

Town of Gordonsville
Land Development Ordinance

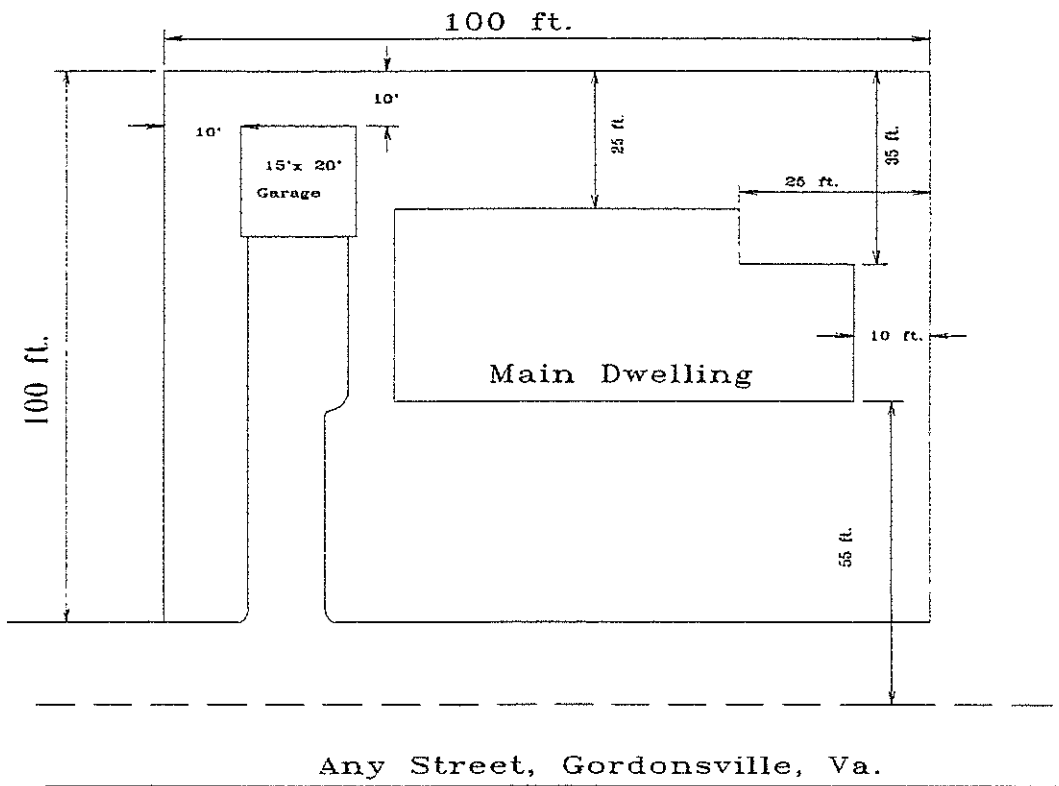


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**Town
of
Gordonsville**

"Land Development Ordinance"



June, 1993

Acknowledgments:

The following sources were instrumental in the compilation of these
"Land Development Ordinance"

Town of Gordonsville, Zoning & Subdivision Ordinance
Orange County Zoning Ordinance
Town of Culpeper Zoning Ordinance
Town of Remington Zoning Ordinance
Town of Broadway Land Development Ordinance
Mr. Gordon Jones, Planning District Commission - 9
Milton T. Estes, Land Surveyor

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Town Administrator
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**Town of Gordonsville
Land Development Ordinance**

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ARTICLE 1

AUTHORITY & ENACTMENT

101.00 AUTHORITY TO ESTABLISH ZONING

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.1, Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia, 1950, as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

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

102.00 RESERVED

§102.00 repealed 4-23-07

103.00 ENACTMENT

Therefore, be it ordained by the Council of the Town of Gordonsville, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.1, Chapter 11, Articles 7 and 8 of the Code of Virginia, as amended that the following be adopted as the “LAND DEVELOPMENT ORDINANCE” of the Town of Gordonsville, Virginia incorporating the Town of Gordonsville Zoning Ordinance, as amended and Subdivision Ordinance – Town of Gordonsville, Virginia, as amended

ARTICLE 2

PURPOSE OF THE ORDINANCE

201.0 PURPOSES

The Town of Gordonsville Planning Commission and the Town Council have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public and accomplish the objectives of Section 15.1-427 Code of Virginia, by reasonable restrictions on those property rights. Further, to comply with the provisions of Article 7, Section 15.1-465, Code of Virginia, et.seq. the purpose of these regulations are:

- 201.01 To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- 201.02 To reduce or prevent congestion in the public streets.
- 201.03 To facilitate the creation of a convenient, attractive, and harmonious community.
- 201.04 To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
- 201.05 To protect against destruction of, or encroachment upon, historic areas.
- 201.06 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or property from fire, flood, panic, or other dangers.
- 201.07 To encourage economic development activities that provides desirable employment and enlarges the tax base.
- 201.08 To establish certain subdivision standards and procedures to assure the orderly subdivision of the land and its development for the Town of Gordonsville, Virginia.
- 201.09 The subdivision standards and procedures are part of a long range plan to guide and facilitate the orderly and beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically,

201.01 the purpose of these standards and procedures are to provide a guide for the change that occurs where land and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible that provision of public services in a safe, adequate, and efficient manner.

202.00 NON-EXCLUSIONARY INTENT

It is not the intent of this Ordinance to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the Town of Gordonsville; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Gordonsville of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purpose outlined in Section 201, herein.

ARTICLE 3

DEFINITION OF TERMS USED IN THIS ORDINANCE

301.0 GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure”. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

302.0 SPECIFIC DEFINITIONS

- 302.01 **Abandoned Vehicles.** Any vehicle, which is not covered from public view, is deemed inoperable by the fact that any of the following requirements are not met: valid licenses, inspection sticker, Town tag, or cannot operate under its own power.
- 302.02 **Abattoir.** A commercial slaughter house.
- 302.03 **Accessory Use or Building.** See Use, Accessory, or Building Accessory.
- 302.04 **Acreage.** A parcel of land, regardless of area, described by metes and bounds, which is not a numbered lot on any recorded subdivision plat.
- 302.05 **Administrator, The.** The official charged with the enforcement of the zoning ordinance and/or subdivision ordinance. He may be an appointed or elected official who is by formal resolution designated to the position by the Governing Body. He may serve with or without compensation as determined by the Governing Body.
- 302.06 **Agriculture.** The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use, not including abattoir.
- 302.07 **Alley.** A platted service way providing a secondary means of access to abutting properties.
- 302.08 **Alteration.** Any change in the total floor area, adaptability, or external appearance of an existing structure.
- 302.09 **Animal or Poultry Husbandry.** Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or more than three (3) dogs and three (3) cats or other customary pet animals for non-commercial purposes.
- 302.10 **Animal Hospital of Clinic.** Establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.
- 302.11 **Apartment.** A unit in a multi-family dwelling providing living quarters for a single for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.

- 302.12 **Apartment Development.** A development containing one or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 302.13 **Automobile Graveyard.** Any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any kind, not displaying current Commonwealth of Virginia Inspection certification are placed, located, or found.
- 302.14 **Automobile Service Station.** Any area of land, including structures thereon, used for the retail sale of gasoline and other vehicle fuel, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, sale of autos and trailers and mechanical washing machine.
- 302.15 **Basement.** A story having part but no more than one half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes by other than a janitor employed on the premises.
- 302.16 **Board.** The Board of Zoning Appeals as established under this ordinance.
- 302.17 **Boarding House (Rooming House).** A building or part thereof other than a hotel, motel, or restaurant, where meals and or lodging are provided for compensation for three (3) to ten (10) unrelated persons where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- 302.17a **Brewpub.** An establishment that is primarily a restaurant where ale or beer is brewed on the premises as an accessory use. The space allocated for the restaurant will be a minimum of 60% of the total floor area of the building space and may include a tasting room and retail sales of beer or ale on- or off-premises as accessory uses. For the purposes of this ordinance, a brewpub is also considered to be a tavern.
- 302.17b **Brewery, distillery or winery.** A facility that is primarily for the production and packaging of alcoholic beverages for distribution, retail or wholesale on- or off-premises, with production capacity of more than 8,000 barrels per year for breweries or 5,000 gallons per year for distilleries and wineries.
- 302.18 **Building.** Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- 302.19 **Building, Accessory.** A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory to that of the main building or use. No such accessory structure in any required front yard.
- 302.20 **Building Code.** The Virginia Uniform Statewide Building Code, as adopted by the Town of Gordonsville and as amended.
- 302.21 **Building, Height of.** The vertical distance measured from the level of the edge of the pavement opposite the middle of the roof of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of the gable, hip, or gable roof. For buildings set

back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.

- 302.22 **Building Inspector.** A building official appointed by the Town Council to administer and enforce the provisions of the Building Code, or his designated representative or agent.
- 302.23 **Building, Main.** A building in which is conducted the main or principal use of the lot on which said building is situated.
- 302.24 **Space reserved.**
- 302.25 **Cellar.** A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes.
- 302.26 **Childcare Center.** Any facility other than a family Day Care Home, providing care, protection, and guidance to a group of children during only part of the day.
- 302.27 **Church or House of Worship.** A building where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to conduct public worship.
- 302.28 **Clerk.** The Clerk of the Circuit Court having jurisdiction in the Town of Gordonsville.
- 302.29 **Commission, The.** The Town of Gordonsville Planning Commission.
- 302.30 **Common Elements.** All portions of a cooperative other than the units.
- 302.31 **Community Center.** Community entertainment, recreational, or meeting place operated by a non-profit organization.
- 302.32 **Communications Equipment.** Any tower, dish or other equipment used to send or receive electronic transmissions for public or private use.
- 302.33 **Condominium.** A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.
- 302.34 **Conversion Building.** A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.
- 302.35 **Cooperative.** Real Estate owned or leased by a cooperative organization.
- 302.36 **Cooperative Interest.** A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- 302.37 **Cooperative Organization.** Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- 302.38 **Cooperative Unit.** A physical portion of the cooperative designed for separate tenancy.

