area is included in addition to the individual lots (conventional development) or to comply with minimum common area requirements (cluster development and Planned Unit Developments), such lands must be in one or more parcels dedicated or otherwise protected as permanent (active or passive) common area.
- B. Any City-accepted parks, schools and other public land pursuant to the Subdivision Ordinance, Sec. 74.43, will be counted towards complying with minimum common area requirements.

**§5.8.2. Configuration and Use**

- A. The location, size, character and shape of required common area must be appropriate for its intended use. Common area land must be useable for recreational purposes and/or provide visual and aesthetic appeal.
- B. No more than 50 percent of any area otherwise containing obvious development challenges, including the presence of the regulated 100-year floodplain, open water, jurisdictional wetlands, a slope greater than or equal to 25 percent grade or geological hazards may be considered to comply with the common area requirement.

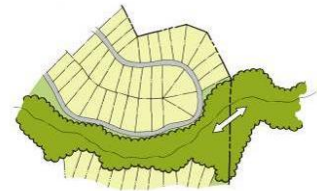
- C. The minimum width for any required common area shall be 50 feet. Exceptions may be granted by the Zoning Administrator for items such as trail easements, mid-block crossings and linear parks/medians, when their purpose meets the intent of this section.



- D. At least 60 percent of the required common area shall be contiguous. For the purposes of this section, contiguous shall include any common area bisected by a residential street, provided that:

1. A pedestrian crosswalk, underpass or overpass is constructed to provide safe and adequate access to the common area on both sides of the street; and
2. The right-of-way area is not included in the minimum common area calculation.

- E. The common area shall adjoin any neighboring common areas, protected lands, and non-protected natural lands that would be candidates for inclusion as part of future common areas or protected lands.



- F. Adopted City plans shall be taken into consideration when evaluating land proposals.

- G. The required common area shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the common area (i.e. mid-block connections in logical locations). No lot within the subdivision should be further than a ¼-mile radius from the required common area. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections to the common area.

- H. Access to the common area shall be provided either by an abutting street or easement. Such easement shall be not less than 30 feet wide.

- I. At least 25 percent of the common area shall be improved. Trails may be developed in common area. Other improved common areas shall be developed in the options set forth below. The shape, topography and subsoils shall be appropriate to the improvements proposed.



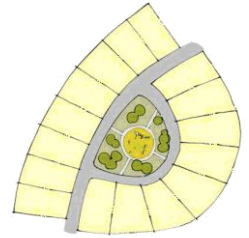
## §5.8.2 Configuration and Use

## Common Area Use and Improvement Options

**Tot Lot and Playground**

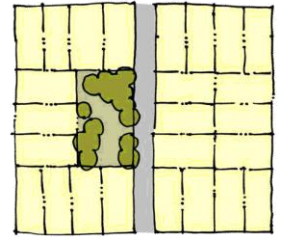
*Tot lots and playgrounds provide play areas for children as well as open shelter and benches. Tot lots and playgrounds may be built within squares, greens, mini-parks and neighborhood parks or may stand alone within a residential block.*

Playgrounds shall be designed with commercial grade play equipment for two age groups: tot lot for children ages one to five; and separate play equipment for children, ages six to ten. May include: picnic units and shelters. Minimum requirements include two park benches and one trash receptacle. Must have shock absorbing surface with a maximum two percent slope. Playgrounds must comply with all Federal, State and local regulations and be compliant with the Americans with Disabilities Act.

**Mini-Park**

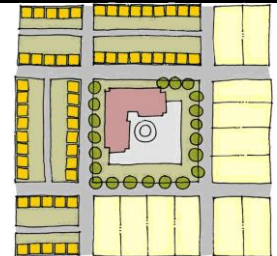
*Mini-parks provide active recreational facilities for the use by the residents of the immediate surrounding neighborhood within the development.*

Size is from 2,500 SF to one acre. May include: tennis, basketball and other sports courts; playgrounds; and seating accommodations. Each mini-park 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. Rear facing lots are allowed. Mini-parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.

**Plaza**

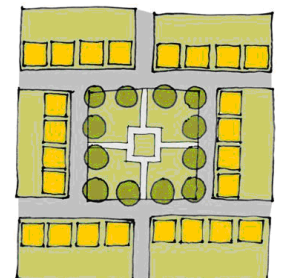
*Plazas are for passive recreation use adjacent to a civic or commercial building. Plazas are paved in brick or another type of impervious surface.*

Plazas shall be level, stepped or gently sloping. At no time shall a plaza's horizontal length or width be greater than three times the height of surrounding buildings. Size is from 2,000 to 30,000 SF

**Square**

*Squares are formal areas for passive recreation use bound by roads or front facing lots. Squares shall be bound by roads on a minimum of three sides or 75 percent of their perimeter and may be bound by front facing lots on one side or 25 percent of their perimeter.*

No rear facing lots are allowed adjacent to a square. Trees plantings are encouraged parallel to the road right-of-way. Geometrical tree planting layouts for internal plantings are encouraged. Minimum size is 500 SF to one acre.



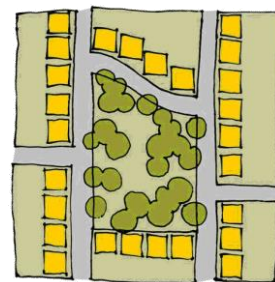


### Common Area Use and Improvement Options

#### Green

*Greens are informal areas for passive use bound by roads or front facing lots. A green shall be bound by roads on a minimum of three sides or 75 percent of their perimeter and may be bound by front facing lots on one side or 25 percent of their perimeter.*

No rear facing lots are allowed adjacent to a green. Tree plantings can be informal and the topography irregular. Greens may be used to preserve specimen trees. Size is 500 SF to one acre.



#### Neighborhood Park

*Neighborhood parks are designed for active or passive recreation use. Maximum park size can exceed five acres if the Neighborhood Park creates an open space that services an entire neighborhood or a group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground or significant stands of trees).*

Minimum size from one to five acres. Neighborhood parks shall be bound by roads on a minimum of 50 percent of their perimeter. Front facing lots are encouraged around the perimeter. Neighborhood Parks shall include benches, paths and trails.

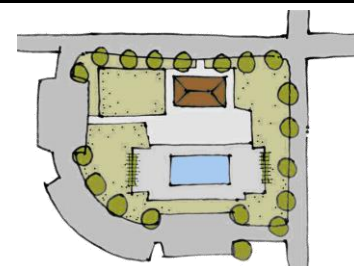
Neighborhood Parks may include but are not limited to: tennis courts, racquetball courts, basketball courts, volleyball courts, ball fields, swings, slides, playgrounds, dog parks, benches, restrooms, picnic units, shelters, walking paths and parking areas.



#### Clubhouse/Pool Amenity Area

*Clubhouse/pool areas can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include: swimming pools, group activity room, gazebos, outdoor eating areas, exercise stations and similar facilities.*

Pools should be a minimum size of 1,000 SF. Clubhouses and swimming pools must comply with all applicable building and health codes.



#### Greenway

*Greenways typically follow natural or constructed features such as streams or roads and are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods, and are used for transportation, recreation, wildlife corridors and environmental protection. Greenways differ from parks, plazas and squares in that their detailing is natural (i.e. informally planted) except along right-of-way, and may contain irregular topography.*

Design of the greenway should incorporate conservation of existing mature tree canopy and landscape and protection of existing natural drainage ways and creeks. Improvements shall include paved walks/trails and benches, and trash receptacles.



### §5.8.3. Reduction

Notwithstanding other provisions of this Chapter, the City Council may waive or reduce applicable common area requirements where the development site is adjacent to a public park or dedicated common area with sufficient pedestrian access.

## §5.8.4 Ownership and Management

**§5.8.4. Ownership and Management****A. Ownership**

Common area shall be accepted and owned by one of the following entities:

**1. Land Conservancy or Land Trust**

The responsibility for maintaining the common area and any facilities shall be borne by a land conservancy or land trust.

**2. Homeowners' Association**

A homeowners' association representing residents of the subdivision shall own the common area. Membership in the association shall be mandatory and automatic for all homeowners' of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common area and any facilities shall be borne by the homeowner's association.

**3. Private Landowner**

A private landowner may retain ownership of common area. The responsibility for maintaining the common area and any facilities shall be borne by the private landowner. Regardless of ownership, the configuration and use of the property is restricted in accordance with the requirements of §5.8.2, above.

**B. Management**

The applicant must submit a management plan for all common areas. The management plan shall:

1. Allocate responsibility and guidelines for the maintenance and operation of the common area and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;
2. Provide that any changes to the management plan be approved by the Zoning Administrator; and
3. Provide for enforcement of the management plan.

**C. Maintenance**

In the event the party responsible for maintenance of the common area fails to maintain all or any portion in reasonable order and condition, the City may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance, plus any administrative costs and penalties, may be charged to the owner, homeowners' association, or to the individual property owners that make up the homeowners' association.

**§5.8.5. Permanent Protection of Common Area**

- A. The common area must be protected in perpetuity by a binding legal instrument that is recorded in the official records of the clerk of the Circuit Court. The legal instrument must be one of the following options:
  1. Permanent easement in favor of either:
    - (a) Land trust or similar non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and

the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions; or

- (b) Governmental entity (if the entity accepting the easement is not the City, then a third right of enforcement favoring the City must be included in the easement);
  - 2. Permanent restrictive covenant in favor of a governmental entity; or
  - 3. Equivalent legal tool that provides permanent protection approved by the City Attorney.
- B. The instrument for permanent protection must include clear restrictions on the use of the common area. These restrictions must include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the common area.

#### **§5.8.6. Alternative Compliance**

The City Council may by Conditional Use Permit approve alternatives to the common area requirements of this §5.8 based upon exceptional design or recreational amenities that best satisfy the intent and purpose of this Chapter. (See §1.5 for more information.)

### **§5.9. WATER AND SEWER SERVICES**

Each separately-owned dwelling or use shall be individually metered and served by public water and sewer facilities.

### **§5.10. CONSTRUCTION STANDARDS**

The Public Facilities Manual and Developer's Packet are hereby adopted and incorporated herein by reference, and referred to in this Ordinance as "Construction Standards". All development shall comply with the requirements of the Construction Standards.



## Article 6. Decision-Making Bodies and Officials

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### §6.1. GENERAL

All departments, officials and public employees of the City that are authorized to issue permits or certificates shall do so in full compliance with the provisions of this Chapter. No permits, approvals or certificates for use, building or other purpose shall be issued in conflict with the provisions of this Chapter. Any permit, approval or certificate issued in conflict with the provisions of this Chapter shall be null and void.

### §6.2. CITY COUNCIL

#### §6.2.1. Powers and Duties

In execution of the provisions of this Chapter, the City Council shall have the following powers and duties.

##### A. Appointment

The City Council shall have the responsibility of appointing members of the Planning Commission pursuant to the provisions of the City of Waynesboro City Code.

##### B. Final Decision

The City Council shall be responsible for making final decisions on the following:

1. Appeals of decisions on certificates of appropriateness (§3.3.3.F);
2. Text amendments (§7.3);
3. Zoning District Map amendments (rezonings) (§7.4);

## §6.3.1 Establishment and Composition

4. Planned Unit Development review (§7.5); and
5. Conditional Use Permit (§7.6).

**§6.3. PLANNING COMMISSION****§6.3.1. Establishment and Composition**

- A. The Planning Commission is established and composed pursuant to the City of Waynesboro City Code.
- B. The Planning Commission shall adopt by-laws in accordance with the provisions of this Chapter, which may be amended from time to time.

**§6.3.2. Powers and Duties**

In execution of the provisions of this Chapter, the Planning Commission shall have the following power and duties.

**A. General Authority**

The Planning Commission shall:

1. Exercise additional powers as may be described elsewhere in this Chapter and as permitted by State law; and
2. Perform related duties as directed by the City Council.

**B. Recommendations**

The Planning Commission shall make recommendations regarding the following:

1. Text amendments (§7.3);
2. Zoning District Map amendments (rezonings) (§7.4);
3. Planned Unit Development review (§7.5); and
4. Conditional Use Permit (§7.6).

**C. Final Decision**

The Planning Commission shall be responsible for decisions regarding the following:

1. Certificates of appropriateness (§3.3.3.F).

**§6.4. BOARD OF ZONING APPEALS****§6.4.1. Establishment and Composition**

- A. The Board of Zoning Appeals shall consist of five members, each to be appointed by the Circuit Court for the term of three years. Members may be removed for cause by the Circuit Court. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members shall be residents of the city.
- B. The Board of Zoning Appeals shall select one of its members as chairman. He/she shall serve in such capacity for a term of one year. A majority of the Board's members shall constitute a quorum for the transaction of business.

**§6.4.2. Rules of Operation****A. Rules**

The Board of Zoning Appeals shall adopt rules of procedure and order in accordance with the provisions of this Chapter, which may be amended from time to time.

**B. Meetings**

Meetings and hearings of the Board of Zoning Appeals shall be held at the call of the chairman or in his absence the acting chairman, and at such other times as the Board may determine. All meetings and hearings of the Board shall be open to the public, except as otherwise provided by law.

**C. Records and Minutes**

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep records of its meetings and other official actions, all of which shall be immediately filed in the office of the Board of Zoning Appeals and shall be a public record.

**§6.4.3. Powers and Duties**

In execution of the provisions of this Chapter, the Board of Zoning Appeals shall have the following power and duties, subject to appropriate conditions and safeguards:

**A. Final Decision**

The Board of Zoning Appeals shall be responsible for making decisions regarding the following:

1. Administrative appeals (§7.15); and
2. Variances (§7.14).

**§6.5. PLANNING DIRECTOR****§6.5.1. Designation**

The Planning Director, as designated by the City Manager, shall review applications for zoning actions pursuant to these zoning regulations. In the performance of his or her duties, the Planning Director may request the assistance of any appropriate officer or agency of the City.

**§6.5.2. Powers and Duties****A. General**

The Planning Director shall have powers and duties as may be described elsewhere in this Chapter.

**B. Recommendations**

The Planning Director shall make recommendations regarding the following:

1. Certificates of appropriateness (§3.3.3.F);
2. Text amendments (§7.3);
3. Zoning District Map amendments (rezonings) (§7.4);
4. Planned Unit Development review (§7.5); and
5. Conditional Use Permit (§7.6).

## **§6.6. ZONING ADMINISTRATOR**

### **§6.6.1. Designation**

The Zoning Administrator, as designated by the City Manager, shall administer and enforce these zoning regulations. In the performance of his or her duties, the Zoning Administrator may request the assistance of any appropriate officer or agency of the City.

### **§6.6.2. Powers and Duties**

#### **A. General**

The Zoning Administrator shall have powers and duties as may be described elsewhere in this Chapter.

#### **B. Final Decisions**

The Zoning Administrator shall be responsible for making decisions regarding the following:

1. Major and minor site plan review (§7.7);
2. Temporary use permit (§7.8);
3. Zoning permit (§7.9);
4. Sign permit (§7.10);
5. Common signage plan (§7.11); and
6. Written interpretation (§7.13).

## **§6.7. FLOODPLAIN ADMINISTRATOR**

### **§6.7.1. Designation**

The Zoning Administrator, as designated in §6.6, shall serve as the Floodplain Administrator and shall administer certain provisions of this Chapter as may be required below.

### **§6.7.2. Powers and Duties**

The Floodplain Administrator shall perform the following duties:

- A. Interpretation and enforcement of the floodplain regulations of this Chapter.
- B. Ensure that the applicant has obtained and provided any and all required Federal, State and local permits for all development in the regulatory floodplain, before the issuance of a zoning permit.
- C. Notify applicants and maintain a record of the notification of hazard and insurances costs required by §7.14.9.C.
- D. Maintain an elevation certificate and flood-proofing certificate file to certify the elevation of the lowest floor (including basement), of all buildings constructed in the regulatory floodplain.
- E. Maintain a record of all floodplain regulation variance actions approved by the Board of Zoning Appeals, including justification for the issuance of said variances.
  1. Submit to the FEMA the data required for proposed revisions to the base flood elevation of a regulatory floodplain study or a relocation of a regulatory floodway boundary, before the issuance of a zoning permit. Additionally, the Floodplain Administrator also shall submit reports as required for the National Flood Insurance



Program. Any variances that are approved shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

2. Notify adjacent upstream and downstream communities, in writing 30 days prior to the issuance of any permit for the alteration or relocation of a channel or linear water body in the regulatory floodplain.

## **§6.8. SITE REVIEW TEAM**

### **§6.8.1. Purpose**

The purpose of the Site Review Team (SRT) is to assist the Zoning Administrator in the review of land use, development and site plan applications for compliance with the requirements of this Chapter and other City regulations.

### **§6.8.2. Establishment and Composition**

The SRT may include representatives from City departments, utility companies and other agencies with review responsibilities. The Zoning Administrator shall be the chair of the SRT.

### **§6.8.3. Powers and Duties**

#### **A. General**

The SRT shall have powers and duties as may be described elsewhere in this Chapter.

#### **B. Recommendations**

The SRT shall make recommendations regarding the following:

1. Text amendments (§7.3);
2. Zoning District Map amendment (rezoning) (§7.4);
3. Planned Unit Development review (§7.5);
4. Conditional Use Permit (§7.6); and
5. Major site plan review (§7.7).



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## §7.1. SUMMARY OF REVIEW AND APPROVAL AUTHORITY

The following table summarizes review and approval authority under this Chapter. Required public hearings shall be as shown below. Other public hearings also may be required by law.

Development Review	Site Review Team	Zoning Administrator	Planning Director	Board of Zoning Appeals	Planning Commission	City Council	Reference
	SRT	ZA	PD	ZBA	PC	CC	
Certificate of Appropriateness			Review		<Decision>		§3.3.3.F
Text amendment	Review		Review		< Review >	< Decision >	§7.3
Zoning District Map amendment (rezoning)	Review		Review		< Review >	< Decision >	§7.4
Planned Unit Development review	Review		Review		< Review >	< Decision >	§7.5
Conditional Use Permit	Review		Review		< Review >	< Decision >	§7.6
Minor site plan review		Decision					§7.7
Major site plan review	Review	Decision					§7.7
Temporary use permit		Decision					§7.8
Zoning permit		Decision					§7.9
Sign permit		Decision					§7.10
Common signage plan		Decision					§7.11
Floodplain development permit		Decision					§7.12
Written interpretation		Decision					§7.13
Variance		Review		< Decision >			§7.14
Administrative appeal				< Decision >			§7.15
Appeal to court							§7.16

< public hearing required >

(Ord. No. 2012-31, 6/8/12)

## §7.2. COMMON REVIEW PROCEDURES

### §7.2.1. General

Every official and employee of the City, vested with the duty or authority to issue a permit, approval, decision or certificate shall not issue such permit, approval, decision or certificate for any use, building or purpose that conflicts with any provision of this Chapter.