- 302.39 **Cottage Industry.** A small, non-polluting business or industry employing fewer than five (5) workers.
- 302.40 **Cul-de-sac.** A circular turning area at the end of a dead end street.
- 302.41 **Curb Grade.** The elevation of the established curb in front of the building measured at the center of such front, where no curb grade has been established, the Zoning Administrator shall establish such curb grade.
- 302.42 **Dairy.** A commercial establishment for the manufacture and sale of dairy products.
- 302.43 **Dairy Farm.** A livestock establishment where the production of milk is its primary purposes.
- 302.44 **Developer.** An owner of property being subdivided or improved whether or not represented by an agent.
- 302.45 **Development.** A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain three or more residential dwelling units. The term “development” shall not be construed to include any property, which will be principally devoted to agricultural production.
- 302.46 **District.** A section of the Town of Gordonsville within the zoning regulations that are uniform as referred to in the Code of Virginia, Section 15.1-486.
- 302.47 **Driveway.** Any private way provided for the principle purpose of providing vehicular access to an off street parking area or service in the case of drive in type use.
- 302.48 **Dump Heap (Trash Pile).** Any area lying within one thousand (1000) feet of a state highway, a residence, a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited.
- 302.49 **Dwelling.** Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, tourist cabins, and automobile trailers.
- 302.50 **Dwelling, Multi Family.** A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.
- 302.51 **Dwelling, Single Family.** A building designed for, or occupied exclusively by, one (1) family.
- 302.52 **Dwelling, Two Family (Duplex).**

A building on a single lot that:

- 1) is designed for, or occupied exclusively by, two (2) families living independently of each other; or
- 2) contains two dwelling units separated by a wall without openings that extends either from ground to roof (vertical separation) or from exterior wall to exterior wall (horizontal separation) with a common stairwell exterior to both dwelling units.

- 302.53 **Dwelling Unit.** One or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen. Each unit must be at least 600 square feet in size.
- 302.54 **Easement.** A grant by property owner for the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.
- 302.55 **Engineer, Civil.** A professional engineer currently registered by the Commonwealth of Virginia.
- 302.56 **Family.** One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined.

§§302.50 and 302.52 amendment adopted 8-15-2011

- 302.57 **Family Day Care Home.** Any private family home providing care, protection, and guidance to not more than ten (10) children during only part of the day. Children related by blood or marriage to the person who maintains the home shall not be counted.
- 302.58 **Family, Immediate Member Of.** Any person who is a natural or legally defined off spring, spouse, or parent of the owner.
- 302.59 **Flood.** A general temporary inundation of land not normally covered by water that is used or usable by man. Concurrent mudslides shall be deemed included in this definition.
- 302.60 **Flood Hazard Area.** The maximum area of the flood plain which is likely to be flooded once every 100 years or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development's Flood Hazard Mapping or Rate Study Mapping as appropriate.
- 302.61 **Flood Plain.** An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.
- 302.62 **Flood Proofing.** A combination of structural provisions, changes, or adjustments to properties and construction in the flood plain by the Virginia Uniform Statewide Building Code, Section 135.6.
- 302.63 **Floodway.** The channel of a river or other watercourse and the adjacent land areas required to carry and discharge the waters of the 100 year flood.
- 302.64 **Floor Area.** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) feet, usable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off street parking spaces, and accessory off street loading berths.
- 302.65 **Frontage.** The minimum width of a lot shall be measured along a straight line at which no point shall be closer than the minimum setback.

- 302.66 **Garage, Private.** Accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is an accessory. On a lot occupied by a multiple unit dwelling, the private garage may be designed and used for the storage of vehicles for each dwelling unit in accordance with minimum off street parking requirements.
- 302.67 **Garage, Public.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor driven vehicles.
- 302.68 **Gardening.** Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables. Crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.
- 302.69 **Space reserved.**
- 302.70 **Space reserved.**
- 302.71 **Space reserved.**
- 302.72 **Governing Body.** The Town Council of the Town of Gordonsville, Virginia.
- 302.73 **Group Home.** A building other than a boarding house, hotel or residential human care facility preponderantly residential in character occupied by a non family, essentially non transient group be of related persons who are not mentally retarded or other developmentally disabled persons where for compensation meals and/or lodging and a degree of supervision are provided.
- 302.74 **Guest Room.** A room that is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.
- 302.75 **Health Department.** The Orange County Health Department or its designated agent or representative.
- 302.76 **Highway Engineer.** The official designated by the Virginia Department of Highways and Transportation to inspect subdivision streets, alleys, and other public ways.
- 302.77 **Historical Area.** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
- 302.78 **Hog Farm.** A farm where swine are raised commercially as a principal farm enterprise.
- 302.79 **Hog Pen.** An enclosure for concentrated confinement or housing of swine. A hog pen shall be located at least five hundred feet from the nearest residence, except that of the owner.
- 302.80 **Home for Adults.** Any facilities other than a nursing home, providing part time, or full time care to three or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

- 302.81 **Home Occupation.** An accessory use carried on by the occupant of a dwelling in connection with which there is no display, no one is employed other than immediate members of the family residing on the premises, and one employee other than a family member and the activities are conducted within the dwelling or accessory building.
- 302.82 **Hospital.** An institution rendering medical, surgical, obstetrical or convalescent care, including any institution licensed as a hospital by the State Hospital Board.
- 302.83 **Hospital, Special Care.** A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
- 302.84 **Hotel.** A building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one week in duration. The term “hotel” includes the term “motel”.
- 302.85 **Industrialized Building Unit.** A building assembly or system of building sub assemblies, including the necessary electrical, plumbing, heating, ventilating and other transported to the point of use for installation or erection, with or without other specific components, as a finished building or as part of a finished building unit, and not designed for ready removal or installation or erection on another site. Sometimes referred to as a modular building unit.
- 302.86 **Inn/Bed and Breakfast.** A building or buildings designed and occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provision is not generally made for cooking in individual rooms or suites. An inn/bed and breakfast may contain up to four (4) units and accommodate no more than eight (8) persons per night.
- 302.87 **Junkyard (Automobile Wreacking Yard).** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.
- 302.88 **Jurisdiction.** The area of territory subject to the legislative control of the Governing Body.
- 302.89 **Kennel.** Any location where breeding, raising, grooming, caring for, or boarding of dogs, cats, or other similar small animals for commercial purposes it carries on.
- 302.90 **Land Use Plan.** The Comprehensive Plan of the Town of Gordonsville, as amended.
- 302.91 **Light Industry.** Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighbors, from fire, smoke, noise, or odors.
- 302.92 **Livestock.** Animals kept or raised for sale, use, or pleasure.
- 302.93 **Livestock Market.** A commercial establishment wherein livestock is collected for sale, sold, or auctioned off.
- 302.94 **Loading Space.** A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

- 302.95 **Lot.** A numbered and measured portion of parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in subdivisions or a development.
- 302.96 **Lot Area.** The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes that are to be included within the net area of the lot.
- 302.97 **Lot, Corner.** A lot abutting upon two (2) or more streets or street right of way at their intersection. Of the two sides of a corner lot the front shall be deemed shorter of the two sides fronting on streets.
- 302.98 **Lot Coverage.** The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 302.99 **Lot Depth of.** The average horizontal distance between the front and rear lot lines.
- 302.100 **Lot, Double Frontage (Through).** An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 302.101 **Lot, Interior.** Any lot other than a corner lot.
- 302.102 **Lot of Record.** A lot or parcel of land whose existence, location, and dimensions have been recorded in the office of the Clerk of the Circuit Court of Orange County at the time of the of the adoption of this ordinance.
- 302.103 **Lot Width.** See frontage, 302.65.
- 302.104 **Main Use.** The primary purpose for which land or a building is used.
- 302.105 **Manufacture and/or Manufacturing.** The processing and/or converting of raw unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.
- 302.105a **Micro-brewery, micro-distillery or micro-winery.** A facility that is primarily for the production and packaging of alcoholic beverages for distribution, retail or wholesale on- or off-premises, with production capacity of not more than 8,000 barrels per year for breweries or 5,000 gallons per year for distilleries and wineries. A micro-brewery may include retail space, a restaurant or a tasting room as accessory uses where such uses occupy 40% or less of the total floor area of the building space.
- 302.106 **Mobile Home/Manufactured Home.** A manufactured dwelling unit designated for long term occupancy and constructed original with wheels for movement (whether or not such wheels have later been removed) and which has plumbing and electrical connections provided for attachment to outside systems. A camping vehicle (RV) or travel trailer shall not be considered a mobile home.
- 302.107 **Mobile Home Park.** Any development in which space is leased providing for three (3) or more mobile homes intended for residential use for a period longer than thirty (30) days.

- 302.108 **Mobile Home Stand.** A plot of ground within a mobile home park designated to accommodate one mobile home.
- 302.109 **Mobile Home Subdivision.** Any area designated to accommodate three (3) or more mobile homes intended for residential use on lots owned by the mobile home owner.
- 302.110 **Modular Home.** See Industrial Building Unit, 302.85.
- 302.111 **Motor home or Camper.** A unit or sub unit, which is or becomes self propelled and is designed for human habitation on a short-term basis.
- 302.112 **Nonconforming Lot.** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 302.113 **Nonconforming use of structures.** The otherwise legal use of a building or structure that does not conform to the use regulations of the ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the Ordinance.
- 302.114 **Nonconforming structures.** A structure existing at the time of enactment or amendment of the Ordinance which does not conform to the requirements of this Ordinance by reason of height or condition, or by reason of its impingement upon required yard areas.
- 302.115 **Nonconforming use of land.** A use of land existing at the time of enactment of this Ordinance, or at the time of Zoning Amendment, which does not conform with the regulations of the use district in which it is located.
- 302.116 **Nursing home.** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.
- 302.117 **Off street parking area.** Parking space provided for vehicular parking outside the dedicated street right-of-way. See 302.120.
- 302.118 **One hundred year flood.** A flood that, on the average, is likely to occur once every 100 years.
- 302.118.1 **Open space.** Any area of a lot not covered by a structure, impervious surface, or building, that is intended for either environmental, scenic, or recreational purposes to include land or water areas left in undisturbed natural condition. Located within or related to a development and is designed and intended for the common use and enjoyment of the users and/or residents of a development. Open space may include, but is not limited to, lawns, decorative planting, walkways, passive recreation areas, fountains, wooded areas, and water bodies, but not including driveways, impervious sidewalks, parking lots, and storage yards.
- 302.119 **Overhang.** Any projection, either roof, bay window, or similar cantilevered construction, which extends beyond the foundation of a structure. No such construction shall project into any required yard more than two feet and no such projection shall have a vertical surface whose area

is more than twenty-five (25) percent of the area obtained by multiplying the mean height of the structure by the length of the structure along the which is violated.

- 302.120 **Parking space.** An area consisting of a minimum of 10 x 20 feet.
- 302.121 **Parks, playgrounds, and outdoor recreation areas.** Land publicly or privately owned, devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.
- 302.122 **Pawnbroker.** Any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.
- 302.123 **Pawn shop.** A shop which deals in the business of lending money at a specified rate of interest on the security of movable personal property, which can be sold if the loan is not repaid within a specified period.

§302.118.1 – amendment adopted 4-23-07; §302.122, §302.123 amendment adopted 11-18-2013

- 302.124 **Pen.** A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen. Any enclosure containing a hog is a hog pen.
- 302.125 **Plat.** Includes the terms: map, plan, plot, or re-plot: a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb “plat” is synonymous with “subdivide”.
- 302.126 **Prefabricated building.** The completely assembled and erected building or structure, including the service equipment, of which the structural parts consists of prefabricated individual units or sub-assemblies using ordinary or controlled materials; and in which the service equipment may be either pre-fabricated or at site construction.
- 302.127 **Professional.** When used in connection with “use” and “occupancy”, a use or occupancy by persons generally engaged in those services associated with certified professional accountants, architects, surveyor, professional engineers, doctors, and lawyers. The term does not include repair or sale of tangible personal property stored or located within the structure nor any use, which should create any loud noises or noxious odors.
- 302.128 **Property.** Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 302.129 **Property owners association.** A corporation of other legal entity or non-profit organization which has as its purpose maintenance or streets and / or other common areas.
- 302.130 **Public service or storage buildings.** Governmental facilities necessary for the public health, safety, and welfare.

- 302.131 **Public utilities.** Public service structures such as power plants or substations; treatment plants, sewage treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.
- 302.132 **Public utility transmission systems.** To include water, sewer, electricity, gas lines, or related transmission facilities for public use, telephones, etc.
- 302.133 **Recreation, active.** Intensive play or athletic activity involving individual or group participation in games, sports or other activity. Includes such activities as baseball, basketball, tennis, soccer, golf, swimming, riding and other activities involving physical exertion. May be private, public or commercial in nature.
- 302.133.1 **Recreation, passive.** Outdoor areas, primarily scenic, for unstructured activities such as sitting, biking, walking, jogging, picnicking, bird watching, and reading.
- 302.134 **Space reserved.**
- 302.134a **Residential-over-retail.** A two-story structure where up to two dwelling units are located on the second floor above a retail store or shop located on the first floor.
- 302.135 **Residential use.** Any place, building, or establishment used in whole or in part as a dwelling.

§302.133, 302.133.1, & 302.134 – amendments adopted 4-23-07 §302.17a, 302.17b, 302.105a, 302-134a amendments adopted 7-17-2017

- 302.136 **Restaurant.** Any building in which, for compensation, food or beverage are dispensed to persons not residing on the premises for consumption on the premises, including, among other establishments, cafes, delicatessens, or refreshment stands.
- 302.137 **Restaurant, drive-in.** An eating and / or drinking establishment which caters to motor driven vehicle business where the person being served may consume his food and / or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.
- 302.138 **Retail stores and shops.** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumberyards), such as the following, which will serve as illustrations: drug store, newsstand, food store, candy shop, milk dispensary, hardware store, household appliance store, tailor shop, and beauty or barber shop.
- 302.139 **Right of way.** Access over or across particularly described property for a specific purpose or purposes.
- 302.140 **Right of way line.** The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right of way.
- 302.141 **Sawmill.** A mill or machine for the processing of timber into lumber.
- 302.142 **School, Business or Commercial.** Privately owned and operated educational institution or educational organization, no matter how titles, maintained or conducting classes for the purpose

of offering instruction, for consideration, profit or tuition, to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist, or other office occupations.

- 302.143 **School, Private.** Privately owned and operated educational institution or educational organization, maintained conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.
- 302.144 **School, Public.** Publicly owned and operated educational institution or educational organization regulated by the Commonwealth of Virginia and maintained conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.
- 302.145 **School, Trade.** Privately or publicly owned and operated educational institution or educational organization maintained conducting classes for the purpose of offering instruction to pursue any occupation for profit in any skilled trade, electronics, data processing or industry, or to give occupational, or to give training in public or other service occupations, or to give vocational training designed to prepare an individual for, or to upgrade an individual in, technical occupations and technical phases of other occupations.
- 302.146 **Screening.** A barrier to vision or noise consisting of trees, bushes shrubbery, fences, or properly landscaped mounds or berms of soil.
- 302.147 **Setback.** The minimum distance by which any building structure must be separated from the front, rear, or side lot line.
- 302.148 **Setback line.** A line generally parallels with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground.
- 302.149 **Sign.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.
- 302.150 **Sign Area.** The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.
- 302.151 **Sign, Business.** A sign painted, electrical, or otherwise, erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.
- 302.152 **Sign, Directional.** A directional sign is one (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which is called giving only the name of the firm or business responsible for the erection of same and distance.
- 302.153 **Sign, Locational.** A sign which directs attention to the approximate location of an establishment from which an advertised product or service may be obtained.
- 302.154 **Sign, home occupation.** A sign directing attention to a product, commodity, or service available on the premises; but which product, commodity, or service is clearly a secondary use of the dwelling.

- 302.155 **Sign outdoor advertising.** A structural poster panel or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.
- 302.156 **Sign structure.** A structure, including the supports, uprights, bracing, and framework be it single-faced, double faced, V-type, or otherwise, which is located on the ground or on top of another structure.
- 302.157 **Sign structure facing.** The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.
- 302.158 **Sign temporary.** Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other material with or without frames intended to be displayed for a period of not more than thirty (30) consecutive days.
- 302.159 **Site plan.** The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable sections of this Ordinance.
- 302.160 **Story.** That portion of a building, other than the basement, included between the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.
- 302.161 **Story, half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds of the floor area is finished off for use.
- 302.162 **Street.** The principal means of access to abutting properties including street right of way.
- 302.163 **Street, centerline.** A line generally parallels to the right-of-way lines that equally divide the street right-of-way.
- 302.164 **Street, half.** A street that does not meet the minimum right-of-way and width requirements set forth or references in this ordinance.
- 302.165 **Street, internal.** A private street providing access to lots within a development, but not including driveways.
- 302.166 **Street line.** The dividing line between a street or road right-of-way and the contiguous property.
- 302.167 **Street, major.** A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.
- 302.168 **Street, other.** A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
- 302.169 **Street, (road).** Any public thoroughfare which affords the principal means of access to abutting property.

- 302.170 **Street, service drive.** A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
- 302.171 **Street width.** The total width of the strip of land dedicated or reserved for the public travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways.
- 302.172 **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground. Includes fuel pumps and aboveground elevation valves for the transmission of oil and natural gas.
- 302.173 **Subdivider.** Any individual, corporation or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups of another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- 302.174 **Subdivision.** The division of any tract, parcels, or lot of land in two (2) or more parts. The word “subdivision” shall be taken to include re-subdivision, and when appropriate to the context, shall relate to the process of subdividing or to the subdivided.
- 302.174.1 The term “to subdivide” shall not include a bona fide division or participation of agricultural land into parcels of less than two acres for agricultural purposes or for building sites for the farmstead or tenant houses. Plats of divisions so excused will contain notice that the plat has not been approved for residential purposes and must be approved by the agent prior to recordation.
- 302.174.2 The term “to subdivide” shall not include a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing the provisions of the subdivision ordinance. A plat of the division is required to be approved by the agent prior to recordation.
- 302.174.3 The term “subdivide” includes the re-subdivision of lots of record or the vacation of plats. The term shall apply either to the process of subdivision or the land subdivided.
- 302.174A **Supportive Housing for Seniors.** Housing that is designed to meet the needs of seniors. Seniors are defined as persons age 50 or older, per AARP guidelines. This housing is supportive, but not a health care environment, and shall not be regulated as a care facility. Supportive housing for seniors shall also be distinguished from Assisted Living, in which care services are offered on site, usually on an as-needed basis. The key difference is that supportive housing for seniors is housing that reduces day-to-day demands on the resident; Assisted Living is a form of care that takes place in a housing-type setting.
- 302.175 **Surveyor.** A land surveyor currently licensed by the Commonwealth of Virginia.
- 302.175a **Tavern.** An establishment that is primarily a restaurant where ale or beer is brewed on the premises as an accessory use. The space allocated for the restaurant will be a minimum of 60% of the total floor area of the building space and may include a tasting room and retail sales of beer or ale on- or off-premises as accessory uses. For the purposes of this ordinance, a tavern is also considered to be a brewpub.