### §7.2.2. Pre-Application Meeting

Before submitting an application required by this Chapter, each applicant may hold a pre-application meeting with the appropriate review official to discuss the procedures, standards and regulations required for development approval in accordance with this Chapter. In addition, pre-application meetings shall be required as follows:

#### A. Planning Director

A pre-application meeting with the Planning Director shall be required for the following:

1. Zoning District Map amendments (rezonings) (§7.4);
2. Planned Unit Development review (§7.5);
3. Conditional Use Permit (§7.6); and
4. Certificate of Appropriateness (§3.3.3.F).

**B. Zoning Administrator**

A pre-application meeting with the Zoning Administrator shall be required for the following:

1. Site plan review (§7.7).

**§7.2.3. Minimum Submission Requirements****A. Forms**

Applications required under this Chapter shall be submitted on application forms and in such numbers as required by the applicable review official or body. (See also §7.1) The application form for each development review procedure shall establish the minimum information required for that procedure.

**B. Proof of Ownership**

All applications required under this Chapter shall include proof of ownership. Such proof may include a preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property.

**C. Property Owner Endorsement**

1. All applications shall include the name and signature of the current property owner(s) of all property within the boundaries; or
2. Where the owner is not the applicant, the review official shall require an applicant to present evidence that the applicant is a duly authorized agent of the owner. Contract purchasers of property shall submit a written power of attorney signed by the owner.

**D. Content**

1. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this Chapter.
2. The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the City or other parties to show that the standards or criteria have not been met.
3. Each application is unique and, therefore, more or less information may be required according to the needs of the particular case. The applicant shall rely on the review official as to whether more or less information should be submitted.

**E. Fees**

1. All applications shall be accompanied by the associated filing fee and shall be filed with the applicable review official or body.
2. Filing fees shall be established from time to time by resolution of the City Council to cover all actual costs associated with the processing of applications. Such costs shall include but not be limited to all costs associated with application review and the provision of required public notices. (See VA Code Ann. § 15.2-2286(A)(6) for more information.)
3. Any costs associated with review by a third party of any of the above-required information shall be billed to the applicant. These costs shall be in addition to the

application fee hereinabove provided and must be paid in full before any final approval granted hereunder shall become effective.

4. Filing fees are not refundable except where an application was accepted in error or the fee paid exceeded the amount due. Fees may be refunded or partially refunded, where applications are withdrawn prior to publication of any notices.

**Commentary:** Information needs tend to vary substantially from application to application and to change over time as result of code amendments and review procedure changes. Staff has the flexibility to specify submission standards for each application and to waive standards that are irrelevant to specific situations.

#### **F. Application Deadline**

Review officials may establish calendar schedules indicating submittal dates to be applicable each year, and make said schedules available to the public. Where such schedule(s) is established, all applications sufficient for processing shall be submitted in accordance with the published schedule.

#### **G. Completeness Review**

An application shall be considered submitted only after the review official certifies that it is complete, provided in the required form, includes all mandatory information as may be required by the applicable review official, and is accompanied by the applicable fee. A determination of application completeness shall be made by the review official within 5 working days of application filing. If an application is determined to be incomplete, the review official shall contact the applicant to explain the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 15 working days, the application shall be considered withdrawn and returned to the applicant. Review officials shall not hold partial submissions. All applications must be certified complete at least 30 days prior to a meeting or public hearing, unless otherwise allowed by the review official.

### **§7.2.4. Application Processing**

#### **A. Referrals**

Review officials may forward completed applications submitted under this article to such other public officials and agencies as required by law or as deemed appropriate for further review.

#### **B. Staff Reports**

Review officials shall submit a written report containing recommendations on each land use application to the applicable review- and/or decision-making body and to the applicant, prior to the meeting or hearing of the review- and/or decision-making body before which the application is to be heard.

#### **C. Concurrent Applications**

1. If approved by the applicable review officials, applications for development approvals may be filed and reviewed concurrently; provided, however,
  - (a) Any application that also requires a legislative decision shall not be eligible for final approval until the variance, text amendment or Zoning District Map amendment has been approved; and
  - (b) No site plan shall be approved before any necessary rezoning is approved.



2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

#### **D. Waivers**

1. Where the Site Review Team (SRT) finds that extraordinary hardships or practical difficulties may result from strict compliance with any specifically authorized Site Development Standards of Article 5, and the intent of this Chapter may be served to a greater extent by an alternative proposal, the SRT may grant a waiver. A waiver shall not have the effect of nullifying the intent and purposes of this Chapter, and the SRT shall not grant a waiver unless the SRT makes findings based upon the evidence presented in each case that:
  - (a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - (b) The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property;
  - (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Chapter are enforced; and
  - (d) The purpose of the waiver is not based primarily upon financial consideration.
2. In granting a waiver, the SRT may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements of this Chapter.

**Commentary:** The above waiver provision provides the SRT with authority to grant hardship and practical difficulty waivers, subject to specific findings demonstrating same.

#### **E. Decisions**

Unless specifically provided elsewhere, all decisions on land use changes, including but not limited to rezonings, text amendments, Conditional Use Permits, variances and administrative appeals, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

#### **F. Notice of Decision**

Within 14 days after a decision is made, a written copy of the decision shall be sent to the applicant and filed with the review official and the clerk of the decision-making body, where it shall be available for public inspection during regular office hours. If an administrative application or request is denied, the review official shall provide in writing the cause of such disapproval to the applicant.

(Ord. No. 2012-31, 6/8/12)

### §7.2.5. Notice and Public Hearings

#### A. Summary of Notice Requirements

Notice shall be required for applications for approval as shown below, except as otherwise specified.

Development Review Type		Published	Mailed	Posted	Reference
Planned Unit Development review	affecting more than 25 parcels	■			§7.5
	affecting 25 or fewer parcels	■	■	■	
Certificate of Appropriateness		■	■	■	§3.3.3.F
Text amendment	affecting more than 25 parcels	■			§7.3
	affecting 25 lots or less	■	■	■	
Zoning District Map amendment (Rezoning)	affecting more than 25 parcels	■			§7.4
	affecting 25 or fewer parcels	■	■	■	
Conditional Use Permit		■	■	■	§7.6
Variance		■	■	■	§7.14
Administrative appeal		■	■	■	§7.15

#### B. Public Notice Requirements

##### 1. Published Notice

- (a) Where published notice is required, notice of public hearing shall be published once a week for two successive weeks in a newspaper published or having general circulation within the city. The advertised hearing shall be held not less than five or more than 21 days, after the second advertisement shall appear in such newspaper. The term "two successive weeks" as used above shall mean that such notice shall be published at least twice with not less than six days elapsing between the first and second publication.
- (b) Notice of public hearing before the Planning Commission and the City Council may be published concurrently. If a joint hearing is held, then published notice as set forth above need be given only by the City Council.
- (c) When individual public hearings are held before the Planning Commission and the City Council, then published notice as set forth in (a), above, shall be published separately.

##### 2. Mailed Notice

##### (a) Text and Map Amendments

##### (1) 25 or fewer Parcels

- (i) In addition to published notice, when a proposed amendment of this Chapter involves a change in a Zoning District Map classification of 25 or fewer parcels of land, written notice shall be given at least five days before the hearing to the owner or owners, their agent or the occupant of each parcel involved; to the owners, their agents or the occupants, of all abutting property and property immediately across the street or alley from the property affected, including those parcels which lie outside the city; and, if any portion of the affected property is within a Planned Unit Development,

then to such incorporated property owners' associations within the Planned Unit Development that have members owning property located within 2,000 feet of the affected property, as may be required by the Commission or its agent.

- (ii) Written notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement.
- (iii) If the hearing is continued, notice shall be re-mailed.

**(2) More Than 25 Parcels**

- (i) When a proposed amendment of this Chapter involves a change in the Zoning District Map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as above required, written notice shall be given by the City, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to text amendments shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat where such lots are less than 11,500 square feet.
- (ii) If any portion of the affected property is within a condominium or cooperative, such notice may be sent to the incorporated property owners' associations, where such association exists that has members owning property located within 2,000 feet of the affected property, as may be required by the City.
- (iii) One notice shall be sent to the last known address of such owner, as shown on the current real estate tax assessment books, by registered or certified mail, provided that first-class mail may be used if the staff mailing such notices makes an affidavit that such mailings have been made and files such affidavit with the papers in the case.

**(b) All Other**

- (1) Where mailed notice is required for applications other than text or map amendments, notice of public hearing shall be mailed by first-class mail (at the last addresses listed for such owners in the City tax records) to all property owners within and immediately abutting the subject property. Where the subject property immediately adjoins public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The staff mailing such notices shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
- (2) The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.

### **3. Posted Notice**

- (a) When posted notice is required, the Zoning Administrator or Planning Director, as appropriate, shall make every effort to have signage advertising the public hearing posted on the property in question at least seven days prior to the hearing, but failure to have the sign posted shall not affect the legitimacy of any action taken on the subject application by City Council if other advertising requirements of this Chapter and State law have been met.
- (b) The sign shall be posted on the property or at a point visible from the nearest public road. Failure to have the sign posted shall not affect the legitimacy of any action taken if other advertising requirements of this Chapter and State law have been met.

### **C. Contents**

Where a plan, application, ordinance or amendment is lengthy, or involves numerous parcels, the plan, application, ordinance or amendment need not be advertised in full but may be advertised by reference. All notices for public hearings, unless expressly noted otherwise, whether by mail (written notice), publication (newspaper) or posting (sign) shall include:

#### **1. Time and Place of Public Hearing**

Indicate the date, time and place of public hearing at which persons affected may appear and present their views.

#### **2. Nature and Scope**

Provide a descriptive summary of the proposed action, including nature of the application and location of the area affected.

#### **3. Location Where Materials May be Inspected**

Identify the place or places within the city where the proposed plans, application, ordinance or amendment, staff report(s) and related materials may be inspected by the public. All notices shall state that information is available for public inspection during normal business hours.

### **D. Supplementary Notice Provisions**

#### **1. Comprehensive Plans**

- (a) When a proposed Comprehensive Plan or amendment thereto; a proposed change in Zoning District Map classification; or an application for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previous approvals, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the notification as above required, written notice shall also be given by the Commission, at least ten days before the hearing to the chief administrative officer, or his/her designee, of such adjoining locality.
- (b) When (i) a proposed Comprehensive Plan or amendment thereto, or (ii) a proposed change in Zoning District Map classification, then, in addition to the advertising and written notification as above required, written notice shall also be given at least ten days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the

notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

- (c) When a proposed Comprehensive Plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local Planning Commission, or its representative, at least ten days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

## **2. Joint Public Hearings**

Where a public hearing is required before both the City Council and the Planning Commission, a joint public hearing may be held after public notice as set forth herein. When a joint public hearing is held, the required public notice need be given only by the City Council.

## **3. Constructive Notice**

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

## §7.3. TEXT AMENDMENT

### §7.3.1. Applicability

Amendments to the text of this Chapter shall be made in accordance with the provisions of this section.

### §7.3.2. Initiation of Amendment

An application to amend the text of this Chapter may be initiated by:

- A. The City Council or the Planning Commission; or
- B. One or more owners of property within the area proposed to be affected by the text amendment, or such owner's duly authorized agent or representative. (See §7.2.3.C for more information)

### §7.3.3. Application Requirements

Applications for a text amendment shall be submitted in accordance with §7.2.3, Application requirements. Such application shall, at a minimum, specify the nature and extent of the change desired, a statement of justification, and analysis of how the application satisfies the approval criteria of §7.3.7.C.

### §7.3.4. Notice and Public Hearings

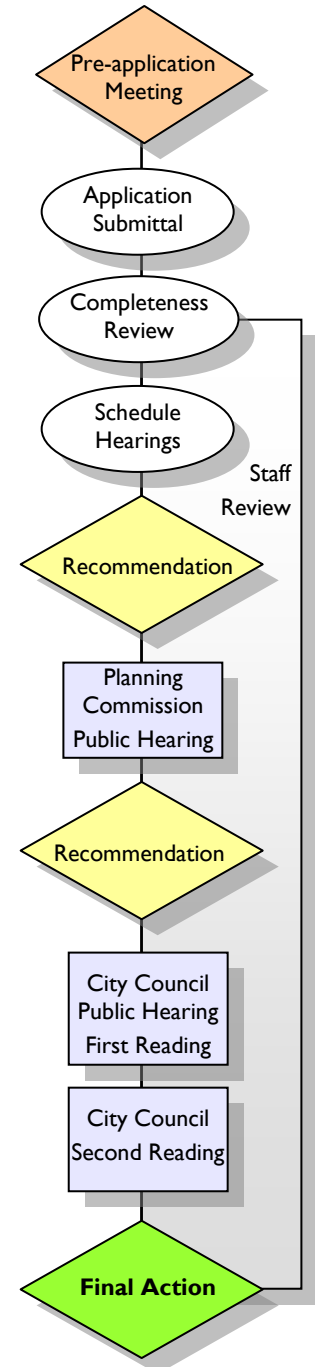
The Planning Commission and City Council shall hold all required public hearings and give notice in accordance with §7.2.5, Notice and public hearings.

### §7.3.5. Action by Planning Director

- A. The Planning Director shall draft the appropriate amendment and/or prepare a report that reviews the proposed text amendment and makes a recommendation.
- B. Following completion of technical review, the Planning Director shall forward the completed application and any related materials to the Planning Commission for a recommendation.

### §7.3.6. Action by Planning Commission

- A. The Planning Commission shall consider the application and the Planning Director's report in a public hearing.
- B. The Planning Commission shall be considered to have received such application on the date of its first meeting following referral by the Planning Director and shall make a recommendation to the City Council within 100 days. If such report is not received by the Council within 100 days, the application or proposed change shall be considered to have a recommendation of approval by the Planning Commission.



- C. Following the public hearing, the Planning Director shall forward the completed application and any related materials, including the Planning Commission recommendation and the Planning Director's report to the City Council for final decision.

#### **§7.3.7. Action by City Council**

- A. Upon receipt of the recommendation from the Planning Commission, or after 100 days after the date the application was received by the Planning Commission as specified in §7.3.6, the Council shall consider the recommendations of the Planning Commission and Planning Director in a public hearing. The public hearing shall be held concurrent with the first reading of the ordinance approving the proposed amendment.
- B. Following the public hearing, the City Council may approve, deny, modify, or continue (table) the application, or send the application back to the Planning Commission for additional consideration. Such decision shall be made within such reasonable time as may be necessary, which shall not exceed 12 months, unless the applicant requests or consents to action beyond such period or unless the applicant withdraws the application. In the event of and upon such withdrawal, processing of the application shall cease without further action as otherwise would be required.
- C. Text amendments shall be made by ordinance at the second reading.

#### **§7.3.8. Approval Criteria**

In evaluating any proposed text amendment, the Planning Commission and the City Council shall consider the following:

- A. Whether such amendment is consistent with good zoning practice;
- B. Public necessity, convenience, and general welfare to the extent such factors are pertinent to the subject matter of the amendment;
- C. The extent to which the proposed text amendment is consistent with the Comprehensive Plan and the remainder of this Chapter, including, specifically, the purpose and intent statements of §1.5;
- D. The extent to which the proposed text amendment represents a new idea not considered in the existing ordinance, or represents a revision necessitated by changing circumstances over time;
- E. Whether or not the proposed text amendment corrects an error in the Chapter; and
- F. Whether or not the proposed text amendment revises the Chapter to comply with State or Federal statutes or case law.

#### **§7.3.9. Time Lapse Between Similar Applications**

Except on its own initiative, the City Council will not accept, hear or consider substantially the same application for a proposed amendment to this Chapter within a period of one year from the date a similar application was decided, but nothing herein shall prevent the Council and Planning Commission from accepting, hearing or considering, or the Council from subsequently approving an application that is substantially the same at any time if it has been initiated the second or subsequent time by the Council itself, rather than by the Planning Commission or a property owner.

**§7.3.10. Appeal to Court**

City Council final decisions on a text amendment may be appealed within 30 days of the decision in accordance with §7.16, Appeal to court.



## §7.4. ZONING DISTRICT MAP AMENDMENT (REZONING)

### §7.4.1. Applicability

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the City Council may amend the Zoning District Map, in conformity with the provisions of Article 7, Ordinance 22, Title 15.2 of the VA Code Ann., 1950, as amended and as set forth in this section.

### §7.4.2. Initiation of Amendment

A rezoning may be initiated by:

- A. Resolution of the City Council;
- B. Motion of the Planning Commission; or
- C. Application of the owner or the owner's duly authorized agent, of the property which is the subject of the proposed rezoning. (See §7.2.3.C for more information)

### §7.4.3. Pre-Application Meeting

All applicants filing a rezoning application for review shall hold a pre-application meeting with the Planning Director in accordance with §7.2.2.

### §7.4.4. Application Requirements

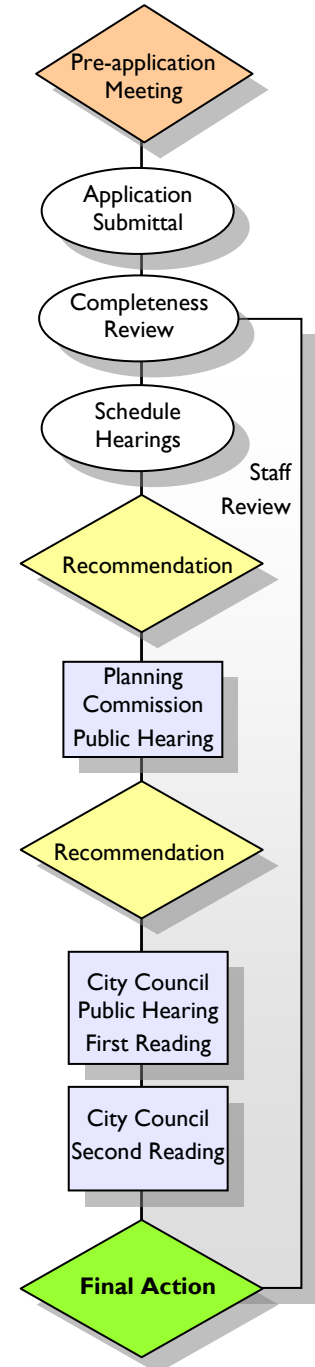
- A. Applications for a rezoning shall be submitted in accordance with §7.2.3, Application requirements.
- B. The requested change shall at a minimum specify the nature and extent of the change desired, a statement of justification, and analysis of how the application satisfies the approval criteria of §7.4.9.
- C. A preliminary plat that meets the requirements for approval of a preliminary subdivision plat may be approved concurrently with the rezoning.

### §7.4.5. Notice and Public Hearings

The Planning Commission and City Council shall hold all required public hearings and give notice in accordance with §7.2.5, Notice and public hearings.

### §7.4.6. Action by Planning Director

- A. Upon submission of a completed application, the Planning Director shall schedule the application for review by the Site Review Team (SRT). The SRT shall conduct a technical review of the application for consistency with the requirements of this Chapter.
- B. Upon completion of the technical review by the SRT, the Planning Director may meet with the applicant to discuss any appropriate changes in development design.



- C. The Planning Director shall prepare a report that reviews the request in accordance with comments provided by the SRT, the adopted Comprehensive Plan, and the requirements of this Chapter. The report and any related materials shall be forwarded to the Planning Commission.

#### **§7.4.7. Action by Planning Commission**

- A. The Planning Commission shall consider the application and the Planning Director's report in a public hearing.
- B. The Planning Commission shall be considered to have received such application on the date of its first meeting following referral by the Planning Director and shall make a recommendation to the City Council within 100 days. If such report is not received by the Council within 100 days, the application or proposed change shall be considered to have a recommendation of approval by the Planning Commission.
- C. The Planning Director shall forward the completed application and any related materials, including the Planning Commission recommendation and the Planning Director's report to the City Council for final decision.

#### **§7.4.8. Action by City Council**

- A. Upon receipt of the recommendation from the Planning Commission, or after 100 days after the date the application was received by the Planning Commission as specified in §7.4.7, the Council shall consider the recommendations of the Planning Commission and Planning Director in a public hearing. The public hearing shall be held concurrent with the first reading of the ordinance approving the proposed amendment.
- B. Following the public hearing, the City Council may approve, deny, modify, or continue (table) the application, or send the application back to the Planning Commission for additional consideration. Such decision shall be made within such reasonable time as may be necessary, which shall not exceed 12 months, unless the applicant requests or consents to action beyond such period or unless the applicant withdraws the application. In the event of and upon such withdrawal, processing of the application shall cease without further action as otherwise would be required.
- C. Amendments to the Zoning District Map shall be made by ordinance at the second reading.

#### **§7.4.9. Approval Considerations**

As set out in VA Code Ann., §§ 15.2-2283 and §§ 15.2-2284, in determining whether to approve, approve with modifications or deny a proposed rezoning, decision-making bodies shall consider the following:

- A. Consistency with the Comprehensive Plan;
- B. Suitability of the property to support the proposed use;
- C. Environmental impacts, such as wetlands, streams, and other surface water features; floodplain management; karst geology and other groundwater resources; impoundment failures; steep slopes; and other natural resources;
- D. Adequacy of existing or proffered public infrastructure, including, but not limited to the following:
  - 1. Transportation infrastructure;

2. Public water and sewer infrastructure;
3. Schools;
4. Public Safety; and
5. Parks and recreation;

**E. Whether the proposed PUD development:**

1. Would facilitate the creation of a convenient, attractive and harmonious community;
2. Encourage economic development activities that provide desirable employment and enlarge the tax base;
3. Adequately addresses historic structures or resources; and
4. Promotes the creation and preservation of affordable housing suitable for meeting the current and future needs.

**§7.4.10. Proffering Conditions for Rezoning**

**A. Intent**

The intent of this section is to provide, pursuant to VA Code Ann., §§ 15.2-2298--15.2-2303.2 et seq., a more flexible and adaptable zoning method to cope with situations found in such zones whereby a zoning reclassification may be allowed, subject to certain conditions proffered by the zoning applicant, for the protection of the community.

**B. Concept Plan**

In granting applications for rezoning, the decision-making body may accept, through proffering or otherwise as permitted by law, development of the subject property as shown on a submitted concept plan.

**C. Proffer of Conditions**

An owner may proffer reasonable conditions including cash, real property, services, land use restrictions and other conditions, in addition to the regulations established elsewhere in this Chapter, as part of an application requesting an amendment to the zoning district regulations or the official Zoning District Map(s) or a change in zoning of individual parcel(s). In addition:

1. The rezoning itself must give rise for the need for the conditions.
2. The conditions proffered shall have a reasonable relation to the rezoning.
3. All conditions proffered shall be in conformity with the Comprehensive Plan.
4. Reasonable conditions shall not, however, include conditions requiring the applicant or property owners' association to pay for the maintenance of facilities owned in fee by a public entity, including common area, open space, parks, schools, fire departments and other public facilities, not otherwise provided for in subdivision regulations (See also City Code, Chapter 74). However, this limitation shall not apply to sidewalks, special street signs or markers, or special street lighting in public right-of-way not maintained by VDOT.

**D. Procedure**

1. Proffered conditions shall be submitted only in connection with and as an integral part of an application for rezoning and shall be considered procedurally by the

Council and Planning Commission concurrent with each body's consideration of the application.

2. Such conditions must be proffered in a written proffer statement prior to the public hearing on the application of which they are a part, or as otherwise provide by state law, and shall be announced prior to the opening of the public hearing and considered at such hearing. The City Council may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal.

#### **E. Persons Entitled to Sign Proffer Statements**

1. The proffer statement must be signed by all owners of the subject property. Agents, contract purchasers and alike may not sign the proffer statement.
2. If the owner(s) is a corporation, limited liability company or other similar entity, written documentation must be provided that indicates to the satisfaction of the City Attorney that the person(s) signing the proffer statement is legally empowered to sign the statement on behalf of that legal entity.

#### **§7.4.11. Post-Approval Action**

Approved amendments to the Zoning District Map shall be promptly noted on the official Zoning District Map and the copies located in Zoning Administrator's office by inserting the correct zoning district.

#### **§7.4.12. Time Lapse Between Similar Applications**

Except on its own initiative, the Council will not accept, hear or consider substantially the same application to amend district boundaries or the classification of property within a period of one year from the date a similar application was decided, but nothing herein shall prevent the Council and Planning Commission from accepting, hearing or considering, or the Council from subsequently approving an application that is substantially the same at any time if it has been initiated the second or subsequent time by the Council itself, rather than by the Planning Commission or a property owner.

#### **§7.4.13. Appeal to Court**

City Council final decisions on a rezoning may be appealed within 30 days of the decision in accordance with §7.16, Appeal to court.

## §7.5. PLANNED UNIT DEVELOPMENT REVIEW

### §7.5.1. Applicability

Planned Unit Development (PUD) review shall occur in accordance with the provisions of this subsection. A PUD review shall be considered a Zoning District Map amendment (rezoning). Upon approval, the PUD district, as governed by the Code of Development, shall replace the underlying general district.

### §7.5.2. Initiation of Amendment

An owner of land within the city, or such owner's duly authorized agent or representative, may application the City Council for PUD review. (See §7.2.3.C for more information)

### §7.5.3. Pre-Application Meeting

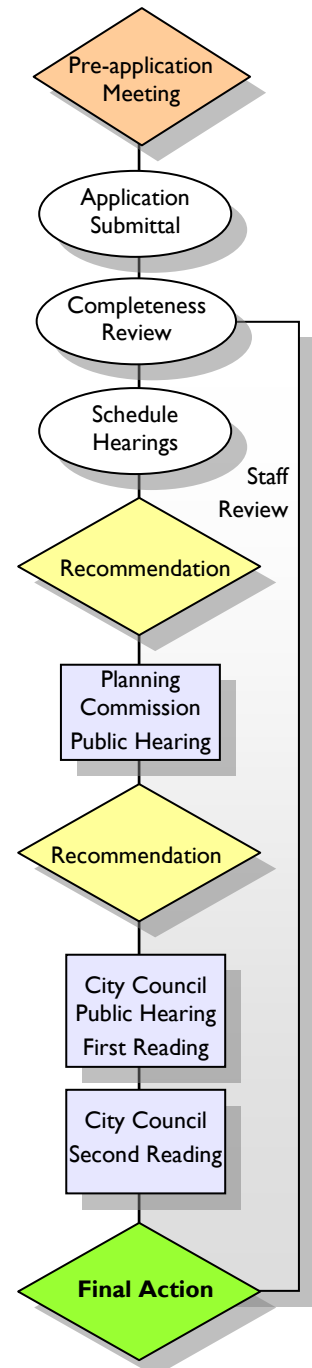
All applicants applying for PUD review shall hold a pre-application meeting with the Planning Director in accordance with §7.2.2.

### §7.5.4. Application Requirements

- A. All applications for PUD review shall be submitted in accordance with §7.2.3, Application requirements.
- B. Concurrent with an application for PUD review, an applicant shall submit a Code of Development in accordance with §3.2.2.
- C. A preliminary plat that meets the requirements for approval of a preliminary subdivision plat may be approved concurrently with the PUD application and the Code of Development.
- D. A traffic impact analysis may be required.
- E. Each application for PUD review must include a written statement from the applicant describing the community benefits of the proposed development and how the proposed development provides greater benefits to the city than would a development carried out in accordance with the purpose for the PUD district (§3.2.1), and otherwise applicable requirements of this Chapter. The statement must also include a comparison of the proposed development with the standards of the applicable general district or other general district that could accommodate the proposed development.

### §7.5.5. Notice and Public Hearings

The Planning Commission and City Council shall hold all required public hearings and give notice in accordance with §7.2.6, Notice and public hearings.



**§7.5.6. Action by Planning Director**

- A. Upon submission of a completed application, the Planning Director shall schedule the application for review by the Site Review Team (SRT). The SRT shall conduct a technical review of the application for consistency with the requirements of this Chapter.
- B. Upon completion of the technical review by the SRT, the Planning Director shall meet with the applicant to discuss any appropriate changes in development design. The applicant may elect to resubmit the application with the appropriate changes, or proceed to the Planning Commission public hearing.
- C. The Planning Director shall prepare a report that reviews the request in accordance with comments provided by the SRT, the adopted Comprehensive Plan, and the requirements of this Chapter. The report, Code of Development and any related materials shall be forwarded to the Planning Commission.

**§7.5.7. Action by Planning Commission**

- A. The Planning Commission shall consider the application and the Planning Director's report in a public hearing.
- B. The Planning Commission shall be considered to have received such application on the date of its first meeting following referral by the Planning Director and shall make a recommendation to the City Council within 100 days. If such report is not received by the Council within 100 days, the application or proposed change shall be considered to have a recommendation of approval by the Planning Commission.
- C. The Planning Director shall forward the completed application and any related materials, including the Planning Commission recommendation and the Planning Director's report to the City Council for final decision.

**§7.5.8. Action by City Council**

- A. Upon receipt of the recommendation from the Planning Commission, or after 100 days from the date the application was received by the Planning Commission as specified in §7.5.7, the Council shall consider the recommendations of the Planning Commission and Planning Director in a public hearing. The public hearing shall be held concurrent with the first reading of the ordinance approving the proposed ordinance.
- B. Following the public hearing, the City Council may approve, deny, modify, or continue (table) the application, or send the application back to the Planning Commission for additional consideration. Such decision shall be made within such reasonable time as may be necessary, which shall not exceed 12 months, unless the applicant requests or consents to action beyond such period or unless the applicant withdraws the application. In the event of and upon such withdrawal, processing of the application shall cease without further action as otherwise would be required.
- C. Amendments to the Zoning District Map, including the approval of a Planned Unit Development, shall be made by ordinance at the second reading.

**§7.5.9. Approval Considerations**

As set out in VA Code Ann., §§ 15.2-2283 and §§ 15.2-2284, in determining whether to approve, approve with modifications or deny a proposed rezoning, decision-making bodies shall consider the following:

- A. Consistency with the Comprehensive Plan;
- B. Suitability of the property to support the proposed use;
- C. Environmental impacts, such as wetlands, streams, and other surface water features; floodplain management; karst geology and other groundwater resources; impoundment failures; steep slopes; and other natural resources;
- D. Adequacy of existing or proffered public infrastructure, including, but not limited to the following:
  - 1. Transportation infrastructure;
  - 2. Public water and sewer infrastructure;
  - 3. Schools;
  - 4. Public Safety; and
  - 5. Parks and recreation;
- E. Whether the proposed PUD development:
  - 1. Would facilitate the creation of a convenient, attractive and harmonious community;
  - 2. Encourage economic development activities that provide desirable employment and enlarge the tax base;
  - 3. Adequately addresses historic structures or resources; and
  - 4. Promotes the creation and preservation of affordable housing suitable for meeting the current and future needs.

**§7.5.10. Additional Proffered Conditions**

The City Council, in approving a Planned Unit Development, may accept proffers in accordance with §7.4.10.

**§7.5.11. Action after Approval**

- A. Upon approval of a Planned Unit Development application by the City Council, the district is deemed established. All documents, including the approved Code of Development, shall be part of the approved application.
- B. The approved Planned Unit Development and associated Code of Development shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs.
- C. Approved PUDs shall be promptly noted on the Zoning District Map and the true copies located in Zoning Administrator's and Planning Director's offices by inserting the correct PUD designation, and the case number on or near the affected lot, parcel or site. Approval of a PUD application and associated Code of Development does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the Code of Development meets the requirements for and is approved as a preliminary subdivision plat.

- D. Property to be further subdivided shall obtain approval in accordance with the subdivision regulations (See also City Code, Chapter 74).
- E. Property not to be further subdivided shall obtain site plan approval as set forth in §7.7, Site plan review.
- F. Conditional uses listed in the approved Code of Development's Use Table (see §3.2.2.C), shall require approval in accordance with §7.6, Conditional use review.

#### **§7.5.12. Site Development Standards**

Site Development Standards of Article 5 may be modified as part of Planned Unit Development approval in order to allow the applicant flexibility to maximize livability within the built environment. Such modifications shall only be approved where the standards proposed provides greater benefit to the City than would development under otherwise applicable regulations.

#### **§7.5.13. Effect on Other Code Standards**

Except as expressly authorized by the regulations of this section and approved as a part of a Planned Unit Development Code of Development in accordance with the procedures of §7.5, the standards of this Ordinance shall apply to Planned Unit Developments.

#### **§7.5.14. Time Lapse Between Similar Applications**

Except on its own initiative, the Council will not accept, hear or consider substantially the same PUD application within a period of one year from the date a similar application was decided, but nothing herein shall prevent the Council and Planning Commission from accepting, hearing or considering, or the Council from subsequently approving a PUD application that is substantially the same at any time if it has been initiated the second or subsequent time by the Council itself, rather than by the Planning Commission or a property owner.

#### **§7.5.15. Code of Development Amendments**

- A. Any owner, contract purchaser with the owner's consent, or any authorized agent of the owner, of one or more parcels within a PUD may apply for one of the following minor amendments to a PUD Code of Development. This request shall be reviewed and, if appropriate, approved by the Planning Director:
  - 1. Minor changes to yard requirements, build-to lines or ranges, maximum structure heights, and minimum lot sizes;
  - 2. Change that results in a decrease in assigned density or intensity for a specific parcel, either residential or nonresidential;
  - 3. Changes in major infrastructure features (e.g. roads/access, sewer, water, storm drainage) of the PUD which are clearly beneficial to the occupants of the PUD, subject to a recommendation for approval by the City Engineer;
  - 4. Changes to phasing plans;
  - 5. Minor changes to landscape or architectural standards; and
  - 6. Minor changes to the design and location of stormwater management facilities, minor land disturbance including disturbance within conservation areas, and mitigation, all subject to a recommendation for approval by the City Engineer.



- B. The applicant requesting a minor amendment to a PUD Code of Development shall submit a request in writing and as part of a site plan or subdivision application. The request shall specify the provision of the Code of Development for which the variation is sought, and state the reason for the requested variation. The Planning Director may reject a request that fails to include the required information.
- C. The applicant requesting such change shall notify the subject PUD's property owners' association that would be affected by the change of the application at least 15 days prior to any decision and ask that all comments be directed to the Planning Director. Proof of such notification shall be provided to the Planning Director. If the Planning Director determines that the change does not have the support of the affected property owners, the application will be referred to the City Council for review.
- D. The Planning Director is authorized to grant a minor amendment upon a determination that the minor amendment:
  - 1. Is consistent with the goals and objectives of the comprehensive plan;
  - 2. Does not increase the approved development density or intensity of development;
  - 3. Does not adversely affect the timing and phasing of development of any other development in the zoning district; and
  - 4. Is in general accord with the purpose and intent of the approved application.
- E. The Planning Director may require that the applicant to provide an updated Code of Development reflecting the approved variation and the date of the variation.
- F. All other proposed amendments to a Code of Development not specifically addressed above shall be considered major amendments to the PUD and must be processed in accordance with the procedures and requirements of §7.5, Planned Unit Development review.

#### **§7.5.16. Appeal to Court**

City Council final decisions on a PUD review may be appealed within 30 days of the decision in accordance with §7.16, Appeal to court.

## §7.6. CONDITIONAL USE PERMIT

### §7.6.1. Intent

This section provides for the approval of conditional uses (i.e., special exceptions) as a discretionary, legislative action pursuant to VA Code Ann.

### §7.6.2. Applicability

- A. Conditional uses within a zoning district are uses that are not permitted in a particular district except by a Conditional Use Permit granted under the provisions of this section. A Conditional Use Permit shall be required for all conditional uses as set forth in the Use Table (See also §2.4). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.

**Commentary:** If a proposed development includes a child care center, library and a restaurant, including out parcels, and one of those uses is only permitted as a conditional use in the district, then the entire development requires a Conditional Use Permit.

- B. Where a use requiring approval as conditional use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to approval of a Conditional Use Permit, not the entire project. However, where the separate legal parcel is an out parcel, the application shall describe the relationship of the out parcel to the remaining site.

**Commentary:** For example, where a use in a nonresidential district (requiring a Conditional Use Permit) is an out parcel within a larger retail development, the Conditional Use Permit shall apply to the out parcel only – not the entire development. However, where a conditional use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require a Conditional Use Permit.

### §7.6.3. Initiation of Application

- A. An owner of land within the city, or such owner's duly authorized agent or representative, may apply to the City Council for a Conditional Use Permit. (See §7.2.3.C for more information)

### §7.6.4. Pre-application Meeting

- A. All applicants filing a conditional use application for review shall hold a pre-application meeting with the Planning Director in accordance with §7.2.2.

### §7.6.5. Application Requirements

An application for a Conditional Use Permit shall be submitted in accordance with §7.2.3, Application requirements. Such application shall include or be accompanied by a concept plan or site plan, whichever is appropriate.

### §7.6.6. Notice and Public Hearings

The Planning Commission and City Council shall hold all required public hearings and give notice in accordance with §7.2.5, Notice and public hearings.

### §7.6.7. Action by Planning Director

- A. Upon submission of a completed application, the Planning Director shall review the conditional use application for consistency with the requirements of this Chapter, and

schedule the conditional use application for review by the Site Review Team (SRT).

- B. Upon completion of the technical review of the application and concept plan by the SRT, the Planning Director shall prepare a report that reviews the application with attention to any comments provided by the SRT, and for consistency with the Comprehensive Plan and the general requirements of this Chapter. The report, concept or site plan, and any related application materials shall be forwarded to the Planning Commission.

#### **§7.6.8. Action by Planning Commission**

After considering the Planning Director's report in a public hearing, the Planning Commission shall recommend approval, disapproval, modification or send the application back to the Planning Director for additional consideration.