- 302.176 **Television and/or radio stations.** A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission. Which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.
- 302.177 **Tourist court, autos court, motel, hotel, cabin or motor lodge.** Building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 302.178 **Tourist home.** A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contrast to hotels and boarding houses) and open to transients.
- 302.179 **Town house.** A unit separated from adjacent units by a vertical wall with no openings, providing a dwelling for a single family, in which separate access to the outside is provided, and in which the major orientation of the unit is vertical rather than horizontal and can be individually sold or rented.
- 302.180 **Townhouse development.** One or more single-family dwellings consisting of townhouses, with accessory parking, open space, recreational and management facilities.
- 302.181 **Travel trailer.** A vehicular, portable structure built on a chassis, designed to be used as a temporary occupancy for travel, recreation, or vacation; being of any length provided its gross weight does not exceed forty five hundred (4500) pounds, or being of any weight provided its overall length does not exceed twenty eight (28) feet.
- 302.182 **Travel trailer park or travel trailer camp.** Premises where travel trailers are parked temporarily in conjunction with travel, recreation, or vacation.
- 302.183 **Tree.** A woody perennial plant having a single main stem.

§301-174A adopted 5-19-08 §302-17a adopted 7-17-2017
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- 302.184 **Use, accessory.** A subordinate use, customarily incidental and located upon the same lot occupied by the main use. Any accessory use shall not be located in any required front yard.
- 302.185 **Use, conditional.** A conditional use is one which may be allowed when the Town Council, after review of the application and hearing, thereon, thereby finds as a fact that the proposed use is consistent with the Comprehensive Plan; is compatible with the intent of the ordinance, is in the public interest, and will comply with all other provisions of the law and ordinances of the Town of Gordonsville.
- 302.186 **Uses prohibited.** Any use not specifically permitted shall be prohibited unless by action of the governing body.
- 302.187 **Variance.** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the interest and where, conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of

a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of nonconformity's in the zoning division or district or adjoining zoning divisions or districts.

- 302.188 **Warehouse.** A structure for storing goods wares or merchandise.
- 302.189 **Wayside stands, roadside stand wayside market.** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family of their farm.
- 302.190 **Wholesale sales.** An operation that sells chiefly to retailers, other merchants, or industrial, institutional and commercial uses for resale or business use.
- 302.191 **Yard.** A space on the same lot with the main building, such space being open, unoccupied, and obstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 302.192 **Yard, front.** An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the sidelines of the lot. On corner lots, the depth of the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 302.193 **Yard, rear.** An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possible by an accessory building and extending the full width of the lot and situated between the rear line of the lot. On corner lots, the depth of the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 302.194 **Yard, side.** An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending in from the rear line of the front yard to the front line of the rear yard. If side yard shall be the front line of the lot if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

ARTICLE 4

ESTABLISHMENT OF DISTRICTS

401.00 DIVISION OF THE TOWN OF GORDONSVILLE INTO DISTRICTS

For the purposes of the ordinance, the Town of Gordonsville is divided into zoning districts named and described in the following sections. The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map maintained in the Town Office, the office of the Town Attorney, and the on public file in the Circuit Court Clerk's Office located in Orange Virginia. These provisions are shown in Article 12 of this ordinance.

402.00 INCORPORATION OF THE ZONING MAP

The zoning map entitled the "Official Zoning Districts Map for the Town of Gordonsville, Virginia", dated 10/26/2009, as amended, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of this ordinance. The map shall be made public record and shall be kept permanently in the Town Office, where it shall be accessible to the public.

403.00 MAP AMENDMENT

If in accordance with the provisions of Article 8, herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Governing Body, together with a numerical entry referring to the application for the amendment, submitted in accordance with Article 8, herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Governing Body. Amendments to this ordinance, which involve matter portrayed on the Official Map, shall become effective immediately upon being entered onto the official Zoning Map shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the Town. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

404.00 REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map. If the Official Zoning Map has been lost or totally destroyed, the prior map, or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

405.00 RULES FOR DETERMINING BOUNDARIES

Unless district boundary lines are fixed by dimensions and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following shall apply:

- 405.01 Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, centerlines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.

- 405.02 District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or rights-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 405.03 Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Governing Body in accordance with Article 8 of the Ordinance.
- 405.04 Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
- 405.05 Where a district boundary is indicated to follow a river, creek, stream, or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and shall in the event of a change in shoreline, such boundary shall be construed as moving with the actual shoreline with its re-established center of channel.
- 405.06 If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board, which shall determine the boundary in accordance with Section 806.01 of this Ordinance.

ARTICLE 5

APPLICATION OF ZONING REGULATIONS

The regulations established herein within each district shall be minimum regulations and shall be uniformly applied to each class or structure of land, except as hereinafter provided:

501.00 USES

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

501.01 **Permitted Uses.** A permitted use is one, which is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, a Zoning Permit will be issued by the Zoning Administrator, without a public hearing.

501.02 **Conditional use.** A conditional use is one which may be allowed when the Gordonsville Town Council, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the Town and the public interest. Where the use is Conditional, a zoning permit will be issued by the Zoning Administrator after such conditional use has been approved by the Town Council.

502.00 BUILDINGS

No building shall hereafter be erected, constructed, or altered so as to exceed the height limit, to accommodate or house a greater number of families, or to occupy a greater percentage of the lot area than is required or specified in the regulations herein for the district in which it is located.

503.00 LOTS AND YARDS

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of the Ordinance be altered, nor shall any building or structure, whether new or existing be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of the Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point

to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two (2) feet.

504.00 GARDENING

Gardening shall be exempt from zoning permit requirements in any district allowing residential uses provided that such gardening shall not be objectionable by reason of odor, dust, noise, pollution, soil erosion, sedimentation, or drainage.

505.00 PERMITS ISSUED PRIOR TO ADOPTION OF ORDINANCE

Nothing contained therein shall require any change in the plans or construction of any building or structure for which a permit was granted before the effective date of this Ordinance. However, if such construction does not commence within thirty (30) days after this Ordinance becomes effective, or if construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.

ARTICLE 6

USES IN DISTRICTS

601.00 RESIDENTIAL DISTRICT R-1

601.01 **Intent:** The intent of R-1 residential district is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for the district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, and concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences. No abandoned vehicles permitted. Farm animals prohibited.

601.02 **Permitted Uses.** Within Residential District R-1 the following uses are permitted.

601.02-1 Single Family Dwellings. (single-wide mobile homes prohibited).

601.02-2 Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of non-commercial nature.

601.03 **Conditional uses.** When, after review of an application and a public hearing thereon, in accordance with Article 8, Gordonsville Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted with appropriate conditions: (note: the applicant is responsible for all costs pertaining to this request for a conditional use permit).

601.03-1 Public Utilities;

601.03-2 Childcare centers and family day care homes. The main structure for a childcare center shall not be located closer than fifty (50) feet from any residential lot;

601.03-3 Homes for adults;

601.03-4 Schools (public and private);

601.03-5 Public service or storage buildings;

601.03-6 Two-family dwellings. The building containing the two units must be constructed such that the exterior design is consistent with that of single family dwellings in the surrounding neighborhood and in the R-1 Zoning District.

601.03-7 Churches and other place of worship with attendant educational and recreational facilities. No such recreational facility shall be located closer than one hundred (100) feet from any residential lot;

601.03-8 Public libraries.

§§ 601.02 and 601.03 amendments adopted on 8-15-2011; §601.03-2 amendment adopted on 7-15-2013

- 601.03-9 Multi-family dwellings. The building containing the units must be constructed such that the exterior design is consistent with that of single-family dwellings in the surrounding neighborhood and in the R-1 Zoning District.
- 601.04 **Space reserved.**
- 601.05 **Space reserved.**
- 601.06 **Space reserved.**
- 601.07 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
- 601.07-1 Home occupations provided that the requirements of Article 7, Section 704 are met;
- 601.07-2 Living quarters in the main structure of persons employed on the premises;
- 601.07-3 Travel trailers, which shall be stored within the minimum yard requirements and shall be prohibited from occupancy. Any trailer of any type shall be prohibited from being used as an auxiliary structure and must be to rear of front setback line.
- 601.07-4 Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work;
- 601.07-5 Signs as provided for in Article 7;
- 601.07-6 Parking as provided for in Article 7;
- 601.07-7 Private parking garage;
- 601.07-8 Shelter for house pets, but not exceeding two (2) shelters, to house not more than one (1) adult per shelter plus dependent animals of up to six months of age;
- 601.07-9 Private swimming pool with article applicable as a structure;
- 601.07-10 Satellite receivers or dishes.
- 601.08 **Space reserved.**
- 601.08-1 **Space reserved.**
- 601.08-2 **Space reserved.**
- 601.08-3 **Space reserved.**

§§ 601.04, 601.05 and 601.06 amendment adopted 8-15-2011
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601.08-4 **Space reserved.**

601.08-5 **Space reserved.**

601.08-6 **Space reserved.**

601.09 **Status of Approval.** No zoning permits shall be issued for construction within a new subdivision until the final subdivision plat has been approved by the Town Council and until the required bond is posted.