#### **§7.6.9. Action by City Council**

- A. Upon receipt of the recommendation from the Planning Commission, or after 100 days after the date the application was received by the Planning Commission as specified in §7.6.8, the Council shall consider the recommendations of the Planning Commission and Planning Director in a public hearing. The public hearing shall be held concurrent with the first reading of the ordinance approving the proposed amendment.
- B. Following the public hearing, the City Council may approve, deny, modify, or continue (table) the application, or send the application back to the Planning Commission for additional consideration. Such decision shall be made within such reasonable time as may be necessary, which shall not exceed 12 months, unless the applicant requests or consents to action beyond such period or unless the applicant withdraws the application. In the event of and upon such withdrawal, processing of the application shall cease without further action as otherwise would be required.
- C. Conditional Use Permit approvals shall be made by ordinance at the second reading.

#### **§7.6.10. Findings of Fact Required**

No Conditional Use Permit shall be approved by the City Council, unless the following findings are made concerning the application:

- A. That the proposed use is included specifically as one of the permitted conditional uses in the district in which the use is to be located or generally by other provisions of this Chapter;
- B. That the proposed use will be consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more detrimental, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district;
- C. That the proposed use is in compliance with or conditionally-approved subject to applicable State licensing requirements and all Federal, State and local regulations; and
- D. That the proposal as submitted, or modified, is in conformance with the Comprehensive Plan and the specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this Chapter.

#### **§7.6.11. Site Development Standards**

Site Development Standards of Article 5 may be modified as part of Conditional Use Permit approval in order to allow the applicant flexibility to maximize livability within the built

environment. Such modifications shall only be approved where the standards proposed provides greater benefit to the City than would development under otherwise applicable regulations.

#### **§7.6.12. Additional Conditions**

In addition to general district regulations and applicable specific use standards (See also Article 4), the City Council may in approving a conditional use impose special conditions as necessary to protect the public interest.

- A. Such conditions may impose additional restrictions on the physical development of the property or place time limitations on certain uses which do not require substantial investments in improvements to real property.
- B. Where conditions are imposed in connection with residential Conditional Use Permits, wherein the applicant proposes affordable housing, such conditions shall be consistent with the objective of providing affordable housing. Where conditions specify materials and methods of construction or specific design features, the City Council shall consider the impact of the conditions upon the affordability of housing.
- C. Development of the subject property as shown on a submitted concept plan may be required.
- D. A period of validity may be established, where and if appropriate,
- E. A performance guarantee or bond may be required to insure that the conditions imposed are being and will continue to be complied with.
- F. Any additional condition(s) approved by the City Council shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

#### **§7.6.13. Effect of Decision**

- A. If the City Council votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the City Council votes to approve an application, the permit shall be maintained in the office of the Planning Director.
- B. The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs, unless otherwise stipulated by the City Council as part of the Conditional Use Permit approval.

#### **§7.6.14. Period of Validity**

An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:

- A. A final site plan or building permit has been submitted and remains valid;
- B. Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
- C. If no building permit is required, a certificate of occupancy has been issued.

**§7.6.15. Action Following Approval**

No zoning permit shall be issued until all imposed development conditions, if any, have been met. Commencement of a conditional use prior to the issuance of the zoning permit shall be a violation of this Chapter.

**§7.6.16. Revocation of a Conditional Use Permit**

- A. If any conditions of a Conditional Use Permit or other requirements of this Chapter are violated, the City Council may revoke the permit. Revocation may occur after a public hearing is conducted by the City Council, provided that written notice is given to the applicant.
- B. Violations of conditions of a Conditional Use Permit shall be considered a violation of this Chapter and thereby subject to the provisions of Article 9, Enforcement and penalties.

**§7.6.17. Coordination with Variances**

Applications for variances may be submitted concurrently with an application for a Conditional Use Permit. However, decisions shall be rendered separately by the City Council (Conditional Use Permit) and the Board of Zoning appeals (variance). The Conditional Use Permit application shall be considered first (including any concept plan or site plan).

**§7.6.18. Coordination with Rezoning**

An application for a Conditional Use Permit may be reviewed concurrently with a rezoning application. However, a decision shall be rendered first for any rezoning and then subsequently for any Conditional Use Permit.

**§7.6.19. Appeal to Court**

Any decision by the City Council may be appealed within 30 days of the decision in accordance with §7.16.

## **§7.7. SITE PLAN REVIEW**

### **§7.7.1. Applicability**

All nonresidential and multiple-family development (multiplexes, townhouses and multifamily buildings) shall be subject to the site plan review requirements of this section. No building permit may be approved for such development prior to the approval of a site plan by the Zoning Administrator. Temporary uses may require site plan review (See also §7.8, Temporary use permit).

### **§7.7.2. Enterprise Zone Waivers**

Where the Zoning Administrator finds that extraordinary hardship or practical difficulty may result from strict compliance with the Site Development Standards of Article 5 and where the purpose of this Chapter or the enterprise zone may be served to greater extent by an alternative proposal, a waiver(s) may be granted. Waivers shall not be granted where compliance with the applicable standards is practical and achievable or where such waiver would jeopardize the public health or safety.

### **§7.7.3. Site Plan Types**

There are two types of site plans (minor site plans and major site plans) with differing levels of review and approval required for each. The criteria for establishing which type of site plan is required and the corresponding level of approval for each are indicated below. The Zoning Administrator shall make a determination as to which approval process authorized by this section is required for the proposed development. The Zoning Administrator may require the applicant to submit supplemental information necessary to make this determination.

#### **A. Minor Site Plans**

##### **1. Applicability**

The following shall be reviewed as a minor site plan, provided modification of the standards established in this Chapter are not required, other than those which the Zoning Administrator may modify administratively, and do not involve the issuance of a Conditional Use Permit:

- (a) Change of use or expansion of an existing conforming structure or expansion of a previously approved plan by up to ten percent or 2,000 square feet, whichever is less, in floor area, number of units or building coverage area;
- (b) Change of use or expansion or modification of existing development that does not result in any of the following:
  - (1) erosion and sediment control plans;
  - (2) Traffic impact analysis (TIA);
  - (3) Stormwater Management Permits; and
  - (4) Relocation or extension of public utilities;
- (c) Accessory uses in nonresidential districts involving structures less than 500 square feet; and
- (d) Amenity facilities, park and open area uses in approved subdivisions.

**2. Approval Authority**

The Zoning Administrator shall be responsible for the review and approval of all minor site plans.

**B. Major Site Plans****1. Applicability**

- (a) Any development requiring site plan review not listed in paragraph A, above, as a minor site plan shall be considered a major site plan; and
- (b) Any development that requires an erosion and sediment control plan, a stormwater plan, a traffic impact analysis or an extension of public utilities.

**2. Minimum Requirements**

Unless waived by the Zoning Administrator, each major site plan shall, at a minimum, include the following information:

- (a) Title of the project; names of the engineer, architect, landscape architect or surveyor, if any; names of the developer and property owner; and a signature panel for the agent's approval;
- (b) The northpoint, scale, date and vicinity map;
- (c) The boundaries of the property involved, all existing property lines, setback lines, buildings, watercourses, adjacent property lines, waterways or lakes and other existing physical features in or adjoining the project, including flood hazard areas as identified by official city flood insurance maps;
- (d) Those physical features such as watercourses, waterways or lakes on adjoining properties need only be shown in approximate scale and proportion;
- (e) The location, dimensions and character of construction of existing and proposed streets, alleys, sidewalks, curbs and gutters and all curb cuts;
- (f) The location and size of existing and proposed sanitary sewers; water, gas, telephone, electric and other utility lines; culverts and other underground or overhead structures in or affecting the project, including existing and proposed facilities and easements for these facilities;
- (g) All parking, travel lanes, driveways, loading spaces, walkways and outdoor lighting systems, including luminary size, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of §5.1.
- (h) Existing and proposed stormwater management facilities and erosion and sediment control measures, indicating location, size, type and grade of ditches, catch basins, and pipes, including on-site water retention and related requirements of City Code, Chapter 30, Erosion and Sediment Control;
- (i) Landscape plan in accordance with §5.4;
- (j) Outdoor lighting plan in accordance with §5.5;
- (k) Information necessary to demonstrate that all construction or development will fully comply with applicable federal, state and local requirements for accessibility to the handicapped; and

- (l) Any additional information as deemed necessary by the Zoning Administrator to provide sufficient information for staff review including soil information, project impacts on public facilities and resources and traffic impact.

### 3. Approval Authority

The Zoning Administrator shall be responsible for the review and approval of major site plans, after review by the Site Review Team.

#### §7.7.4. Minor Site Plan Review

##### A. Initiation of Site Plan Review

An owner of land within the city, or such owner's duly authorized agent or representative, may apply to the Zoning Administrator for approval of a minor site plan. (See §7.2.3.C for more information)

##### B. Application Requirements

An application for minor site plan approval shall be submitted accordance with §7.2.3, Application requirements.

##### C. Action by Zoning Administrator

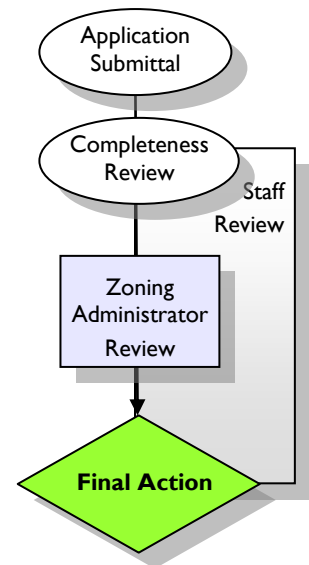
1. Upon submission of a completed application, the Zoning Administrator may schedule the minor site plan for review by the SRT, if necessary. In such cases, the SRT shall review the minor site plan for consistency with the requirements of this Chapter.
2. After technical review (with or without review by the SRT), the Zoning Administrator shall determine whether the minor site plan conforms to the requirements of this Chapter and other applicable City requirements.

##### D. Modifications to Approved Minor Site Plans

The Zoning Administrator shall have authority to grant modifications to approved minor site plans, and may choose to refer the modification to the SRT for review if deemed necessary.

##### E. Administrative Appeal

Zoning Administrator's final decision on a minor site plan may be appealed within 30 days of the decision in accordance with §7.15, Administrative appeal.





### §7.7.5. Major Site Plan Review

#### A. Pre-Application Meeting

All applicants filing a site plan application for review shall hold a pre-application meeting with the Zoning Administrator in accordance with §7.2.2.

#### B. Initiation of Site Plan Review

An owner of land within the city, or such owner's duly authorized agent or representative, may apply to the Zoning Administrator for major site plan review. (See §7.2.3.C for more information)

#### C. Application Requirements

An application for final major site plan approval shall be submitted in accordance with §7.2.3, Application requirements.

#### D. Action by Zoning Administrator

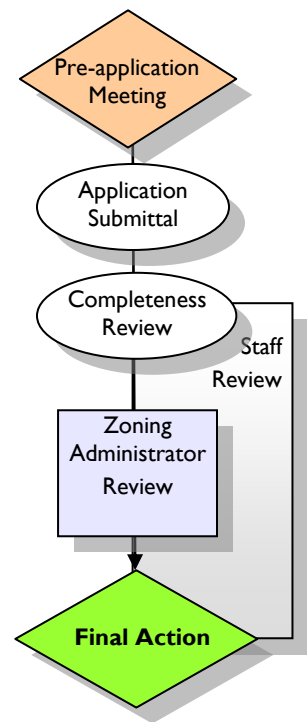
1. Upon submission of a completed site plan application, the Zoning Administrator shall schedule the major site plan for review by the Site Review Team (SRT). The SRT shall review the major site plan for consistency with the requirements of this Chapter.
2. After considering the SRT comments, the Zoning Administrator shall approve or disapprove the final major site plan, or send the site plan back to the SRT for additional consideration.

#### E. Modifications to Approved Major Site Plans

##### 1. Minor Modifications

If a proposed amendment to a major site plan represents only a minor modification to the approved site plan, the applicant shall file a written request for such amendment with the Zoning Administrator who shall act upon such application within ten days of its receipt. Minor modifications shall include, but are not limited to, the following:

- (a) A less than five percent increase, or any decrease, in the floor area or number of units, provided that the district maximums of the subject property for which a major site plan has been submitted are not exceeded;
- (b) A less than ten percent decrease in parking spaces, common area or livability space; and
- (c) The minor relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan unless deemed by the Zoning Administrator to significantly alter the approved plan.
- (d) Minor stormwater management or erosion and sediment control plan modifications approved by the City Engineer or his designee.



## 2. Substantial Modifications

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial modifications include the following:

- (a) A five percent or greater increase in floor area or number of units;
- (b) A ten percent or greater decrease in parking spaces or common area;
- (c) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the major site plan for the distances specified below based on the size of the development:
  - (1) 25 feet or more for major site plans of two acres or less;
  - (2) 50 feet or more for major site plans of more than two acres but less than eight acres;
  - (3) 100 feet or more for major site plans of eight acres but less than 20 acres; and
  - (4) 150 feet for major site plans of 20 acres or more.

### §7.7.6. Approval Criteria

In evaluating a site plan, the Zoning Administrator shall consider the following:

- A. Compliance with all applicable requirements of this Chapter;
- B. Site design and development intensity;
- C. Location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- D. Adequacy and location of parking areas and pedestrian and vehicular access points;
- E. Compliance with site construction specifications;
- F. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines;
- G. Whether the value of adjoining or abutting property will be substantially injured, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
- H. Compliance with requirements for easements or dedications;
- I. Compliance with any applicable subdivision improvements;
- J. If applicable, compliance with the approved Planned Unit Development Code of Development, proffers and/or development conditions; and
- K. Whether building design and materials uphold and promote high quality development in the city and are compatible with other uses in the surrounding neighborhood.

### §7.7.7. Period of Validity

A site plan shall be deemed final once it has been reviewed and approved when the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows.

- A. An approved final site plan shall be valid for a period of five years from the date of approval thereof or for such longer period as the Zoning Administrator may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.
- B. For so long as the final site plan remains valid in accordance with the provisions of this section, or for five years after approval, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the final site plan shall adversely affect the right of developer or any successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless the change or amendment is required to comply with State law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.
- C. Application for minor modifications to final site plans made pursuant to §7.7.5.E.1 during the periods of validity of such plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of plans.
- D. Upon application of the developer filed prior to expiration of a final site plan, the Zoning Administrator may grant one or more extensions of such approval for additional periods as the Zoning Administrator may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for an extension.

#### **§7.7.8. Dedication and Improvements**

The applicant shall bear the costs of the installation of all on-site improvements as required by this Chapter, including:

##### **A. General**

The following on-site and off-site physical improvements shall be required in accordance with provisions of this Chapter, for all proposed developments as conditions of the approved site plan:

1. Safe and convenient ingress from and egress to one or more public roads;
2. Continuous and unobstructed access for emergency purposes;
3. Additional dedication of right-of-way to provide for a minimum width of any public street in accordance with City standards and requirements;
4. On-site parking, loading and circulation;
5. Safe and convenient sidewalks and pedestrian walkways, where necessary; and
6. Curb and gutter, where necessary.

##### **B. Drainage, Stormwater Management and Soil Erosion**

1. Land disturbing activities, other than timbering, that affect more than 10,000 square feet are also subject to the approval of an erosion and sediment control plan by the City of Waynesboro Engineering Division pursuant to the requirements of City Code, Chapter 30, Article II, Erosion and Sediment Control.

2. New development or redevelopment projects, other than timbering, that affect more than 10,000 square feet are also subject to the requirements of City Code Chapter 30, Article III, Stormwater Management.

**C. Water, Sewer and Other Utilities**

1. Provision shall be made and facilities constructed for all available utilities, i.e., water, sewer, gas, telephone and electric services, to be constructed underground in accordance with City standards and requirements.
2. Fire hydrants and distribution systems shall be provided subject to approval of the Fire Department. In areas where adequate public water facilities are not reasonably available, the fire official may require such alternative provisions as deemed reasonably necessary to provide adequate fire protection.

**D. Other Required Improvements**

Landscaping; signage; and outdoor lighting shall be provided in accordance with provisions of this Chapter.

**E. Easements, Right-of-Way**

All required easements and right-of-ways shall be clearly defined. New easements and right-of-way must be conveyed and dedicated by separate certified plat and deed.

**§7.7.9. Guarantees of Improvements**

- A. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
- B. The City shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in cash, certified check, or be made by a company authorized to do business in Virginia; and in an amount approved by the City.
- C. As each phase of improvements is installed and inspected by the City, the bond amount shall be reduced by the costs of the installed improvements.
- D. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the City until the remaining required improvements are completed.

**§7.7.10. Inspections of Required Improvements**

Inspections during construction of required improvements shall be made in accordance with City requirements.

**§7.7.11. Administrative Appeal**

Zoning Administrator's final decision on a major site plan may be appealed within 30 days of the decision in accordance with §7.15, Administrative appeal.

## §7.8. TEMPORARY USE PERMIT

### §7.8.1. Applicability

Temporary uses occurring on property outside of the public right-of-way, including those operating for less than 30 days within a one-year time period, shall obtain a temporary use permit from the Zoning Administrator that outlines conditions of operations so as to protect the public, health, safety and welfare subject to the standards of §4.7, Temporary Use Standards.

### §7.8.2. Initiation

An owner of land within the city, or such owner's duly authorized agent or representative, may apply to the Zoning Administrator for a temporary use permit. (See §7.2.3.C for more information)

### §7.8.3. Application Requirements

Applications for a temporary use permit shall be submitted in accordance with §7.2.3, Application requirements. Concurrent with an application for a temporary use permit, the Zoning Administrator may require submission of a site plan for review and approval.

### §7.8.4. Action by Zoning Administrator

After receiving a complete application, the Zoning Administrator shall have up to 30 days to review the application.

### §7.8.5. Approval Criteria

No temporary use shall be permitted unless it is determined that the following requirements are met.

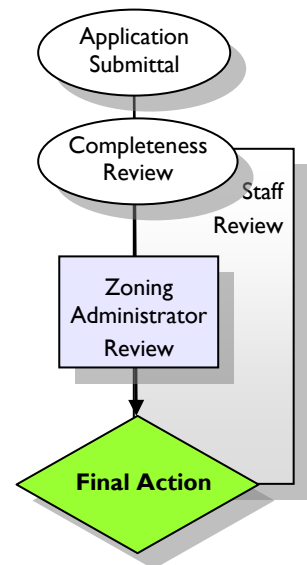
- A. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.
- B. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.
- C. Adequate refuse management, security, emergency services, and similar necessary facilities and services shall be available for the temporary use, and all necessary sanitary facilities shall be approved by the appropriate health agency.
- D. The site is suitable for the proposed use, considering flood hazard, drainage, soils and other conditions which may constitute a danger to life, health or property.
- E. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.