601.10 **Space reserved.**

601.11 **Space reserved.**

601.12 **Space reserved.**

601.13 **Space reserved.**

602.00 MULTI FAMILY/TOWN HOUSE R-2

602.01 **Intent of the Multi-Family / Town House District, R-2.** The intent of the R-2 district is to allow the development of multi-family/townhouse housing alternatives within the Town boundaries. A zoning permit for such a development will be issued only after the Planning Commission has been given an opportunity to review the applicant’s site plan, and indicate its approval during a public meeting. All setbacks and lot requirements shall be followed as per Article 7 of this Ordinance.

602.02 **Permitted Uses.** Within the R-2 district the following uses are permitted: Multi-family dwellings, apartments, townhouses, (as regulated in Section 708 of this Ordinance), condominiums, and bed and breakfasts. Also permitted are those uses mentioned in Sections 601.02 through 601.03 of this Ordinance.

602.03 **Conditional Uses.** When, after review of an application and a public hearing thereon, in accordance with Article 8, Gordonsville Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted with appropriate conditions: (note: the applicant is responsible for all costs pertaining to this request for a conditional use permit).

602.03-1 Supportive housing for seniors.

602.03-2 All of those conditional uses mentioned in Section 601.03 of this Ordinance.

602.04 **Accessory Uses.** All of those mentioned uses in Section 601.07-1 through 10 of this Ordinance.

602.05 **Availability of Public Utilities.** The Project area must be located where public water and sewer systems are available or where a community water and sewer system can be developed as part of the project;

§601.08 – 601.13 repealed & amendment to §601.09 adopted 4-23-07;
§602.03-1 amendment adopted 5-19-08; §602.03 amendment adopted 8-15-2011

602.05-1 **Land Suitability.** Rezoning land to R-2 Multi-family / Townhouse District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate access, inadequate community facilities, non-conformity to Town development plans, or other public health, welfare or safety objectives;

602.06 **Site Design Requirements.** The following are the site design requirements for the R-2 Residential District:

602.06-1 **Maximum Density.** The gross residential density for supportive housing for seniors shall not exceed eighteen (18) dwelling units per acre. The gross residential density for all other uses in the R-2 zoning district shall not exceed twelve (12) dwelling units per acre;

602.06-2 **Common Open Space.** Minimum open space shall be not less than thirty (30) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas;

602.06-3 **Functional Relationships.** The site development plan shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access;

602.06-4 **Lot Design.** The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access;

602.06-5 **Street Design.** The street system within the project area shall be designed:

- (a) According to functional street purposes and projected traffic flow;
- (b) To discourage through traffic;
- (c) To assure safe and convenient sight distances;
- (d) To complement the natural topography;
- (e) In coordination with existing and planned streets;
- (f) Roads shall be built to State Standards.

602.06-6 **Street Name Signs.** The name of proposal streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;

602.06-7 **Street Lighting.** Street lighting shall be provided on all streets in the development and shall be built to the current requirements of the utility company and the Town;

- 602.06-8 **Pedestrian Circulation.** Provision shall be made for sidewalks and pedestrian walkways, which will enable residents, visitors, and / or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;
- 602.06-9 **Parking.** Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree plantings. Two (2) parking spaces should be provided for each dwelling unit.
- 602.06-10 **Water and sewer.** All residential districts shall be served by collective water and sewer systems.
- (a) Wherever feasible the project area water and sewer lines shall be connected to existing public systems.
- (b) Where connection to existing public water or sewer systems are not feasible, the developer shall provide community water and sewer systems, or make provisions for individual well and septic systems, subject to Virginia Department of Health requirements.
- 602.06-11 **Community Facilities.** Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed in the Town's Comprehensive Plan.
- 602.06-12 **Fire Hydrants.** Fire hydrants shall be provided throughout those developments that have either public or private water systems. Those developments that use individual wells shall insure that a public hydrant is positioned at the nearest possible location to the development.
- 602.06-13 **Drainage.** The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where existing waterway or drainage way traverses the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the watershed.
- 602.06-14 **Floodways.** Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or other uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;
- 602.06-15 **Easements.** Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities by the respective developer;
- 602.06-16 **Grading.** The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the

land shall be maintained except where grading is required for public health or safety;

602.06-17 **Natural amenities.** The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities by residents;

602.06-18 **Landscaping and Screening.** Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

602.07 – 602.12 **Space reserved.**

603.00 PROFESSIONAL/RESIDENTIAL R-3

603.01 **Intent of the Professional / Residential District, R-3.** The intent of the R-3 district is to allow for the development of professional offices in structures that were originally designed for residential use. A zoning permit for the development of such a use in the R-3 district will only be issued after a review of the applicant’s site plan and approval of the Planning Commission. The Planning Commission can require a public hearing to obtain public comment on the application should it deem necessary. All costs of the public hearing shall be paid by the applicant. All R-1 setbacks and lot requirements shall be followed as per Article 7 of this Ordinance.

603.02 **Permitted Uses.** Those applicants wishing provide professional services, specifically engineering, medical, legal, dental, and architectural, can do so without residing in the building. Should the applicant desire to construct a new structure to house such professional office space, ample off-street parking arrangements will be required, as approved by the Zoning Administrator. The highest and best use of this land, however, remains residential.

All of the provisions in Sections 601.02 through 601.13-4 apply to this district.

603.03 **Conditional Uses.** When, after review of an application and a public hearing thereon, in accordance with Article 8, Gordonsville Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted with appropriate conditions: (note: the applicant is responsible for all costs pertaining to this request for a conditional use permit).

603.03-1 **Residential-over-retail.**

604.00 LOW DENSITY RESIDENTIAL R-4

604.01 **Intent of the Low Density, R-4 District.** The intent of the R-4 district is to provide a certain area of land with the necessary zoning to provide development opportunities for less dense residential housing. The primary and highest and best use of the land in the R-4 district is single family residential.

§602.07 – 601.12 repealed 4-23-07 §603.03 – 603.03-1 amended 7-17-2017

604.02 **Permitted Uses.** All uses allowed for R-1 district property are approved for property in the R-4 district.

604.03 **Conditional Uses.** When, after review of an application and a public hearing thereon, in accordance with Article 8, Gordonsville Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted with appropriate conditions: (note: the applicant is responsible for all costs pertaining to this request for a conditional use permit).

604.03-1 Uses set forth in Section 601.03 of this Ordinance.

(Curb and gutter requirements may be waived by the agent.)

605.00 GENERAL BUSINESS B-1

605.01 **Intent of the General Business District, B-1.** Generally, this district covers that portion of the Town intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other the occasions by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants, taverns, garages, and service stations.

605.02 **Permitted Uses.** Within the General Business District, B-1, the following uses are permitted:

605.02-1 Department Stores, grocery stores, variety stores, specialty shops (retail), appliance stores, and residential-over-retail;

605.02-2 Bakeries with total building square footage not to exceed five thousand (5000) square feet;

605.02-3 Laundries, dry cleaning shops, retail apparel, retail shoe stores, theaters, assembly halls, playhouses, dinner theaters, hotels, inns/bed and breakfasts houses, banks and loan/finance offices, including drive-in types, Churches, other places of worship, church schools, private schools, libraries, hospitals, all professional offices as defined in 603.02, funeral home and or mortuary, automobile service stations and public garages (all major repairs must be under cover, including storage of cars, and screened from the public’s view), clubs lodges, automobile sales, child care centers;

605.02-4 Carpenter, electrical, plumbing, heating appliance, bicycle sales and repair, or any other similar shop provided that business shall be conducted within a completely enclosed building;

§602.07 – 601.12 repealed 4-23-07; §§604.02 and 604.03 amendment adopted 8-15-2011; §605.02-1 amendment adopted 11-18-2013 (discount pawn shops removed) and on 7-17-2017 (add residential-over-retail)

605.02-5 Public utility transmission systems, public service and storage buildings, restaurants, taverns, brewpubs; micro-breweries, micro-distilleries or micro-wineries; soda fountains, and drive-in restaurants, newspaper offices, greenhouses, personal service offices, police, fire and rescue squad stations, post offices, bus stations, taxi stands, radio and television broadcasting studios, public buildings and properties of a cultural, administrative, or service type, parking garages and parking lots, business and vocational schools, museums, recording studios, dance studios, and other music related instructional facilities.

605.03 **Conditional uses.** When, after review of an application and a public hearing thereon, in accordance with Article 8, Gordonsville Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted with appropriate conditions: (note: the applicant is responsible for all costs pertaining to this request for a conditional use permit).

605.03-1 Wholesale and processing, providing that the uses are not objectionable because of dust, noise or odors;

605.03-2 Public billiard parlors and poolrooms, bowling alleys, dance halls, amusement centers, massage parlors, adult bookstores, and similar forms of public amusement only upon the issuance of a special use permit by the Town Council. Such permit shall be issued by the Council only after referring the matter to the Planning Commission for recommendation and only after both the Planning Commission and the Town Council have held public hearings on the application, the cost of which is to be paid by the applicant. In approving any such application, the Council may establish such special requirements or regulations for the design of buildings, protection of adjacent property, hours of operation, license fees, or other restrictions, as it may deem necessary to the public interest. No such permit shall be issued for such business to be operated within 250 feet of any building occupied as a residence. Such permit shall be non-transferable and shall be subject to revocation by the Town Council after public hearing with fourteen (14) days' notice to the permittee upon a finding that the permittee has been convicted of any violation of State, County, or Town Law. If issued, said special use permit is not transferable.

605.03-3 Television and radio transmitting antennae, athletic fields, stadiums, and arenas, circuses, carnivals, fairs, and sideshows, drive-in theaters, overheight recreational vehicle park, storage or warehouse provided that any such use is at least fifty (50) feet from any residential district;

605.03-4 Apartments in existing structures;

605.03-5 Kennels and animal hospitals provided such use is at least 200 feet from any residential lot, skating rinks, miniature golf courses, or similar recreational use of facility if located at least two hundred (200) feet from any residential lot;

605.03-6 Single or multi-family dwellings with lot and permit requirements being the same as those in the R-1 or R-2 districts applicable.

§605.03 amendment adopted 8-15-2011 §605.02-5 amended adopted 7-17-2017

- 605.03-7 Lumber and building supply, plumbing and electrical supply (all with storage under cover or concealed from public view);
- 605.03-8 Automobile painting, upholstering, rebuilding, reconditioning, and body and fender works.
- 605.03-9 Breweries, distilleries or wineries.

605.04 **Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized if deemed appropriate by the Zoning Administrator. The Zoning Administrator may seek the advice of the Planning Commission should he deem it necessary. The Planning Commission may require a public hearing before providing advice to the Zoning Administrator. The applicant must pay all costs associated with the public hearing.

605.05 All signs must conform to Article 7 of this Ordinance.

605.06 Parking provisions must conform to Article 7 of this Ordinance.

606.00 RESTRICTED BUSINESS B-2

606.01 **Intent of the Restricted Business District:** The intent of the Restricted Business zone (B-2) is to provide the same land use Opportunities as those in the B-1 district while preserving the residential flavor of the neighborhood. All open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property to the neighborhood in general.

606.02 **Permitted Uses:** All those uses permitted in the General Business (B-1) districts are permitted in the B-2 district.

606.03 **Area Regulations:** All of the area restrictions for Buildings, setbacks, etc., from the R-1 district apply to the B-2 district.

606.04 **Signage and Parking:** All applicable regulations regarding signage and parking in Article 7 as they apply to the B-1 district apply to the B-2 district.

607.00 GENERAL INDUSTRIAL M-1

607.01 **Intent of the General Industrial District, M-1:** The primary purpose of this district is to establish an area where the primary use of the land is for the industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional, and commercial service establishments. The specific intent of this district is to: (a) encourage the construction of and the continued use of land for industrial purposes; (b) prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial type uses in the district; (c) permitted as new uses under the provisions of this Ordinance; and (d) to encourage industrial parks.

607.02 **Permitted Uses:** Within the General Industrial District M-1 the following uses are permitted:

- 607.02-1 Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs. Also, the manufacture of small parts, such as coils, condensers, transformers, and crystal holders;

- 607.02-2 Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreating or recapping, or battery manufacture;
- 607.02-3 Blacksmith shop, welding or machine shop;
- 607.02-4 Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metal or stones, shell, straw, textiles, tobacco, wood, yarn, and paint, not including boiling process;
- 607.02-5 Manufacture, compounding, processing, packing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, perfumed toilet soap, toiletries, and food products;
- 607.02-6 Manufacture of pottery and figurines or other similar ceramic products, using previously pulverized clay, and kilns fired only by electricity or gas;
- 607.02-7 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
- 607.02-8 Building material sales yards, plumbing supplies storage;
- 607.02-9 Coal and wood yards, lumber yards, feed and seed stores;
- 607.02-10 Contractor's equipment yards or plants, or rental of equipment commonly used by contractors, said equipment may only be stored or parked on M-1 zoned land;
- 607.02-11 Cabinets, furniture and upholstery shops;
- 607.02-12 Boat building;
- 607.02-13 Monumental stone works;
- 607.02-14 Wholesale businesses, storage warehouses;
- 607.02-15 Sawmills and planing mills;
- 607.02-16 Breweries, distilleries or wineries;
- 607.02-17 Off street parking as required by this Ordinance;
- 607.02-18 Public service or storage buildings;
- 607.02-19 Public utilities;
- 607.02-20 Public utility transmission systems;
- 607.02-21 Signs as provided in Article 7;

607.02-22 Reserved for future use;

607.03 **Conditional uses.** When, after review of an application and a public hearing thereon, in accordance with Article 8, Gordonsville Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted within the General Industrial, M-1, zoning district with appropriate conditions: (note: the applicant is responsible for all costs pertaining to this request for a conditional use permit).

607.03-1 Manufacture or production of aluminum;

607.03-2 Airports;

607.03-3 Truck terminals;

607.03-4 Sand, gravel, brick operations;

607.03-5 Radio/microwave/television transmission/reception towers;

607.03-6 Mining operations;

607.03-7 Petroleum storage;

607.03-8 Junk yards and automobile graveyards;

607.03-9 Recycling collection/storage centers;

607.03-10 Manufacture, production, or processing of asphalt;

607.03-11 Laboratories-pharmaceutical and/or medical;

607.03-12 Manufacture, compounding, processing, packaging of drugs or pharmaceuticals;

607.03-13 Pawn shops.

607.04 **Requirements for Permitted Uses in General Industrial District, M-1.**

607.04-1 Before a zoning permit shall be issued on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required, if the zoning permit is denied, appeal may be made to the Board of Zoning Appeals.

607.04-2 Final grading and site finishing are required on parcels where uses are permitted or conditional use permit has been issued in this district. The execution of this requirement must take into consideration to a height of three (3) feet within fifty (50) feet of the intersection of two roads;

§607.03 amendment adopted 8-15-2011; 607.03-13 amendment adopted 11-18-2013
§607.02-16 adopted 7-17-2017

607.04-3 The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the application, the time for action may be extended for an additional thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time shall be deemed to constitute approval of the application.

608.00 AGRICULTURAL (AG)

608.01 **Intent.** The agricultural zoning district preserves the rural character of property in town by protecting agriculture from conflicts with incompatible uses and discourages the random scattering of commercial and industrial uses and residential developments. In addition to agriculture, it permits the traditional rural pattern of homes and small businesses.

608.02 **Permitted uses.** Within the Agricultural District (Ag) the following uses are permitted and any accessory use that is customarily incidental to such uses:

608.02-1 Agriculture.

608.02-2 Single-family dwellings.

608.02-3 Two-family dwellings.

608.02-4 Manufactured homes.

608.02-5 Places of worship.

608.02-6 Cemeteries or graveyards.

608.02-7 Home occupations provided that the requirements of Article 7 Section 704 are met.

608.02-8 Sign as provided in Article 7.

608.02-9 Parking as provided for in Article 7.

608.03 **Conditional uses.** When, after review of an application and a public hearing thereon, in accordance with Article 8, the Planning Commission finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted with appropriate conditions: (Note: The applicant is responsible for all costs pertaining to this request for a conditional use permit.)

608.03-1 Agricultural equipment sales or service, or both.

608.03-2 Airports.

608.03-3 Bed and breakfast inns.

Agricultural district regulations adopted 4-23-07

- 608.03-4 Boarding kennels or commercial breeding kennels.
- 608.03-5 Carnivals, circus, fairgrounds or similar temporary activities.
- 608.03-6 Elder care centers, child day care centers, or nursery schools.
- 608.03-7 Offices of less than 4,000 square feet gross floor area, including professional or contracting offices.
- 608.03-8 Private cultural, recreational or institutional uses.
- 608.03-9 Public garages.
- 608.03-10 Public uses such as schools, parks, libraries, fire and rescue stations, public utilities, or maintenance facilities.
- 608.03-11 Retail stores of less than 4,000 square feet gross floor area, including wayside stands, flea markets, or retail nurseries.
- 608.03-12 Veterinary service, including animal hospital.
- 608.03-13 Any use not expressly permitted, or permitted by special use permit, in any district.
- 608.03-14 All of the provisions in Sections 601.12-5 through 601.13-4 apply to this district.

609.00 PLANNED UNIT DEVELOPMENT (PUD)

609.01 **Intent.** PUD districts may hereafter be established by amendment to the zoning map in accordance with the provisions set forth Article 8. The regulations in this section encourage a development form and character that is different from conventional suburban development by providing the following characteristics:

- Pedestrian orientation;
- Neighborhood friendly streets and paths;
- Interconnected streets and transportation networks;
- Parks and open space as amenities;
- Neighborhood centers;
- Buildings and spaces of human scale;
- Relegated parking;
- Mixture of uses and use types;
- Mixture of housing types and affordability;
- Redevelopment; and
- Site planning that respects terrain.

The PUD is intended to provide for compact, mixed-use developments with an urban scale, massing, density, and an infrastructure configuration that integrates diversified uses within close proximity to each other. The applicable development area, the master plan for the applicable development area, and the density shall be achieved with careful attention to design.

Agricultural and Planned Unit Development district regulations adopted 4-23-07
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It is intended that commercial development be limited to a scale appropriate to the support of the residential uses within the PUD; provided that additional commercial activity may be permitted upon a finding that the area in which the PUD is to be located is not adequately served by such use. It is intended that these regulations provide flexibility in residential development by providing for a mix of residential uses with appropriate nonresidential uses, alternative forms of housing, flexibility in internal relationships of design elements. To this end, in any application for PUD rezoning, the Town shall consider the appropriateness of such areas for the intended usage in terms of such factors as location, size, shape and topographic characteristics.