### §7.8.6. Conditions of Approval

Temporary use applications and plans, as are finally approved, are incorporated into any permit issued, and except as otherwise provided herein, all subsequent development and/or use shall occur strictly in accordance with such approved application and documents.

### §7.8.7. Action Following Approval

A temporary use permit will be issued by the Zoning Administrator for all approved applications.



**§7.8.8. Revocation of Permit**

A temporary use permit shall be revoked if the Zoning Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

**§7.8.9. Administrative Appeal**

Zoning Administrator's final decision on a temporary use permit may be appealed within 30 days of the decision in accordance with §7.15, Administrative appeal.

## §7.9. ZONING PERMIT

### §7.9.1. Applicability

- A. It shall be unlawful to move, construct, or alter, or to commence moving, constructing, altering, except for making ordinary repairs, any building or other structure on a site, including an accessory structure, until the Zoning Administrator has issued a zoning permit.
- B. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this Chapter.
- C. No zoning permit is required for permitted temporary uses (See also §7.8).

### §7.9.2. Initiation

An owner of land within the city, or such owner's duly authorized agent or representative, may apply to the Zoning Administrator for a zoning permit. (See §7.2.3.C for more information)

### §7.9.3. Timing of Application

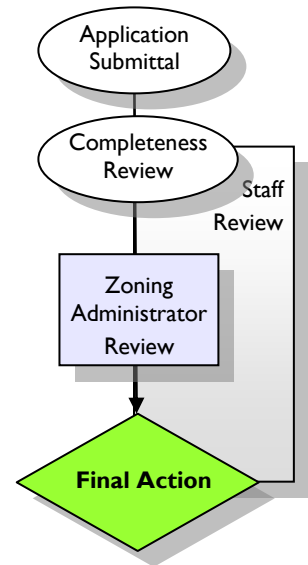
In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

### §7.9.4. Application Requirements

All applications for a zoning permit shall be submitted in accordance with §7.2.3, Application requirements.

### §7.9.5. Action by Zoning Administrator

- A. If the proposed application is in conformity with the provisions of this Chapter, including any proffers, approval conditions or variances, the Zoning Administrator shall issue a zoning permit, provided that:
  1. Issuance of a zoning permit shall in no case be construed as waiving any provisions of this Chapter;
  2. Approval shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this Chapter to any person making application to excavate, construct, move, alter or use buildings, structures or land;
  3. The applicant has demonstrated compliance with the standards of this Chapter in addition to proffers and/or conditions imposed by the appropriate decision-making body; and
  4. Approval shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this Chapter. Prior to the issuance of a zoning permit, the Zoning Administrator shall consult with other applicable officials and departments, as necessary.



- B.** If the application is not in conformity with the provisions of this Chapter, the Zoning Administrator shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.

**§7.9.6. Administrative Appeal**

An appeal from any decision by the Zoning Administrator shall be made within 30 days of the final decision in accordance with §7.15, Administrative appeal.



## §7.10. SIGN PERMIT

### §7.10.1. Applicability

Except as otherwise provided in §5.6.4, no sign may be erected, located, or altered in any manner until a sign permit, and building permit if necessary, has been approved and secured from the Zoning Administrator. Valid sign permits may be assigned to a successor in interest, such as the holder of a business license for the same premises.

**Commentary:** A common signage plan may be required before a sign permit can be issued (See also §5.6.12).

### §7.10.2. Exceptions

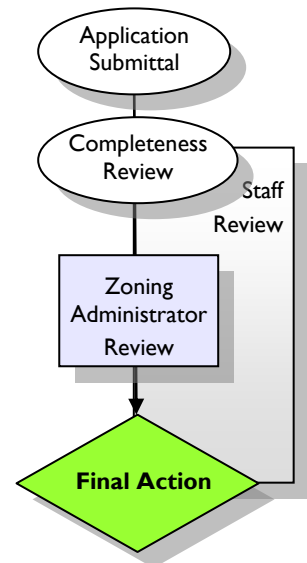
A permit shall not be required for the mere painting, minor electrical and other repairs, provided such change does not violate the provisions of this Chapter. The change of sign copy on a lawfully constructed sign shall not require a permit unless it is included as part of an approved common signage plan (See also §5.6.12).

### §7.10.3. Application Requirements

An application for sign permit shall be submitted in accordance with §7.2.3, Application requirements. Such application shall specify the type of sign to be constructed and the zoning district in which this sign is to be located and shall be accompanied by plans and specifications showing the location, dimensions, materials and details of construction.

### §7.10.4. Action by Zoning Administrator

Upon submission of a completed application, the Zoning Administrator shall review the sign permit application to determine if the application complies with §5.6 and other applicable ordinance requirements. Following completion of technical review, the Zoning Administrator shall determine whether the proposal conforms to the requirements of this Chapter and all other applicable electrical and Building Code requirements, and approve, deny or approve with conditions.



### §7.10.5. Inspection of Permanent Signs

Following the installation of a permitted sign, the applicant shall request inspection by the Zoning Administrator. The sign permit shall be null and void if sign installation is not completed within six months or the signs are not in conformance with the approved application.

### §7.10.6. Temporary Sign Permit

A temporary sign permit shall be issued in accordance with §5.6, Signs, and the requirements of this section. A common signage plan shall not be required for applications for temporary sign permits.

### §7.10.7. Revocation of a Sign Permit

The sign permit shall be revoked if a sign is found to be in violation of the requirements of this Chapter, or other applicable electrical and Building Code requirements.

### §7.10.8. Administrative Appeal

An appeal from any decision by the Zoning Administrator shall be made within 30 days of the final decision in accordance with §7.15, Administrative appeal.

## §7.11. COMMON SIGNAGE PLAN

### §7.11.1. Applicability

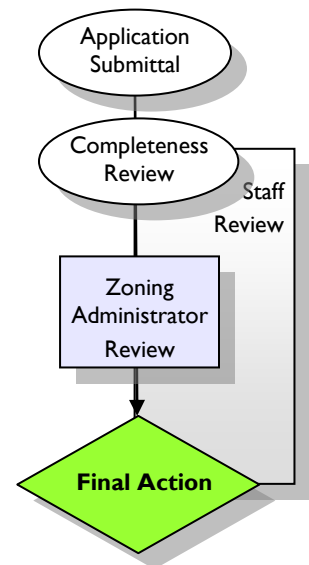
- A. Prior to issuance of any certificate of occupancy, the owners or developers of a nonresidential complex (see also §4.1) shall submit a common signage plan for approval as part of the site plan application. Other applicants may voluntarily submit a common signage plan in accordance with the standards of this section. Such developments may increase the aggregate signage, but not height, otherwise permitted by a maximum amount of 25 percent subsequent to approval of the common signage plan.
- B. Applications for temporary sign permits shall not be required to submit an approved common signage plan.

### §7.11.2. Application Requirements

- A. An application for a common signage plan shall be submitted in accordance with §7.2.3, Application requirements. The elements of a common signage plan shall be in accordance with §5.6.12.
- B. Where an application for site plan review is also required, the common signage plan shall be submitted concurrently with the site plan (See also §7.7, Site plan review).

### §7.11.3. Action by Zoning Administrator

- A. Following completion of the technical review, the Zoning Administrator shall approve the common signage plan provided the plan meets all requirements of this section.
- B. The Zoning Administrator may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the Zoning Administrator feels that the intent of the common signage plan requirements is maintained. In allowing modifications, the Zoning Administrator may limit the logo size. The requirements of a common signage plan shall apply to all tenants within a nonresidential complex, even if the properties have been subdivided.



### §7.11.4. Revisions and Amendments

- A. Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval.
- B. It shall be the responsibility of the applicant and/or property owner to enforce the terms of the common signage plan, and a current copy of such plan, including any amendments, must be kept on file in the Zoning Administrator's office.

### §7.11.5. Existing Signs Not Conforming to Common Signage Plan

If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this Chapter in effect on the date of submission.

**§7.11.6. Binding Effect**

After approval of a common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provisions of this Chapter. In case of any conflict between the provisions of such a plan and any other provision of this Chapter, this Chapter shall control.

**§7.11.7. Administrative Appeal**

An appeal from any decision by the Zoning Administrator shall be made within 30 days of the final decision in accordance with §7.15, Administrative appeal.

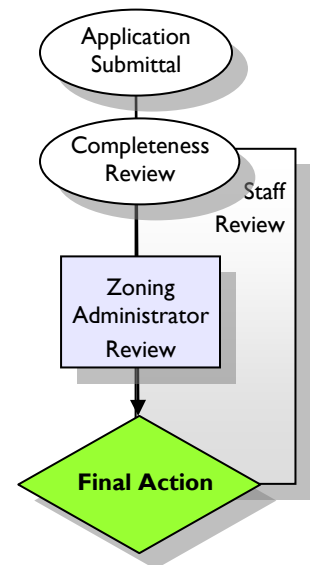
## §7.12. FLOODPLAIN DEVELOPMENT PERMIT

### §7.12.1. Applicability

All uses, activities, and development occurring within any floodplain district, including placement of manufactured or mobile homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the City of Waynesboro Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

### §7.12.2. Application Requirements

- A. An application for a floodplain development permit shall be submitted in accordance with §7.2.3, Application requirements.
- B. At a minimum, such application shall include the following information:
  1. The elevation of the Base Flood at the site;
  2. The elevation of the lowest floor (including basement);
  3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed; and
  4. Topographic information showing existing and proposed ground elevations.
  5. A typical valley cross-section as necessary to adequately show the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, floodway limits, limits of the floodplain.
  6. A profile showing the slope of the bottom of the channel or flow line of the stream.
  7. A summary report, prepared by a qualified engineer or others of demonstrated qualifications, evaluating the proposed project in relation to flood elevations and velocities, the seriousness of flood damage to the use, and other pertinent technical matters.
  8. Additional information as may be required by the Floodplain Administrator, including but not limited to, a determination of the floodway.



**§7.12.3. Action by Zoning Administrator**

- A. The Zoning Administrator shall review and evaluate the application for consistency with the provisions of this Chapter, the official Zoning District Map and any other relevant information;
- B. Following completion of the technical review period, the Zoning Administrator shall render an opinion.

**§7.12.4. Approval Criteria**

Floodplain development permits shall be based on the applicable requirements of the §3.3.5, -FO district.

**§7.12.5. Administrative Appeal**

An appeal from any decision by the Floodplain Administrator shall be made within 30 days of the final decision in accordance with §7.15, Administrative appeal.

## §7.13. WRITTEN INTERPRETATION

### §7.13.1. Applicability

When uncertainty exists, the Zoning Administrator, after consultation with other involved City staff and the City Attorney, shall be authorized to make all interpretations concerning the provisions of this Chapter.

### §7.13.2. Application Requirements

An application for a written interpretation shall be submitted in accordance with §7.2.3, Application requirements.

### §7.13.3. Action by Zoning Administrator

- A. The Zoning Administrator shall review and evaluate the application for consistency with the provisions of this Chapter, the official Zoning District Map and any other relevant information.
- B. Following completion of the technical review period, the Zoning Administrator shall render an opinion.
- C. The interpretation shall be provided to the applicant in writing.

### §7.13.4. Approval Criteria

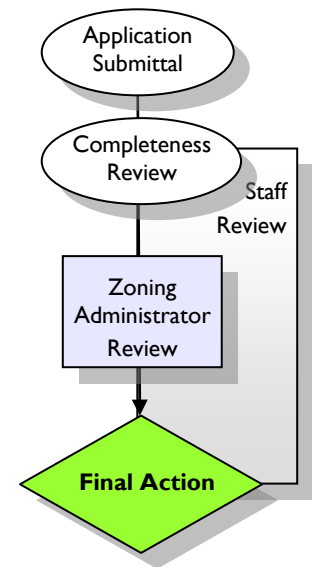
Written interpretations shall be based on the text of the ordinance and prior interpretations of the same or similar provisions.

### §7.13.5. Official Record

The Zoning Administrator shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

### §7.13.6. Administrative Appeal

An appeal from any decision by the Zoning Administrator shall be made within 30 days of the final decision in accordance with §7.15, Administrative appeal.



## §7.14. VARIANCE

### §7.14.1. Applicability

- A. The Board of Zoning Appeals may authorize, upon appeal or original application, such variance from the terms of this Chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this Chapter shall be observed and substantial justice done.
- B. When a property owner can show that his property was acquired in good faith and where:
  - 1. By reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance from which this Chapter is derived; or
  - 2. By reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this Chapter would effectively prohibit or unreasonably restrict the use of the property; or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
- C. All variances shall be in harmony with the intended spirit and purpose of this Chapter.

### §7.14.2. Initiation of Variance

An owner of land within the City, or such owner's duly authorized agent or representative, may application the Board of Zoning Appeals for a variance. (See §7.2.3.C for more information)

### §7.14.3. Application Requirements

An application for a variance shall be submitted in accordance with §7.2.3, Application requirements.

### §7.14.4. Notice and Public Hearings

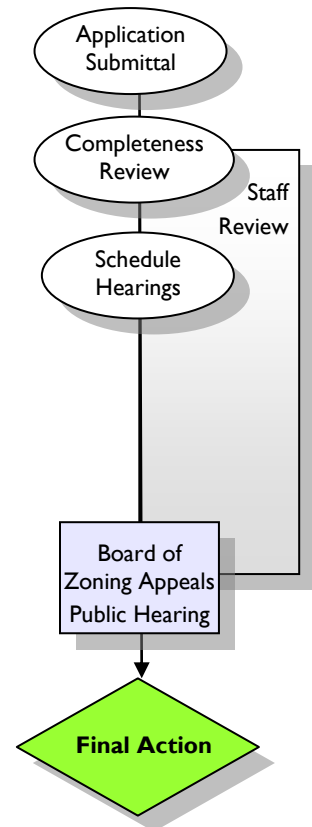
The Board of Zoning Appeals shall hold all required public hearings and give notice in accordance with §7.2.5, Notice and public hearings.

### §7.14.5. Action by Zoning Administrator

The Zoning Administrator shall provide the Board of Zoning Appeals with copies of the application and all relevant materials pertaining to the application.

### §7.14.6. Action by Board of Zoning Appeals

The Board of Zoning Appeals may approve the application, deny the application, or continue the application. Each decision shall be accompanied by findings of fact that specifies the reason(s) for the decision.



**§7.14.7. Burden of Proof**

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Zoning Appeals to reach the conclusions set forth below as well as the burden of persuasion on those issues.

**§7.14.8. Required Findings**

Variances shall be authorized by the Board of Zoning Appeals where the Board makes a positive finding on each of the following:

- A. That the strict application of this Chapter would produce undue hardship;
- B. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- C. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and
- D. That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Chapter.

**§7.14.9. Supplemental Floodplain Variance Regulations****A. General**

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

**B. Referral**

The Board of Zoning Appeals may refer any variance application and accompanying documentation to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

**C. Notifications and Acknowledgments**

1. Upon receipt of an application for any variance affecting floodplain lands or affecting any floodplain regulation of this Chapter, the Floodplain Administrator shall notify the applicant in writing that construction below the 100-year flood elevation:
  - (a) Will result in increased premium rates for flood insurance; and
  - (b) Increases risks to life and property.
2. The applicant shall be required to acknowledge in writing that they assume all risks and liabilities connected with such activities. A copy of the notification and the applicant's acknowledgment shall be maintained by the Zoning Administrator.
3. Annual reporting of such notification is required by §6.7.2.E.



**D. Criteria for Approval**

Floodplain property variances may only be approved after the Board of Zoning Appeals has determined that all of the following criteria are met:

1. There is a showing of good and sufficient cause;
2. Failure to grant the variance would result in exceptional hardship to the applicant;
3. The granting of such variance will not result in:
  - (a) Unacceptable or prohibited increases in flood heights;
  - (b) Additional threats to public safety; or
  - (c) Extraordinary public expense.
4. The granting of such variance will not:
  - (a) Create nuisances;
  - (b) Cause fraud or victimization of the public; or
  - (c) Conflict with local laws or ordinances.
5. The variance will:
  - (a) Be the minimum required to provide relief; and
  - (b) Not cause any increase in the 100-year flood elevation;
6. For new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met;
7. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**E. Additional Factors for Consideration**

The Board of Zoning Appeals shall consider the following additional factors with respect to floodplain property variances:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
5. The importance of the services provided by the proposed facility to the community;
6. The requirements of the facility for a waterfront location;
7. The availability of alternative locations not subject to flooding for the proposed use;
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

9. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area;
10. The safety of access by ordinary and emergency vehicles to the property in time of flood;
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
12. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; and
13. Other relevant factors.

**F. Optional Referral**

The Board of Zoning Appeals may refer any floodplain variance application and accompanying documentation pertaining to such request to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

**G. Supplemental Findings of Fact**

In addition to any other findings of fact required for all variances (see also §7.14.8), in deciding on variances affecting floodplain property or any floodplain regulations, findings of fact shall be made by the Board of Zoning Appeals on each of the following matters based on the evidence presented.

1. That the granting of a variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud or victimization of the public, nor conflict with existing local laws or ordinances and that all buildings will be protected by methods that minimize flood damage during the base flood event;
2. That the development activity cannot be located outside the floodplain;
3. That the development activity is not in a regulatory floodway; and
4. That the proposed development will not:
  - (a) Cause any increase in the 100-year flood elevation.
  - (b) Create a danger that materials may be swept on-to other lands or downstream to the injury of others.
  - (c) Affect the water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
5. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

**§7.14.10. Conditions of Approval**

- A. In authorizing a variance the Board of Zoning Appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem

necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

- B. All conditions attached to a variance are enforceable in the same manner as any requirements of this Chapter.

#### **§7.14.11. Actions after Approval**

All actions of the Board of Zoning Appeals shall be placed in the written minutes of the public hearing, along with the reason(s) for the action, and reported to the applicant, in writing, by the Zoning Administrator, within ten days of such action. Approved variances shall be recorded in the public records of the City.

#### **§7.14.12. Limitations**

- A. A variance may be granted only to modify the height, area, size, common area, or distance separation requirements of this Chapter, or to construct on substandard lots as defined in this Chapter.
- B. No variance of use shall be granted that has the practical effect of rezoning property to a higher density or intensity of use than the district in which the property is located.

**Commentary:** "Use variances" are not allowed under this procedure. Such changes may only be approved via either rezoning or text amendment procedures of this Chapter.

- C. No variance shall be granted for any proposed use, development, or activity within the –FO district that will cause any increase in the 100-year flood elevation.

#### **§7.14.13. Revocation**

Violation of the conditions of approval, as specified in the final approval, will be deemed a violation of this Chapter. At a public hearing, upon proof of deliberate disregard and violation of such conditions, the Board of Zoning Appeals may revoke the variance.

#### **§7.14.14. Reconsideration**

The Board of Zoning Appeals shall not consider an application for a variance within one year following the date of final decision by the Board on a prior application if such application seeks substantially the same variance sought in the previous application for the same parcel of land.