609.02 **Permitted uses.** Within the Planned Unit Development (PUD) the following uses are permitted and any accessory use that is customarily incidental to such uses:

- 609.02-1 Single-family dwellings.
- 609.02-2 Semi-detached and attached single-family dwellings such as duplexes, triplexes, quadruplexes, townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
- 609.02.3 Condominiums attached or detached.
- 609.02-4 Multiple-family dwellings.
- 609.02-5 Parks, playgrounds, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and the like.
- 609.02-6 Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies.
- 609.02-7 Home occupations provided that the requirements of Article 7 Section 704 are met.
- 609.02-8 Temporary construction uses.
- 609.02-9 Uses permitted by right in Article 605.00 General Business (B-1).
- 609.02-10 Sign as provided in Article 7.
- 609.02-11 Parking as provided for in Article 7.

609.03 **Uses permitted by special use permit.** When, after review of an application and a public hearing thereon, in accordance with Article 8, the Planning Commission finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Gordonsville, the following uses may be permitted with appropriate conditions provided that no separate application shall be required for any such use included in the original PUD rezoning petition:

609.03-1 Elder care centers, child day care centers, or nursery schools.

609.03-2 Fire and rescue squad stations.

609.03-3 Uses permitted by conditional use in Article 605.00 General Business (B-1).

609.04 **Minimum area required for establishment of PUD district.** Minimum area required for the establishment of a PUD district shall be twenty (20) acres. Additional area may be added to an established PUD district if it adjoins and forms a logical addition to the approved development. The procedure for an addition shall be the same as if an original application were filed, and all requirements shall apply except the minimum acreage requirement of this section.

609.05 **Mixture of uses.** There shall be a mixture of uses within each PUD as follows:

a. Each district shall have at least two housing types; provided that this requirement may be waived by the Town Council if the district is an infill project or at least two (2) housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) duplexes; (4) triplexes; (5) quadruplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and nursing homes.

An “infill project” is a project in which a parcel is developed or redeveloped, where abutting or nearby parcels are already developed, and the project area is relatively small compared to the developed abutting or nearby parcels.

b. Each district shall have at least two different general use classifications (*i.e.*, residential, commercial, institutional, parks or recreational facilities open to the public); provided that this requirement may be waived by the Town Council if a different use is already present within one-quarter mile of the proposed district and accomplishes the mixture of uses within the neighborhood sought to be achieved by this section.

c. The required mixture of uses may be obtained with different uses in different buildings or a mixture of uses within the same building.

609.06 **Residential density.** The gross and net residential densities permitted in any PUD district shall be shown on the approved application plan, which shall be binding upon its approval. The overall gross density so approved shall be determined by the Town Council with reference to the comprehensive plan, but shall, in no event, exceed thirty-five (35) dwelling units per acre.

609.07 **Regulations governing commercial/service areas.** Commercial/service areas are intended to be of a scale, character and location appropriate to provide convenience services primarily for the residents of the PUD district. To this end, where practical, commercial/service areas shall be internally oriented and separated from dissimilar areas surrounding the PUD district. External vehicular access shall be discouraged and internal pedestrian access shall be encouraged. Total commercial/service area shall be based on dwellings served. Individual establishments shall be limited in size to avoid the impression of general commercial development. This requirement may be waived by Town Council if the district is an infill project or the area within close proximity of the development is not adequately served by such use.

For such areas as may be located on the perimeter of a PUD district, the Town shall be particularly mindful of the intent to protect the character of adjoining development.

The total gross floor area of uses permitted in commercial/ service areas shall not exceed twenty (20) square feet per dwelling unit approved on the application plan. Outdoor display service or sales areas shall be included in gross floor area calculations. For gasoline service stations, each fuel pump shall count as two hundred (200) square feet of gross floor area and all service bays shall be included in gross floor area calculations. No individual commercial establishment shall have a gross floor area in excess of five thousand (5,000) square feet. However, additional square footage may be permitted by Town Council upon a finding that the area in which the PUD is located is not adequately served; provided that the first floor footprint does not exceed 20,000 square feet and that the total gross floor area is not in excess of 40,000 square feet.

609.08 **Regulations governing shopping center areas.** Shopping center areas shall be permitted only upon a finding that:

- a. The scale of the PUD development is adequate to support such use;
- b. The area in which the PUD development is located is not adequately served by such use.

For such areas as may be located on the perimeter of a PUD district, the Town shall be particularly mindful of the intent to protect the character of adjoining development.

Building permits for shopping center uses shall not be issued prior to issuance of building permits for eighty (80) percent of the dwelling units approved on the application plan.

- 609.08-1 **Vehicular access.** Vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Pavement widths and strengths of both internal and external roads shall be adequate to accommodate projected traffic generated from the district. Primary access shall be provided from roads of adequate available capacity to accommodate projected traffic. Vehicular access from minor streets through residential neighborhoods shall be generally discouraged and where permitted shall be primarily for the convenience of residential areas served directly by such roads and not for general public access.
- 609.08-2 **Orientation.** Uses, structures and parking areas shall be oriented toward primary access points and away from adjoining residential districts.
- 609.08-3 **Internal relationships.** Buildings shall be arranged in a fashion to encourage pedestrian access of customers and minimize internal automotive movement. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from customer access routes and parking areas.
- 609.09 **Building Separation.** Except as otherwise provided in section 609.10, whether or not located on the same parcel there shall be a minimum of twenty (20) feet between main structures. This provision shall not apply to structures built to a common wall. However, Town Council may permit a minimum separation distance of no less than ten (10) feet, provided that the buildings are off-set by more than half (1/2) the width of the sides of the structures.
- 609.10 **Setback and yard regulations.** Structures to be located on the outer perimeter of a PUD district are compatible to the setback and yard regulations of the adjoining district. Within the PUD district, the Town Council shall establish minimum setback and yard requirements at time of establishment of such district.
- 609.11 **Height Regulations.** Buildings may be erected up to thirty-five (35) feet in height, measured from mean finished grade.
- 609.12 **Open space requirements.** Open space provisions are intended to encourage development approaches by permitting flexibility in design. More specifically, open space is intended to serve such varied objectives as: (1) provision of active/passive recreation; (2) buffering between dissimilar uses; and (3) Preservation of agricultural activity and natural areas.
- 609.12.1 Not less than twenty-five (25) percent of the residential area of any PUD shall be in open space.
- 609.13 **Recreational area requirements.** Developed recreational area(s) shall be provided for every development of thirty (30) units or more.

609.13-1 A minimum of two hundred (200) square feet per unit of passive or active recreational area shall be provided in common area or open space on the site. The Town shall consider the appropriateness of such area for the intended purpose, using the following guidelines:

- a. Slope in active recreation areas shall not exceed ten percent (10%);
- b. size and shape of each recreation area shall be adequate for the intended use;
- c. groundcover shall consist of turf grass or contained mulch such as pine bark, shredded tires, or pea gravel;
- d. existing wooded or steep areas may qualify as passive recreation area provided no other suitable area is available on the site;
- e. access shall be adequate for pedestrians and service vehicles if necessary; and
- f. location shall be compatible with adjoining uses, convenient to users and suitable for supervision.

609.13-2 The following facilities shall be provided within the recreational area:

- a. One (1) tot lot shall be provided for the first thirty (30) units and for each additional fifty (50) units and shall contain equipment which provides an amenity equivalent to:
 - One (1) swing [four (4) seats]
 - One (1) slide
 - Two (2) climbers
 - One (1) buckabout or whirl
 - Two (2) benches.
- b. One-half (1/2) court for basketball shall be provided for each one hundred (100) units, consisting of a thirty (30) foot by thirty (30) foot area of four (4) inch 21-A base and one and one half (1 1/2) inches bituminous concrete surface, and a basketball backboard and net installed at regulation height.
- c. Each tot lot shall consist of at least two thousand (2,000) square feet and shall be fenced, where determined necessary by the zoning administrator, to provide a safe environment for young children.

- d. Substitutions of equipment or facilities may be approved by the Zoning Administrator, provided they offer a recreational amenity equivalent to the facilities listed above, and are appropriate to the needs of the occupants.
- e. Equipment specifications shall be approved by the Town on advice of the Orange County director of parks and recreation.
- f. Recreational equipment and facilities shall be maintained in a safe condition and replaced as necessary. Maintenance shall be the responsibility of the property owner if rental units or a homeowners' association if sale units.
- g. Recreational facilities shall be completed when fifty (50) percent of the residential units in any one phase have received certificates of occupancy.

609.14 **Application requirements; required documents and information.** Each application for a planned development district shall be submitted as provided for other zoning map amendments. The documents required by subsections (a) through (h) below shall be submitted with the application. After the application is submitted, the zoning administrator may request additional plans, maps, studies and reports such as, but not limited to, traffic impact analyses, and identification of specimen trees:

- a. A regional context map at a scale of not less one (1) inch equal to one thousand (1000) feet showing topography at a maximum of ten (10) foot intervals, surrounding properties, improvements to those properties, surrounding public streets, private roads, and other thoroughfares;
- b. an accurate boundary survey of the tract or plan limit showing the location and type of boundary evidence;
- c. a map showing:
 - i. the following existing physical conditions: streams, wooded areas, slopes in excess of twenty-five (25) percent, historic structures and sites included in the records of the Virginia Department of Historic Resources, and floodplain;
 - ii. existing topography accurately shown with a maximum of five (5) foot contour intervals at a scale of not less than one (1) inch equal to one hundred (100) feet; other interval and/or scale may be required or permitted by the zoning administrator where topographic considerations warrant;
 - iii. existing roads, easements, and utilities;
 - iv. the existing owners and zoning district;

- v. the present use of adjoining tracts and the location of structures on adjoining parcels, if any; and
 - vi. the existing location, type and size of ingress and egress to the site.
- d. an application plan based on a minimum of two (2) data references for elevations to be used on plans and profiles showing:
- i. The areas to be designated as preservation areas, if appropriate, and areas to be designated as conservation areas, such as streams, wetlands, wooded areas, specimen trees, and other significant environmental features;
 - ii. the proposed grading/topography with a maximum of five (5) foot contour intervals;
 - iii. the general location of proposed streets, alleys, sidewalks, and pedestrian paths;
 - iv. typical street cross-sections to show proportions, scale, and streetscape;
 - v. connections to existing and proposed streets, as well as proposed thoroughfares;
 - vi. trip generation figures;
 - vii. the general lay-out for the water and sewer systems, conceptual storm water management, and a conceptual mitigation plan;
 - viii. the location of central features or major elements within the development essential to the design of the development, such as major employment areas, parking areas and structures, civic areas, parks, open space, green spaces, amenities and recreation areas;
 - ix. a summary of land uses including dwelling types and densities, and the gross floor areas for commercial uses;
 - x. the general lot lay-out; and
 - xi. standards for development including proposed yards, building heights, open space characteristics, and any landscape or architectural characteristics related to scale, proportions, and massing at the edge of the district;
- e. a statement describing how the proposed PUD satisfies the intent of the zoning ordinance and is consistent with the applicable goals and objectives of the comprehensive plan;

- f. a parking and loading needs study that demonstrates parking needs and requirements and includes strategies for dealing with these needs and requirements, including phasing plans, parking alternatives, and transportation demand management strategies;
- g. a general development plan as provided in section 609.14.1; and
- h. a code of development, as provided in section 609.14.2.