#### **§7.14.15. Appeal to Court**

Appeals of final decisions of the Board of Zoning Appeals shall be to the Circuit Court in accordance with the provisions of §7.16, Appeals to Court.

## §7.15. ADMINISTRATIVE APPEAL

### §7.15.1. Applicability

The Board of Zoning Appeals, in appropriate cases and subject to appropriate conditions and safeguards as described in this section, shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination in the enforcement of this Chapter; and
- B. To hear and make interpretations of the Zoning District Map where there is any uncertainty as to the location of a district boundary; the Board may interpret the map in such a way as to carry out the intent and purpose of this Chapter for the particular section or district in question.

### §7.15.2. Notice of Appeal Requirements

- A. Any person aggrieved or by the final decision of any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Chapter may file a notice of appeal to the Board of Zoning Appeals. An Administrative appeal shall be filed within 30 days of receipt of the final decision.
- B. A notice of appeal for Administrative appeal shall be submitted in accordance with §7.2.3 Application requirements. Such notice shall specify the grounds for the appeal with the Zoning Administrator.

### §7.15.3. Notice and Public Hearings

The Board of Zoning Appeals shall hold all required public hearings and give notice in accordance with §7.2.5, Notice and public hearings.

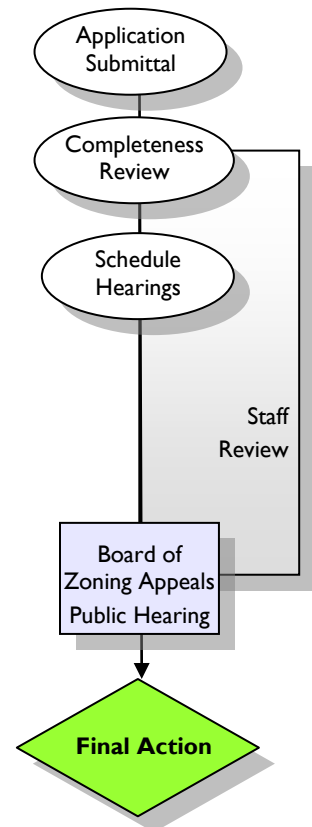
### §7.15.4. Action by Zoning Administrator

The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

### §7.15.5. Action by Board of Zoning Appeals

The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed and may make any order, requirement, decision or determination that in its opinion ought to be made in the case before it.

- A. A motion to reverse, affirm or modify the order, requirement, decision, or determination appealed shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- B. If a motion to reverse or modify is not made, or fails to receive the concurring vote of three members of the Board, the appeal shall be denied.



**§7.15.6. Limitation on District Boundary Interpretations**

In making district boundary interpretations, the Board of Zoning Appeals shall not have the power to change substantially the locations of district boundaries as established by ordinance.

**§7.15.7. Effect of Appeal**

An appeal to the Board of Zoning Appeals stays all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application or notice to the Zoning Administrator and on due cause shown.

**§7.15.8. Findings of Fact**

Every decision of the Board of Zoning Appeals shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Board within ten days after the date of the final decision.

**§7.15.9. Appeal to Court**

Appeals of final decisions of the Board of Zoning Appeals shall be to the Circuit Court in accordance with the provisions of §7.16, Appeals to court.

**§7.16. APPEAL TO COURT**

An appeal of any action, decision, ruling, judgment or order of the City Council or Board of Zoning Appeals made under this Chapter may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the City to the Circuit Court.



# Article 8. Nonconformities

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## §8.1. NONCONFORMING STATUS

### §8.1.1. General

The use of land, use of a structure, or a structure itself, shall be deemed to have lawful nonconforming status when each of the following conditions is satisfied:

- A. The use or structure does not conform to the current regulations prescribed in the district in which such use or structure is located, but was lawfully in existence and lawfully constructed, located and operating prior to, and at the time of the event that made such use or structure nonconforming.
- B. The event that made such use or structure nonconforming was one of the following: boundary adjustment of the City, adoption of this Chapter or a previous zoning ordinance, or amendment of this Chapter.
- C. The nonconforming use or the use occupying the nonconforming structure has been operating since the time that the use or structure first became nonconforming without abandonment, as abandonment is defined in §8.1.2, below.

### §8.1.2. Abandonment

Whenever a nonconforming use is abandoned, the right to have the nonconforming use shall cease and all future uses of the premises shall henceforth conform to this Chapter. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Any nonconforming use that is discontinued for, or that remains vacant for a period of two years shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.  
(Ord. No. 2014-87, 11/20/14)

### §8.1.3. Burden of Proof

The burden of establishing nonconforming status under this Chapter shall, in all cases, be that of the owner or the party claiming a lawful nonconforming use and/or structure, and not the City's.

## **§8.2. NONCONFORMING STRUCTURES**

### **§8.2.1. Continuation**

The lawful, conforming use of a structure, as explained in §1.14.1, existing at the effective date of this Chapter, may be continued, although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area and pervious area provisions of this Chapter.

### **§8.2.2. Damaged or Destroyed**

If a nonconforming structure is damaged by calamity natural disaster or an act of God, it may be restored as authorized by VA Code Ann. §15.2-2307.

The owner of a nonconforming structure damaged or destroyed by a natural disaster or other act of God may replace, repair or rebuild such building to eliminate or reduce the nonconforming features to the extent possible without the need to obtain a variance.

A nonconforming structure damaged or destroyed by a natural disaster or other act of God to an extent greater than 50 percent of its pre-damage/destruction value shall be restored in accordance with the provisions of the current zoning ordinance.

In the event that a nonconforming structure damaged or destroyed by a natural disaster or other act of God to an extent greater than 50 percent of its pre-damaged/destruction value and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so.

Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the current zoning ordinance.

(Ord. No. 2014-87, 11/20/14)

### **§8.2.3. Movement**

A nonconforming structure, including a manufactured home, may not be moved for any reason or for any distance, unless when so moved, it complies with the regulations for the district in which it is located. Further, any subsequent reuse of the lot or lots on which the nonconforming structure has been moved must comply with the regulations for the district in which it is located. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.

### **§8.2.4. Expansion**

A nonconforming structure may not be enlarged or expanded, except as provided in §1.13.5.C.2(c).

### **§8.2.5. Nonconforming Structures In the -FO District (All Floodplain Areas)**

Notwithstanding other provisions to the contrary, a structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A.** Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with



standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

### §8.3. NONCONFORMING USES

#### §8.3.1. Continuation

The lawful nonconforming use of a structure or land at the effective date of this Chapter may be continued so long as the then existing or a more restricted use continues, except that:

- A. Only that portion of the land in actual use may be so continued, and the nonconforming use may not be enlarged, expanded or extended, nor may any additional structures be added to be occupied by the nonconforming use.
- B. Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use are permitted, provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.

#### §8.3.2. Reserved

(Ord. No. 2014-87, 11/20/14)

#### §8.3.3. Movement

A nonconforming use, including a manufactured home, may not be moved for any reason or for any distance, unless when so moved, it complies with the regulations for the district in which it is located. Further, any subsequent reuse of the lot or lots on which the nonconforming structure has been moved must comply with the regulations for the district in which it is located. The provisions of this subsection shall not apply to involuntary movements of uses as a result of condemnation actions or other litigation.

#### §8.3.4. Change in Use

Once a nonconforming use has been changed or altered so as to comply with the provisions of this Chapter, it shall not revert back to a nonconforming use.

#### §8.3.5. Discontinuance of Nonconforming Use

After a nonconforming use has been discontinued for a period of at least two years, it shall not be re-established on the lot.

### §8.4. NONCONFORMING LOTS

#### §8.4.1. Permitted Use

- A. If a lawful lot in any zoning district was recorded in the official records of the clerk of the Circuit Court, prior to the effective date of this Chapter, or any pertinent amendment thereto, and said lot met the requirements of the Zoning Ordinance in effect at the time of

recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Chapter even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Chapter can be satisfied.

**§8.4.2. Actions of Governmental Agencies**

Where, after the effective date of this Chapter, a governmental agency obtains a portion of a conforming lot for public purposes and thereby on the remainder creates a nonconforming lot, permitted principal and accessory structures in the district in which said lot is located may be erected or constructed on the lot provided that all other requirements of this Chapter are met.

## Article 9. Enforcement and Penalties

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### §9.1. GENERAL

#### §9.1.1. Responsibility for Enforcement

The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the uses of all land comply with the provisions of this Chapter. The Zoning Administrator shall have all necessary authority on behalf of the City Council to administer and enforce this Chapter.

#### §9.1.2. Compliance Required

- A. Any building or structure erected contrary to any of the provisions of this Chapter and any use of any building or land which is conducted, operated or maintained contrary to the provisions of this Chapter shall be a violation of this Chapter and the same is hereby declared to be unlawful.
- B. Any person, firm or corporation, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Chapter, or permits any such violation, or who fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Chapter or the provisions of any approval granted under this Chapter shall be subject to the enforcement provisions of this article.

### §9.2. VIOLATIONS AND PENALTIES

Violations of this Chapter shall constitute civil violations. The designation of violations of this Chapter as civil violations shall preclude criminal prosecution or sanctions, except when such violation results in injury to a person.

#### §9.2.1. General

- A. Any person who violates any of the provisions of this Chapter shall, upon admission of liability or finding of liability for a civil violation by the district court of the City of Waynesboro, be fined not less than \$25.00, nor more than \$150.00, if the offense is not willful; or not more than \$250.00 if the offense is willful, and in every case, \$25.00 for each day after the first day that such violation shall continue.

- B. Furthermore, the existence of a civil penalty shall not preclude action by the Zoning Administrator or the City Council from seeking declaratory, injunctive or other relief as provided by Virginia law.

#### **§9.2.2. Signs**

Any person who violates any of the provisions of this Chapter shall, upon conviction thereof before the district court of the City of Waynesboro, be fined not less than ten dollars, nor more than \$100.00, if the offense is not willful; or not more than \$250.00 if the offense is willful, and in every case, ten dollars for each day after the first day that such violation shall continue; provided that after written notice to the owner by certified mail the City may remove any sign in violation of the sign regulations of this Chapter at the sign owner's or land owner's expense after violation has continued for more than 30 days.

#### **§9.2.3. Floodplain Regulations**

- A. Any person who fails to comply with any of the requirements or provisions of §3.3.5 or directions of the zoning administrator or any authorized employee of the City of Waynesboro shall be guilty of a zoning violation and subject to the penalties therefore.
- B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of §3.3.5. The imposition of a fine or penalty for any violation of, or noncompliance with, §3.3.5 shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violation(s) or noncompliance(s) within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with §3.3.5 may be declared by the City of Waynesboro to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of §3.3.5.

### **§9.3. ENFORCEMENT PROCEDURE AND REMEDIES**

#### **§9.3.1. General**

Violations of this Chapter shall be corrected in accordance with the procedures of this section.

- A. Upon becoming aware of a violation of this Chapter, the Zoning Administrator may charge the person committing or permitting such violation through the issuance of a Notice of Civil Citation. Any such notice shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with §7.15, and that the decision shall be final and un-appealable if not appealed within 30 days. Notwithstanding other provisions to the contrary, the appeal period shall not commence until the statement is given.
- B. A written notice of a zoning violation or order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the owner and shall satisfy the notice requirements of this section.
- C. If the person responsible for the alleged violation denies that a violation exists, the person may appeal the Zoning Administrator's decision in accordance with the procedures of §7.15.
- D. Any person charged for such violation may enter a waiver of trial, admit liability, and pay the penalty to the Department of Finance within 30 days of receipt of said citation. Such

admission of liability shall have the same force and effect as a judgment of court and shall not be a criminal conviction.

- E. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the Zoning Administrator shall cause the service of a summons for such person to appear in the district court to stand trial in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- F. The existence of a civil penalty shall not preclude action by the Zoning Administrator or the City Council from seeking declaratory, injunctive or other relief as provided by Virginia law.

### **§9.3.2. Signs**

- A. Any sign which is unlawfully installed or improperly maintained shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure or land upon which such sign may be found, within 30 days after written notification to do so from the Zoning Administrator. Upon failure to comply with such notice within the time specified herein, the Zoning Administrator may cause the removal of such sign. Any expenses incident thereto shall be paid by the owner of the building or structure of [or] land upon which such sign is erected.
- B. Unauthorized signs located within City right-of-way may be removed without notice. The City shall not be responsible for the replacement cost of such signs.

## **§9.4. ADDITIONAL REMEDIES**

In addition to the remedies provided in this article, the City Council or Zoning Administrator may bring legal action to insure compliance with this Chapter, including injunction, mandamus, abatement or any other appropriate action or proceeding authorized by law, to prevent, enjoin, abate, or remove any unlawful building, structure or use.



## Article 10. Definitions

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### §10.1. ABBREVIATIONS

BMP: Best Management Practices.

BZA: Board of Zoning Appeals.

CC: City Council.

DBH: Diameter at Breast Height.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FEMA: Federal Emergency Management Administration.

FT: Feet.

GFA: Gross floor area.

LID: Low impact development.

N/A: Not applicable.

NAICS: North American Industry Classification System (NAICS)(see <http://www.naics.com> for more info)

PC: Planning and Zoning Commission or Planning Commission.

PD: Planning Director.

SF: Square feet.

SRT: Site Review Team.

TIA: Traffic impact analysis.

USGS: United States Geologic Survey.

VDOT: Virginia Department of Transportation.

ZA: Zoning Administrator.

## **§10.2. USE CATEGORIES**

### **§10.2.1. General**

#### **A. Basis for Classification**

Use categories classify land uses and activities based on similar functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties and site conditions. The use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

#### **B. Principal Use Characteristics**

A principal use is assigned to the use category that most closely corresponds to its nature as described in the “Characteristics” section of each use category.

#### **C. Similar Use Interpretations**

1. Determination of the appropriate category for a proposed principal use shall be made by the Zoning Administrator in accordance with the provisions of subsection 2, below.
2. The following shall be used to determine (1) the appropriate category for a use not specifically listed in the Use Table or the examples in the use category descriptions, and (2) whether a use is considered principal or accessory.
  - (a) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
  - (b) The relative amount of site area or floor space and equipment devoted to the activity;
  - (c) Relative amounts of sales from each activity;
  - (d) The customer type for each activity;
  - (e) The relative number of employees in each activity;
  - (f) Hours of operation;
  - (g) Building and site arrangement;
  - (h) Vehicles used and their parking requirements;
  - (i) The relative number of vehicle trips generated;
  - (j) Required signage;
  - (k) How the use is advertised;
  - (l) The likely impact on surrounding properties; and
  - (m) Whether the activity is likely to be found independent of the other activities on the site.
3. The Zoning Administrator may use the North American Industry Classification System to assist in the interpretation of similarity of uses.
4. When considering appropriate districts for a use not listed in the Use Table, the district purpose statements of the respective districts shall be taken into consideration.



**§10.2.2. Developments with Multiple Principal Uses**

Developments with multiple principal uses shall conform to the following.

- A. When all principal uses of a development fall within one use category, the entire development is assigned to that use category.
- B. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to all applicable regulations for that use category.
- C. Developments with multiple principal uses (such as shopping centers) shall incorporate only those uses allowed in the underlying district.

**§10.2.3. Accessory Uses**

Accessory uses are allowed by right, but only in conjunction with a principal use, unless otherwise stated elsewhere in this Chapter. Unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

**§10.2.4. Use of Examples**

The “Examples” section of each use category lists uses common to that use category.

- A. The examples provided are not all-inclusive, but describe the types of uses that are common to that category. Similar uses may also be permitted upon determination by the Zoning Administrator that they are appropriate for that use category.
- B. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. For example, a use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

**§10.2.5. Uses Not Included**

The “Uses Not Included” section provides cross-references to uses that may appear to be part of a particular category, but which are explicitly handled in a different use category.

**§10.2.6. Use Categories**

The following tables describe the characteristics of categories of uses, examples from each category, common accessory uses and uses that are not part of a given use category. These tables are descriptive and the examples listed are not all-inclusive. Determination of the appropriate category for a proposed principal use or accessory not specifically listed will be made by the Zoning Administrator in accordance with §10.2.1.C, Similar use interpretations.

### §10.2.7. Residential Use Categories

#### A. Household Living

<b>Characteristics:</b> Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Single-family detached, single-family attached, two-family houses (duplex), corner lot duplexes, multiplexes, zero lot line houses, townhouses, manufactured homes Multifamily building, retirement center apartments, other apartments Congregate care facilities where individual units comply with the definition of a dwelling unit Group homes (8 persons or fewer) Upper-story residential Other structures with self-contained dwelling units	Accessory apartments Greenhouses and nurseries not engaged in retail trade Hobbies Home occupations In-home care for fewer than six persons Parking of occupants' registered vehicles Raising of Pets Recreational Activities Storage sheds Swimming pools	Bed and breakfast establishments, Hotels, Motels, Inns, Extended-stay facilities (See Overnight Accommodations) Boarding or rooming houses (See Group Living) Group home/other (More than 8 persons) (See Group Living) Halfway house (See Social Service Institutions) Nursing or convalescent home (See Group Living) Residential assisted living facility not having individual dwelling units (See Group Living)

#### B. Group Living

<b>Characteristics:</b> Residential occupancy of a structure by a group of people that does not comply with the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training or treatment.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Assisted or congregate living Dormitories Fraternities Group homes/senior Group home/other (More than 8 persons) Hospices Boarding or rooming houses Monasteries and convents Nursing or convalescent homes Orphanages Sororities	Associated offices Food preparation and dining facilities Parking of vehicles for occupants and staff Recreational facilities	Alternative or post-incarceration facilities (See Social Service Institutions) Bed and breakfast establishments, hotels, motels, inns, extended-stay facilities (See Overnight Accommodations) Congregate care facilities where individual units comply with the definition of a dwelling unit (See Household Living) Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (NAICS <sup>2</sup> 62221, 6232) (See Social Service Institutions) Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis. (See Household Living) Treatment centers, transient lodging or shelters (See Social Service Institutions)

### §10.2.8. Public and Civic Use Categories

#### A. Community Service

<b>Characteristics:</b> Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Community centers Libraries Museums Philanthropic institutions Places of worship Senior centers Social service facilities Youth club facilities	Associated offices Food preparation and dining facilities Health, arts and crafts, child care and therapy areas Indoor or outdoor recreation and athletic facilities Limited retail sales Meeting areas Parking	Athletic or health clubs (See Retail Sales and Service) Counseling in an office setting (See Office) Parks (See Parks and Open Areas) Soup kitchen (See Social Service Institutions) Treatment centers, transient lodging or shelters for the homeless (See Social Service Institutions)

<sup>2</sup> North American Industry Classification System (see <http://www.naics.com> for more information)

**B. Day Care**

<b>Characteristics:</b> Uses providing care, protection and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
Principal Uses	Accessory Uses	Uses not Included
Adult day care programs Child care institution Child care center Latch-key programs Nursery schools Preschools	Associated offices Food preparation and dining facilities Health, arts and crafts and therapy areas Indoor or outdoor recreation facilities Parking	Counseling in an office setting (See Office) In home child care for fewer than six persons (See Accessory Use) On-site schools or facilities operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (See Accessory Use)

**C. Educational Facilities**

<b>Characteristics:</b> Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.		
Principal Uses	Accessory Uses	Uses not Included
Boarding schools Community colleges Elementary schools High schools Liberal arts colleges Middle schools Military academies Nursing and medical schools not accessory to a hospital Private schools Seminaries Universities	Adult continuing education programs Associated offices Auditoriums Before- and after-school child care Cafeterias Child care Food services Health facilities Housing for students and faculty Laboratories Libraries Maintenance facilities Meeting areas Parking Play areas Recreational and sports facilities Support commercial (a college-operated bookstore, for example) Theaters	Business, driving, fitness/wellness, trade and other commercial schools (See Retail Sales and Service) Dance, art, music studios or classes (See Retail Sales and Service)

**D. Government Facilities**

<b>Characteristics:</b> Offices, storage, maintenance and other facilities for the operation of local, State, or Federal government.		
Principal Uses	Accessory Uses	Uses not Included
City hall Detention centers Emergency medical and ambulance stations Fire stations Government offices Local, State, or Federal offices Municipal office center Police stations Post offices	Associated helicopter landing facilities Auditorium and meeting rooms Cafeterias Camouflage telecommunications Child care Holding cells Infirmaries Limited fueling facilities Parking Satellite offices	Educational facilities (See Educational Facilities) Maintenance facilities (See Light Industrial Service) Parks and recreational facilities (See Parks and Open Areas) Utilities (See Utilities) Waste-related service (See Waste-Related Service)

**E. Medical Facilities**

<b>Characteristics:</b> Uses providing medical or surgical care to patients possibly offering overnight care.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Blood plasma donation centers Hospitals Medical and dental clinics Medical centers	Associated helicopter landing facilities Associated offices Cafeterias Chapel or other ancillary worship space Child care Housing for staff or trainees Laboratories Limited support retail Maintenance facilities Meeting areas Parking Out-patient clinics Pharmacies Recreational facilities Teaching facilities Temporary housing for relatives of patients	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (See Social Service Institutions) Nursing and medical schools not accessory to a hospital (See Educational Facilities) Urgent care or emergency medical offices (See Retail Sales and Service)

**F. Parks and Open Areas**

<b>Characteristics:</b> Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens and having few structures.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Botanical gardens Cemeteries and mausoleums Country club or golf course Forest and nature preserves Game preserves (where shooting of wildlife is not allowed) Mini-parks Memorial parks Nature preserves Neighborhood parks Parks Reservoir Squares, plazas or greens Tot lot and playgrounds	Boat docks Boat house Basketball courts Clubhouses Concessions Maintenance facilities Parking Play equipment Recreational trails Single residential unit for caretaker or security purposes Swimming pools Tennis courts	Athletic or health clubs (See Retail Sales and Service) Golf driving ranges and miniature golf facilities (See Entertainment) Membership clubs and lodges (See Entertainment) Water park (See Entertainment) Water towers, tanks and standpipes (See Utilities)

**G. Passenger Terminal and Services**

<b>Characteristics:</b> Facilities for the takeoff and landing of airplanes and helicopters and terminals for taxi, rail or bus service.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Airports Bus passenger terminals Heliports Landing strips Taxi dispatch center Train passenger terminals	Associated offices Concessions Freight handling areas Fueling facilities Limited retail Maintenance facilities Parking	Private helicopter landing facilities that are accessory to another use (See Medical or Government Facilities) Public transit park-and-ride facilities (See Retail Sales and Service)

**H. Religious Institutions**

<b>Characteristics:</b> Places of assembly that provide meeting areas for religious practice.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Churches Mosques Synagogues Temples	Associated offices Food services and dining areas Meeting room/classroom for meetings or classes not held on a daily basis Parking Preschools, child care centers, nursery schools Staff residences located on-site	Athletic or health clubs (See Retail Sales and Service) Educational Facilities (See Educational Facilities) Latch-key programs, Intermediate childcare, or adult day care programs (See Day Care) Senior centers, community centers or social service facilities (See Community Service) Soup kitchen (See Social Service Institutions) Treatment centers, transient lodging or shelters for the homeless (See Social Service Institutions)

**I. Social Service Institutions**

<b>Characteristics:</b> Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Alternative- or post-incarceration facility Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (NAICS: 62221, 6232) Halfway house Neighborhood resource center Rehabilitative clinic Social service facility, soup kitchen, transient lodging or shelter for the homeless (NAICS 624, 6242)	Adult educational facility Ancillary indoor storage Associated office Day care Food services and dining area Meeting room Parking Staff residences located on-site	Assisted living facility with individual self-contained dwelling units (see Household Living) Assisted living facility without individual dwelling units, community residential home (see Group Living) Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas) Educational facility (see Educational Facilities) Philanthropic institution (see Community Service)

**J. Utilities**

<b>Characteristics:</b> Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
<b>Minor Utilities:</b> Lift stations Stormwater retention and detention facilities Telephone exchanges Water and wastewater pump stations <b>Major Utilities:</b> Electrical generating plants and substations Electrical transmission facilities Stormwater pumping station Television and radio broadcasting transmitters Wastewater treatment plants Water treatment plants Water towers, tanks, or standpipes Telecommunications tower and facilities Solar farms	Control, monitoring, data or transmission equipment Parking Cell antennae Storage Security measures, such as fences	Maintenance yards and buildings (See Light Industrial Service) Utility offices (See Office) TV and radio studios (See Office) Reservoir (See Parks and Open Areas) Solar panels accessory to another use and producing power that is primarily consumed on site

### §10.2.9. Commercial Use Categories

#### A. Eating Establishments

<b>Characteristics:</b> Establishments that prepare and sell food for on- or off-premise consumption.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Bistro Brewpub Coffee shops Drive-ins Fast food without drive-through Outdoor vendors with permanent facilities Pizza delivery establishments Restaurants with drive-through Restaurants, limited Restaurant and bar Small-scale catering establishments Yogurt or ice cream shops	Bars Decks and patios for outdoor seating Drive-through facilities Live music Off-street customer and employee parking Valet parking facilities	Bars and nightclubs (See Entertainment)

(Ord. No. 2017-43, 10/5/17)

#### B. Entertainment

<b>Characteristics:</b> Generally commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
<b>Indoor:</b> Bars and nightclubs Indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges and movie or other theaters Membership clubs and lodges <b>Outdoor:</b> Batting cages Commercial golf driving ranges, miniature amusement parks, miniature golf facilities and water parks Dog or horse track Drive-in theaters Fairgrounds Flea markets Golf driving ranges Mini amusement parks Miniature golf facilities Riding academy or boarding stable Stadiums and arenas Theaters Water parks	Associated offices Concessions Food preparation and dining areas Maintenance facilities Parking Restaurants	Botanical gardens and nature preserves (See Parks and Open Areas) Golf courses or country clubs (See Parks and Open Areas) Adult Entertainment

**C. Offices****Characteristics:**

Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. These uses are compatible with residential uses and generate minimal traffic. Accessory uses generally have no external access or signs.

Principal Uses	Accessory Uses	Uses not Included
Advertising offices Business management consulting Counseling in an office setting Data processing Financial businesses such as lenders, investment or brokerage houses, collection agencies, or real estate and insurance agents Professional services such as lawyers, accountants, bookkeepers, engineers, or architects Sales office Travel agency TV and radio studios Utility office	Cafeterias Child care Health facilities Meeting rooms Parking On-site child care, schools or facilities where children are cared for while parents or guardians are occupied on the premises Other amenities primarily for the use of on-site employees Small retail operations for on-site workers (with no external signage) Camouflage telecommunications facilities Technical libraries	Banks (See Retail Sales and Service) Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (See Light Industrial Service) Government offices (See Government Facilities) Mailing or stenographic services (See Light Industrial Service) Mail-order houses (See Wholesale Trade) Offices that are part of and located with a principal use in another category (See Accessory Use) Research, testing and development laboratories (Light Industrial Service) Urgent care or emergency medical offices (See Retail Sales and Service)

**D. Overnight Accommodations****Characteristics:**

Residential units arranged for short term stays of less than 30 days for rent or lease.

Principal Uses	Accessory Uses	Uses not Included
Bed and breakfast establishments Recreational vehicle parks and campgrounds Extended-stay facilities Hotels and motels Inns	Associated offices Food preparation and dining facilities Laundry facilities Limited storage Meeting facilities Parking Stealth cell antennae Swimming pools and other recreational facilities	Transient lodging or shelters for the homeless (See Social Service Institutions)

**E. Parking, Commercial****Characteristics:**

Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.

Principal Uses	Accessory Uses	Uses not Included
Mixed parking lots (partially accessory to a specific use, partly to rent for others) Public transit park-and-ride facilities Short- and long-term fee parking facilities	Small structures intended to shield parking attendants from the weather	Bus barns (See Warehouse and Freight Movement) Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby (See Accessory Use) Sales or servicing of vehicles (See Vehicle Sales and Service)

**F. Retail Sales and Service**

<b>Characteristics:</b> Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
<p><b>Sales-oriented:</b></p> <p>Stores selling, leasing, or renting consumer, home and business goods including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, building supplies and lumber, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, flea market or auction, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, liquor, manufactured homes, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts and videos</p> <p>Farmers markets or farm stand</p> <p><b>Personal Service-oriented:</b></p> <p>Animal care facilities, including veterinary clinic, animal hospital, kennels and grooming services</p> <p>Athletic or health clubs</p> <p>Banks</p> <p>Business, driving, trade and other commercial schools</p> <p>Dance, art, fitness/wellness, gymnastic or music studios or classes</p> <p>Dry-cleaning and laundry drop-off establishments</p> <p>Hair, nail, tanning and personal care services</p> <p>Laundromats</p> <p>Massage therapy</p> <p>Mortuaries or funeral homes</p> <p>Photocopy, blueprint and quick-sign services</p> <p>Photographic studios</p> <p>Psychics and mediums</p> <p>Security services</p> <p>Body art studios</p> <p>Taxidermists</p> <p>Urgent care or emergency medical offices</p> <p><b>Repair-oriented:</b></p> <p>Locksmith</p> <p>Repair of appliances, bicycles, canvas products, clocks, computers, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions and watches</p> <p>Small-scale catering</p> <p>Tailors, milliners and upholsterers</p>	<p>Single residential unit for security purposes</p> <p>Associated offices</p> <p>Crematorium</p> <p>Food preparation and dining areas</p> <p>Internet Sales</p> <p>Kennels</p> <p>Manufacture or repackaging of goods for on-site sale</p> <p>Parking</p> <p>Parking lot/sidewalk sales</p> <p>Storage of goods</p>	<p>Adult entertainment</p> <p>Large-scale catering (See Light Industrial Service)</p> <p>Laundry and dry-cleaning plants (See Light Industrial Service)</p> <p>Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation (See Wholesale Trade)</p> <p>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (See Vehicle Sales and Service)</p> <p>Restaurants (See Eating Establishments)</p> <p>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures (See Wholesale Trade)</p>

**G. Self-Service Storage**

<b>Characteristics:</b> Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
<p>Mini-warehouses</p> <p>Self-storage warehouse</p>	<p>Leasing offices</p> <p>Outside storage of boats and campers</p> <p>Single residential unit for security purposes</p>	<p>Rental of light or medium trucks (See Vehicle Sales and Service)</p> <p>Storage areas used as manufacturing uses (See Light Industrial Services)</p> <p>Storage areas used for sales, service and repair operations (See Retail Sales and Service)</p> <p>Transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (See Warehouse and Freight Movement)</p>



**H. Vehicle Sales and Service****Characteristics:**

Direct sales of and service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.

Principal Uses	Accessory Uses	Uses not Included
Fuel stations, including full-service, mini-service and self-service Vehicle service, full; including auto body shops, auto paint shops, upholstery shops Vehicle service, limited; including auto detailing, auto repair, battery sales and installation, quick lubrication facilities, tire sales and mounting, car washes Towing service Vehicle sales, rental, or leasing facilities, including passenger vehicles, motorcycles, light and medium trucks, boats and other recreational vehicles	Associated offices Parking Sales of parts Towing Vehicle fueling Vehicle storage	Refueling facilities for fleet vehicles that belong to a specific use (See Accessory Use) Retail sales of farm equipment and machinery and earth moving and heavy construction equipment (See Industrial) Vehicle parts sales as a principal use (See Retail Sales and Service)

**§10.2.10. Industrial Use Categories****A. Light Industrial Service****Characteristics:**

Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses not Included
Building, heating, plumbing or electrical contractors, contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Catering facility, large-scale Clothing or textile manufacturing Commercial bakery Crematorium Dental laboratories Dry cleaning plant Exterminators Janitorial and building maintenance services Large-scale catering establishments Laundry, dry-cleaning and carpet cleaning plants Mailing and stenographic services Maintenance facilities Manufacture or assembly of consumer equipment, instruments (including musical instruments), appliances, precision items and other electrical items Micro-brewery Movie production facilities Photo-finishing laboratories Printing, publishing and lithography Production of artwork and toys Repair of scientific or professional instruments, electric motors Research, testing and development laboratories Sign making Storage areas used as manufacturing uses Truck stop or truck plaza Vehicle and equipment maintenance facilities Welding, machine and tool repair shops Woodworking, including cabinet makers and furniture manufacturing	Cafeterias Child care Employee recreational facilities Offices Parking On-site repair facilities Single residential unit for security purposes Storage	Manufacture and production of goods from composting organic material (See Waste-Related Service) Small-scale catering establishments (See Eating Establishments)

(Ord. No. 2017-43, 10/5/17)

**B. Warehouse and Freight Movement****Characteristics:**

Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses	Uses not Included
Bus barn Cold storage plants, including frozen food lockers Household moving and general freight storage Parcel services Separate warehouses used by retail stores such as furniture and appliance stores Stockpiling of sand, gravel, or other aggregate materials Transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Cafeterias Child care Employee recreational facilities Offices Parking Outdoor storage yard Single residential unit for security purposes Truck fleet parking and maintenance areas	Mini-warehouses, multi-story enclosed storage facilities or storage garages (See Self-Service Storage) Solid or liquid waste transfer or composting (See Waste-Related Service)

**C. Waste-Related Service****Characteristics:**

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

Principal Uses	Accessory Uses	Uses not Included
Landfill Manufacture and production of goods from composting organic material Recycling centers Solid or liquid waste transfer or composting Wrecking or salvage yard	Offices Parking On-site refueling and repair Recycling of materials Repackaging and shipment of by-products	Animal waste processing Stockpiling of sand, gravel, or other aggregate materials (See Warehouse and Freight Movement)

**D. Wholesale Trade****Characteristics:**

Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses	Uses not Included
Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation Mail-order houses Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures Wholesale of food, clothing, auto parts and building hardware	Cafeterias Child care Minor fabrication services Offices Parking Product repair Repackaging of goods Single residential unit for security purposes Warehouses	Stores selling, leasing, or renting consumer, home and business goods (See Retail Sales and Service) Warehouse and freight movement uses (See Warehouse and Freight Movement)

**E. Heavy Industrial****Characteristics:**

Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

Principal Uses	Accessory Uses	Uses not Included
Animal processing, packing, treating and storage Concrete batching and asphalt mixing Drink bottling Feed and fertilizer mills Fuel oil distributors Heavy equipment sales and rental Retail sales of farm equipment and machinery and earth moving and heavy construction equipment Milk processing plant Processing of food and related products Production or fabrication of metals or metal products including enameling and galvanizing Production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products Railroads and appurtenances, right-of-way and tracks Sawmills Sheet metal shops Woodworking, including cabinet makers and furniture manufacturing	Cafeterias Drainage structures Offices Parking Product repair Repackaging of goods Warehouses	Abattoirs and slaughter houses Animal concentrations including commercial feed lots, pig farms and similar uses Animal waste processing (See Waste-Related Service) Stores selling, leasing, or renting consumer, home and business goods (See Retail Sales and Service)

**§10.2.11. Other Use Categories****A. Agriculture****Characteristics:**

Characterized by uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

Principal Uses	Accessory Uses	Uses not Included
Agricultural crops Community gardens	Auction ring Barns Farm stands with retail sales of products produced or harvested on-site Garages Offices Sheds Silos Stables	Animal concentrations, including commercial feed lots, pig farms and similar uses (See Heavy Industrial) Animal processing, packing, treating and storage (See Heavy Industrial) Animal waste processing (See Waste-Related Service) Kennels with overnight facilities (See Retail Sales and Service, Personal-service Oriented) Processing of food and related products (See Heavy Industrial)

(Ord. No. 2012-31, 6/8/12)

(Ord. No. 2017-43, 10/5/17)

(Ord. No. 2018-47, 7/5/18)

(Ord. No. 2018-48, 7/5/18)

**§10.3. GENERAL TERMS DEFINED**

**ABUT or ABUTTING:** Same as contiguous.

**ACCESSORY BUILDING, STRUCTURE OR USE:** A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure (See also §4.6).

**ADULT BOOKSTORE:** A bookstore that devotes more than 15 percent of the total floor area for the display and sale of the following: (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or; (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. The term adult bookstore shall not include a bookstore that sells adult books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than 15 percent of the total floor area of the establishment to the sale of books or periodicals.

**ADULT ENTERTAINMENT ESTABLISHMENT:** (1) A restaurant, nightclub, bar, cabaret, lounge, club or other establishment, whether private or open to the public, which features adult entertainment; and (2) Any commercial establishment, including but not limited to a restaurant, nightclub, bar, cabaret, lounge, club or other establishment, which, as its primary business, offers for sale any book, publication or film which depicts nudity, or sexual conduct or which offers services such as bath houses, massage parlors, wrestling parlors or similar activities.

**ADULT ENTERTAINMENT:** Live performances by topless and/or bottomless dancers, strippers or similar entertainers, characterized by the display or exposure of specified anatomical areas.

**ADULT MASSAGE PARLOR:** Any place where, for any form of consideration or gratuity, a massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of or in connection with specified sexual activities or where any person providing such treatment, manipulation, or service related thereto, exposes any of his or her specified anatomical areas.

**ADULT MODEL STUDIO:** Any establishment, where, for any form of consideration or gratuity, figure models who display specified anatomical areas exhibit themselves to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. The following is excluded from this definition: any school of art which is authorized under the laws of the State to issue and confer a diploma.

**ADULT MOTION PICTURE THEATRE:** A theater, concert hall, auditorium or similar commercial establishment, where, for consideration, any films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical area for observation by patrons. Movies rated G, PG, PG-13, R or N-C by the Motion Picture Association of America, or live theatrical performances with serious artistic, social or political value, that depict or describe specified anatomical areas, are expressly exempt from regulation under this Chapter.

**ADULT USE:** Any business or establishment subject to the definitions and regulations of this section, including, adult bookstore, adult entertainment establishment, adult massage parlor, adult model studio and adult motion picture theater.

**ADVERTISING SIGN:** Any structure, surface or wall used to advertise to the public the name of the business, or any service or product being offered for sale, on the premises.

**AGRICULTURE:** See §10.2.11.A.

**ALLEY:** A passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

**ALTERNATIVE TELECOMMUNICATIONS STRUCTURE:** Buildings, clock towers, bell steeples, electric poles, utility poles, water storage tanks, and other similar alternative-design mounting structures that are used for the purpose of supporting and obscuring the presence of antennas.

**ANIMAL CONCENTRATION:** The keeping for commercial purposes of more than one animal unit per acre.

**ANIMAL UNIT:** The equivalent to one head of beef or slaughter cattle. For the purpose of this Chapter the following equal one animal unit: 1 head of beef or slaughter cattle, 1 dairy cow, 2 calves less than one year old, 1 buffalo, 1 llama, 1 horse, 1 mule, 5 sheep, 5 goats, 2 swine, 2 deer, 125 chickens, 75 turkeys, 3 ostriches or 100 rabbits.

**ANTENNA:** Any exterior apparatus designed for telephonic, radio, or television communications through the sending, or receiving or both of electromagnetic waves.

**ARTERIAL STREET:** See “Street, Arterial”.

**AUTO BODY OR UPHOLSTERY SHOP:** A use providing automotive body or upholstery repairs, or automotive painting services.

**BASE FLOOD ELEVATION (BFE):** The Federal Emergency Management Agency-designated 100-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the City of Waynesboro’s Flood Insurance Rate Map. For the purposes of this Chapter, the 100 year flood or one percent annual chance flood.

**BASE FLOOD/100-YEAR FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year.

**BASEMENT:** A story having at least one-half its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for business or dwelling purposes by those other than a janitor employed on the premises.

**BED AND BREAKFAST:** A building containing up to five guest rooms for an overnight stay which are rented at a daily rate and where breakfast is typically the only meal served to guests. (See also §4.4.4.)

**BOARDINGHOUSE, ROOMING HOUSE:** A building other than a hotel/motel, where for compensation and by prearrangement for definite periods, meals, lodging or both lodging and meals are provided. (See also §4.2.9).

**BREW PUB:** An eating and drinking establishment (restaurant) with a small brewery on the premises producing alcohol beverages, where the majority of the alcohol produced is consumed on the premises. Production is limited to 3,000 barrels annually.

**BUFFER:** See §5.4.5.

**BUILDING CODE:** The Virginia Uniform Statewide Building Code, as amended.

**BUILDING LINE:** The edge of a building closest to the street.

**BUILDING OFFICIAL:** The Building Official for the City-appointed by the Zoning Administrator to administer this Chapter and other related regulations.

**BUILDING OR STRUCTURE:** Any structure having a roof supported by columns or walls.

**CERTIFICATE OF APPROPRIATENESS:** See §3.3.3.F.

**CHILD CARE CENTER:** An establishment which is licensed or approved to operate as a child care center in the Commonwealth of Virginia, enrolling six or more children for whose care tuition, fees or other forms of compensation are charged. (See also §4.3.2)

**CIRCUIT COURT:** The Circuit Court of the City of Waynesboro.

**CLUSTER RESIDENTIAL DEVELOPMENT:** See §2.5.5.

**CODE OF DEVELOPMENT:** A generalized concept plan in accordance with §3.2.2.

**COFFEE SHOP:** An eating and drinking establishment that is typically open only for lunch and breakfast and may operate 24 hours per day, but they typically do not offer alcoholic beverages, and customers typically do not stay more than 30 or 45 minutes.

**COLLECTOR STREET:** See “Street, Collector”.

**COMMON SIGNAGE PLAN:** See §5.6.12.

**COMMUNITY SERVICE:** See §10.2.8.A.

**COMPLEX:** See §4.1.

**COMPREHENSIVE PLAN:** The Comprehensive Plan of the City of Waynesboro, including all amendments to date.

**CONDITIONAL USE:** See §7.6.

**CONDOMINIUM PROJECT:** A plan or project whereby four or more apartments, rooms, office space or other units existing or proposed, whether the unit involves a single structure, attached or detached from other units or is in one or more multiple-unit structure, on a contiguous parcel of real estate, are offered or proposed to be offered for sale.

**CONDOMINIUM:** The ownership of a single unit in a multiple unit structure with common elements in a condominium projects.

**CONTIGUOUS:** To physically touch or border upon; or to share a common property line or border. Unless otherwise expressly stated, this definition does not include lots or parcels on the opposite side of a street.

**CONVENTIONAL RESIDENTIAL DEVELOPMENT:** See §2.5.4.

**DAY CARE:** See §10.2.8.B.

**DENTAL CLINIC:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of dentists practicing dentistry together.

**DEPARTMENT OF FINANCE:** The Department of Finance of the City of Waynesboro.

**DESIGN FLOOD ELEVATION:** The base flood elevation plus one foot.

**DEVELOPMENT, MULTIPLE-FAMILY:** See multiple-family development.

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment and materials.

**DIRECTOR OF PUBLIC WORKS:** The City of Waynesboro Director of Public Works.

**DISTRICT, GENERAL ZONING:** See Article 2.

DISTRICT, OVERLAY: See §3.3.

DISTRICT, PLANNED UNIT DEVELOPMENT: See §3.2.

DWELLING UNIT: A building, or portion thereof, providing complete and permanent living facilities for one household and includes the following (See also §2.3).

SINGLE-FAMILY DETACHED

SINGLE-FAMILY ATTACHED

TWO-FAMILY HOUSES (DUPLEX)

CORNER LOT DUPLEXES

MULTIPLEXES

ZERO LOT LINE HOUSES

TOWNHOUSES

MULTIFAMILY BUILDING

UPPER-STORY RESIDENTIAL

EATING ESTABLISHMENT: See §10.2.9.A.

EDUCATIONAL FACILITIES: See §10.2.8.C.

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

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

ENTERTAINMENT: See §10.2.9.B.

FAMILY OR HOUSEHOLD: One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding eight, living together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the State.

FARM: A tract of land used for the production of crops or the rearing of animals.

FLASHING LIGHT: A flashing light is a rhythmic light in which the total duration of the light in each period is clearly shorter than the duration of the darkness and in which the flashes of light are all of equal duration.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). FLOOD INSURANCE STUDY (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

FLOOD OR FLOODING: (1) A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; (b) the unusual and rapid accumulation or runoff of surface waters from any source. (c) mudslides, i.e. mudflows, which are

proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding.

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

**FLOODPLAIN ADMINISTRATOR:** See §6.7.

**FLOODPLAIN OR FLOODPRONE:** Any land area susceptible to being inundated by water from any source.

**FLOODWAY:** The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude without raising the 100-year flood elevation more than one foot. For the purposes of this Chapter, the floodway would be established based upon a hydrological study of a particular watercourse.

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

**GOVERNMENT FACILITIES:** §10.2.8.D.

**GRADE:** The average level of the natural or finished ground surface adjacent to a fence or wall, sign, structure or the exterior walls of a building which face a street.

**GROSS ACRE OR LAND AREA.** All land area within the boundaries of a lot or site.

**GROUP HOME/OTHER:** A residential care facility for the mentally ill, intellectually disabled, or developmentally disabled where such persons reside, along with resident counselors or other staff persons, which is licensed by the Department of Behavioral Health and Developmental Services. (See also §4.2.10)

**GROUP HOME/SENIOR:** A dwelling unit with a limited number of persons over the age of 61 living with not more than one caretaker as a functional family. (See also §4.2.11)

**GROUP LIVING:** See §10.2.7.B.

**HEAVY INDUSTRIAL:** See §10.2.10.E.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE:** Any structure that is: (1) Listed individually in the National Register of Historic Places, a listing maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or (3) Individually listed on a State inventory of historic places.



HOME OCCUPATION: See §4.6.11.

HOSPITAL: An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

HOTEL/MOTEL: A building containing one or more guest rooms for overnight guests and containing registration facilities, on-site management, cleaning services and combined utilities.

HOUSEHOLD: See "FAMILY".

HOUSEHOLD LIVING: See §10.2.7.A.

INN: A lodging establishment providing overnight accommodations with 6 or more but less than 20 guest bedrooms in accordance with the applicable requirements of §4.4.4.

INDUSTRIALIZED BUILDING: A combination of one or more sections of modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building.

INSTITUTION: A nonprofit corporation or nonprofit establishment for public use, but classification as such in and of itself does not allow group residential, hospital or other medical care facility, penal facility, or mental treatment facility uses unless such use or uses are themselves classified as by-right or authorized as a permitted conditional use in the zoning district in question.

JUNK: Scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

JUNKYARD: Any lot used for storage of junk, or the keeping or abandonment of junk, including "automobile graveyards as defined in State law.

KENNEL: An establishment engaged in boarding, breeding, buying, selling, grooming or training of pet animals.

LIBRARY: Structure, either publicly or privately owned, used for collection and storage of books, periodicals, and similar materials, and providing facilities for reading, research and/or borrowing of the collected materials.

LIGHT INDUSTRIAL SERVICE: See §10.2.10.A.

LOADING AND UNLOADING AREA: A completely off-street space on the same lot for the loading or unloading of freight carriers with ingress and egress to a street or alley (See also §5.1.8).

LOT AREA: See §1.13.3.A.

LOT OF RECORD: A lot which has been recorded in the office of the Clerk of the Circuit Court.

LOT WIDTH: See §1.13.4.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT, THROUGH: A lot abutting two nonintersecting streets.

LOT: A lot of record occupied or intended for occupancy by a use, including the yards and parking spaces, and having its principal frontage upon a street or upon an officially approved place. (See also §1.13.3.A)

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area

other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

**LOW-IMPACT DEVELOPMENT (LID):** A site design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally equivalent hydrologic site design. Through the use of LID techniques, hydrologic functions of storage, infiltration and ground water recharge, as well as the volume and frequency of discharges are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Other strategies include the preservation/protection of environmentally sensitive site features such as riparian resource areas, wetlands, steep slopes, mature woodlands, floodplains, and highly permeable soils.

**MAIL-ORDER HOUSE:** This industry comprises establishments primarily engaged in retailing all types of merchandise using non-store means, such as catalogs, toll free telephone numbers, or electronic media, such as interactive television or computer. Included in this industry are establishments primarily engaged in retailing from catalog showrooms or mail-order houses.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MANUFACTURED HOME PARK:** Any plat of ground upon which two or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.

**MANUFACTURED HOME SALES:** An establishment for the display (inside or outside a building), retail or wholesale sale, or direct delivery to the purchaser of new or used manufactured homes or trailers.

**MANUFACTURED HOME SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MANUFACTURED HOME:** A HUD-approved manufactured home constructed after July 1, 1976, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. (See also §4.2.7) For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.

**MEDICAL CLINIC:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.

**MEDICAL FACILITIES:** See §10.2.8.E.

**MICRO-BREWERY:** A facility for the production and packaging of alcoholic beverages for distribution, retail, wholesale, on or off premises, and producing no more than fifteen thousand (15,000) barrels per year and which meets all alcohol beverage control laws and regulations.

**MINI-WAREHOUSE:** A facility which consists of two or more individual units of 300 square feet or less, each of which is rented solely to store household goods and personal effects as defined in VA Code Ann. 58.1-3504; tangible personal property employed in a trade or business as defined in VA Code Ann. 58.1-3503.A.17 and inventory of stock on hand as that term is used in VA Code Ann. 58.1-3510.A;

and motor vehicles or boats, provided that under no circumstances may radioactive materials, explosives, and flammable or hazardous materials be stored therein.

**MOBILE HOME:** A portable manufactured housing unit built before June 15, 1976 designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

**MULTIPLE-FAMILY DEVELOPMENT:** Residential development that includes multiplexes, townhouses and/or multifamily buildings.

**MUSEUM:** Establishment for the display of art or historic or science objects.

**NET ACRE OR LAND AREA:** Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses not included in its measurement.

**NEW CONSTRUCTION:** For purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NONCONFORMITY:** See Article 8.

**NURSING OR CONVALESCENT HOME:** A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

**OFFICE:** See §10.2.9.C.

**OVERNIGHT ACCOMMODATION:** See §10.2.9.D.

**PARKING LOT:** An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily or overnight parking. (See also §5.1)

**PARKING, COMMERCIAL:** See §10.2.9.E.

**PARKS AND OPEN AREAS:** See §10.2.8.F.

**PASSENGER TERMINAL AND SERVICE:** See §10.2.8.G.

**PERMITTED USE:** A use permitted by right in the respective district, subject to the specific use standards in Article 4 and all other applicable requirements of this Chapter. (See also §2.4.1.A )

**PERVIOUS AREA OR SURFACE:** Ground treatments which will allow the infiltration of water, air and nutrients to root systems of adjacent plant material which lie directly under the ground treatment.

**PLANNED UNIT DEVELOPMENT:** A form of development characterized by a Code of Development, a unified site design for a variety of housing types and densities, clustering of buildings, common area, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

PLANNING DEPARTMENT: The City of Waynesboro Department of Planning.

PORCH: A covered open living space, open to the outside on two or more sides

PREMISES: A parcel of land, together with any building or structures occupying it.

PRINCIPAL BUILDING, USE OR STRUCTURE: The main use of a lot, or the building or structure in or on which the main use of the lot takes place.

PRIVATE CLUB: Any establishment that is organized and operated solely for a social, recreational, patriotic or fraternal purpose that is not open to the general public, but is open only to the members of the organization and their bona fide guests. The definition of private clubs does not include adult uses, night clubs or other institutions operated as a business.

PROFESSIONAL OFFICE: Any office for the practice of a profession, including, but not limited to, architecture, engineering, law, medicine, psychology, theology, real estate, and accounting.

QUALIFIED ENGINEER: A professional engineer licensed in the State of Virginia.

RECREATIONAL VEHICLE: A vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

RELIGIOUS INSTITUTIONS: See §10.2.8.H.

RESTAURANT AND BAR: An eating and drinking establishment that primarily provides food service but also attract a bar crowd into a separate bar area, and those customers may stay relatively late at night.

RESTAURANT, FAST FOOD WITH OR WITHOUT DRIVE-THROUGH: An eating and drinking establishment that has very high turnover of customers and generate far more traffic per square foot of floor area than any other type of restaurant.

RESTAURANTS, LIMITED. An eating and drinking establishment which may or may not serve alcoholic beverages but does not have a separate bar area.

RETAIL SALES AND SERVICE: See §10.2.9.F.

ROOMINGHOUSE, BOARDINGHOUSE: See “boardinghouse, rooming house”.

ROTATING THERMAL SHELTER: A temporary cold weather shelter associated with a religious institution providing overnight accommodations for persons without an alternative form of shelter. These shelters operate on a rotating basis, generally with a two week maximum stay per year, in association with other religious institutions.

SCREENING: See §5.4.8.

SELF-SERVICE STORAGE: See §10.2.9.G.

SETBACK OR BUILDING LINE: The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

SHALLOW FLOODING AREA: A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

SIGN: Any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public (See also §5.6 for individual sign types).

SITE AREA: See §1.13.3.B.

SITE PLAN, MAJOR: See §7.7.3.B.

SITE PLAN, MINOR: See §7.7.3.A.

SITE PLAN: A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses and principal site development features proposed for a specific parcel of land (See also §7.7).

SITE: See §1.13.3.B.

SOCIAL SERVICE INSTITUTIONS: See §10.2.8.I.

SOLAR FARM: A utility-scale photovoltaic installation generating electricity for off-site use. Solar panels that are auxiliary to another use and which generate power primarily for use on-site are not considered solar farms and are allowed in all zoning districts.

SPECIAL FLOOD HAZARD AREA: The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Article 3, §3.3.5 of this ordinance.

SPECIFIED ANATOMICAL AREAS: (1) Any human genitals, public region, buttocks or female breast below a point immediately above the top of the areola, which area is less than completely and opaquely covered; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (1) The fondling or intentional touching of human genitals, public region, buttocks, anus or female breast, whether covered or uncovered; (2) Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation or sodomy; (3) Human genitals in a state of sexual stimulation, arousal or tumescence; and (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

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

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

STREET CENTERLINE: Established survey centerline of all streets.

STREET FRONTAGE: See §1.13.7.

STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.

**STREET, ARTERIAL:** A road intended to move through traffic to and from major attractions such as the central business districts, regional shopping centers, major places of employment, and educational and public facilities.

**STREET, COLLECTOR:** A road designed to collect traffic from local roads and carry it to arterial streets. A collector street generally serves a neighborhood or large subdivision.

**STREET:** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof.

**STRUCTURE:** Anything constructed or erected which requires a location on the ground, or is attached to something having a location on the ground, including but not limited to advertising signs, billboards, fences, radio towers, gasoline pumps and swimming pools. For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**TELECOMMUNICATIONS FACILITY:** Any site that is designed and constructed primarily for the purpose of supporting and including one or more antennas or microwave dishes, and including, but not limited to, telecommunications towers.

**TELECOMMUNICATIONS TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting and including one or more antennas or microwave dishes, and including but not limited to self-supporting lattice towers, guyed towers, man-made trees, monopole towers, telephone, radio and television transmission towers.

**UNSUBDIVIDED PARCEL:** Real property within the city that has not been divided into lots, tracts or parcels under Chapter 74.

**USE BY RIGHT:** See "permitted use".

**UTILITIES:** See §10.2.8.J.

**VARIANCE:** A variance from the terms of this Chapter authorized by the Board of Zoning Appeals pursuant to VA Code Ann., § 15.2-2286. (See also §7.14)

**VEHICLE SALES AND RENTAL:** An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales,

boat rental, motorcycle sales, mobile home and recreational vehicle sales, construction equipment rental yards, moving trailer rental, and farm equipment and machinery sales and rental.

VEHICLE SALES AND SERVICE: See §10.2.9.H.

VIOLATION: For floodplain management purposes, violation also includes the failure of a structure or other development to be fully compliant with the regulations of §3.3.5. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. For zoning enforcement purposes, see §9.2.

WAREHOUSE AND FREIGHT MOVEMENT: See §10.2.10.B.

WASTE-RELATED SERVICE: See §10.2.10.C.

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

WATERWAY: Any portion of land of a natural stream carrying surface water having a bed and defined banks or side elevations which contain surface water.

WHOLESALE TRADE: See §10.2.10.D.

ZONING DISTRICT: See "district."

ZONING DISTRICT MAP: The official Zoning District Map of the City of Waynesboro, Virginia.

(Ord. No. 2012-31, 6/8/12)

(Ord. No. 2012-60, 8/2/12)

(Ord. No. 2017-43, 10/5/17)

(Ord. No. 2018-48, 7/5/18)





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