609.14-1 **General Development plan requirements.** A general development plan shall serve as the application plan required by this section. The following are required elements of the general development plan:

- a. The amount of gross square footage devoted to nonresidential uses and a residential equivalent, expressed as the product of the square feet per unit multiplied by the number of dwelling units proposed. If a residential equivalent is not provided by the applicant, it shall be the product of one thousand five hundred (1500) square feet multiplied by the number of dwelling units proposed.
- b. The general allocation of uses to each block in terms of residential, commercial, institutional, amenities, parks, recreational facilities open to the public, and any other use category proposed by the applicant.
- c. The location of proposed green spaces, amenities, conservation areas or preservation areas.
- d. Building footprints or graphic representations of central features or major elements that are essential to the design of the development, shown at the block level.

609.14-2 **Code of development requirements.** A code of development shall establish the unifying design guidelines, the specific regulations for the district, and the use characteristics of each block; provide for certainty in the location of and appearance of central features and the permitted uses in the district; and provide a flexible range of a mix of uses and densities. To satisfy these requirements, each code of development shall establish:

- a. The uses permitted in the district by right and by special use permit.
- b. The amount of developed square footage proposed, delineated for the entire PUD by block, by use, amenity, streets and lot coverage. The developed square footage may be expressed as a proposed range of square footage.
- c. The maximum residential densities and the maximum number of residential units for individual residential land use categories and mixed-use categories, delineating at least two (2) housing types.

- d. The amount of land area devoted to green space and amenities.
- e. All uses expressly prohibited in the district, so that they may not be considered to be uses accessory to a permitted use.
- f. Preliminary lot lay-out for each block:
 - i. The range of uses permitted on the block by right and by special use permit;
 - ii. build-to lines, which are the required distance from the right-of-way to a structure;
 - iii. minimum and maximum lot and yard dimensions;
 - iv. maximum building heights;
 - v. sidewalk and pedestrian path locations;
 - vi. green space and amenities;
 - vii. conservation areas and preservation areas, if applicable;
 - viii. parking areas; and
 - ix. civic spaces, which are public areas for community or civic activities (*e.g.*, libraries and their associated yards, schools and places of worship).

609.15 **Preapplication conferences.** Each applicant for a planned development shall attend a joint meeting with the planning staff as well as other qualified officials from outside agencies to review the application plan and the proposed development before the application is submitted. The purpose of the preapplication conference shall be to assist the applicant to assure that the application and the documents to be submitted with the application comply with all applicable regulations, and to identify as soon as possible conflicting regulations and necessary waivers or modifications.

Each applicant is encouraged to use the preapplication conference process to develop an application for a planned development that, when submitted with its supporting documents, will be as complete and comprehensive as possible.

609.16 **Review and recommendation by the Planning Commission.** Each application for a planned development shall be reviewed by the planning commission as follows:

- a. The Planning Commission shall consider and make its recommendation to the Town Council on each application for a planned development district as it does for other zoning map amendments. Within the time provided to make a recommendation, the commission may hold work sessions on the application and proceed to a public hearing after it determines that no further work sessions are necessary, or at any time the applicant requests a public hearing.
- b. In making its recommendation on the application to the Town Council, the Planning Commission shall make findings about the following:
 - i. The suitability of the tract for the proposed planned development in terms of: its relation to all applicable provisions of the comprehensive plan; physical characteristics of the land; and its relation to the surrounding area; and
 - ii. the relation of the proposed planned development to major roads, utilities, public facilities and services.
- c. Depending on the findings it makes, the Planning Commission shall either recommend approval of the application as proposed, approval of the application with changes to be made prior to action on the application by the Town Council, or disapproval.

609.17 **Review and action by the Town Council.** The Town Council shall consider and act on each application for a planned development district as it does for other zoning map amendments. If the Town Council approves the application, the approving action shall constitute approval of the application plan and all standards for development submitted by the applicant. The Council's action shall also identify which proffers it has accepted and which waivers or modifications it has granted. Once an application is approved, the application plan, all submitted standards for development, and all accepted proffers shall be included as part of the zoning regulations applicable to the planned development.

609.18 **Review of site plans and subdivision plats.** Each preliminary and final site plan or subdivision plat for a planned development shall be reviewed for compliance with the applicable regulations: (1) in effect at the time the lands were zoned to a planned development district; or, (2) at the option of the applicant, currently in effect. In addition, each preliminary and final site plan or subdivision plat for a planned development shall be reviewed for compliance with the approved application plan, the approved general development plan, and code of development, the accepted proffers, and the authorized waivers or modifications and any conditions imposed therewith, if any;

609.19 **Variations from approved plans, codes, and standards of developments.** The zoning administrator is authorized to grant a variation in the site plan or subdivision plat for a planned development from the approved application plan, general development plan, and code of development upon a determination that the variation: (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; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application, as provided herein:

- a. Minor variations to yard requirements, maximum structure heights, and minimum lot sizes;
- b. changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same;
- c. minor changes to phasing plans;
- d. minor changes to landscape or architectural standards; and
- e. minor variations to street design.

609.19.1 The applicant shall submit a written request for a variation to the zoning administrator; the request shall specify the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation; the zoning administrator may reject a request that fails to include the required information.

609.19.2 Any variation not expressly provided for herein may be accomplished by rezoning.

609.20 **Final site plans and subdivision plats.** Each site plan and subdivision plat submitted for development in a planned development shall comply with the following:

- a. Each subdivision plat for a planned development shall comply with Article 9 of the Town of Gordonsville Land Development Ordinance. If there is a conflict with any other provision of the Land Development Ordinance this Article shall prevail.
- b. In addition to the requirements of paragraph (a), each site plan or subdivision plat for a planned development shall pertain to a minimum area of one block and shall include a phasing plan, and each site plan shall include building elevations for all new or modified structures.

609.21 **Building permits and erosion and sediment control permits.** Building permits and erosion and sediment control permits may be issued as provided herein:

- a. A building permit, including any special footings or foundation permits, may be issued for any work within a planned development, excluding the installation of street signs, only after the approval of the final site plan or final subdivision plat in the area in which the permit would apply.
- b. An erosion and sediment control permit may be issued for site preparation grading associated with an approved planned development if an erosion and sediment control plan satisfactory to Orange County Planning and Zoning has been submitted and reviewed in conjunction with the application plan, and the it is determined that the proposed grading is consistent with the approved application plan.

610.00 HISTORIC OVERLAY DISTRICT

610.01 **Intent.** The Town of Gordonsville seeks, through the establishment of a historic overlay district, to protect individually significant properties, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation and enhancement of buildings, structures, settings, neighborhoods, places and features with special historical, cultural and architectural significance. To achieve these general purposes, the Town of Gordonsville seeks to pursue the following specific purposes:

- (a) To preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of the town, the Commonwealth of Virginia, or the nation;
- (b) To assure that, within the town's historic district, new structures, additions and related elements will be in harmony with their setting and environs;
- (c) To promote local historic preservation efforts through the identification and protection of historic resources throughout the town;
- (d) To maintain and improve property values by encouraging the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner, and by encouraging desirable forms of development that will lead to the continuance, conservation and improvement of the town's historic, cultural and architectural resources and institutions within their settings;
- (e) To promote tourism and enhance business and industry, and to promote an enhanced quality of life within the town, through protection of historic, cultural and archaeological resources

610.02 **Establishment of Historic Overlay District.** The area identified on the Town zoning map has been determined by Town Council to be of unique architectural and/or historic value, and is hereby designated the H-1 Overlay District, under authority of Section 15.2-2306 of the Code of Virginia, 1950 as amended. All historic landmarks, buildings, or structures within this overlay district are deemed by Town Council to be contributing structures. The historic overlay district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying within the historic overlay district shall also lie within one or more zoning districts established by this article. The effect shall be to create new districts sharing the characteristics and limitations of the underlying districts, together with the characteristics and limitations of the overlying historic overlay district.

610.03 **Additions to and deletions of properties.**

- (a) Town Council may, by ordinance, from time to time, designate additional properties and areas for inclusion within the historic overlay district; remove properties from the historic overlay designate individual buildings, structures or landmarks as protected properties; or remove individual buildings, structure or landmarks from the historic overlay district. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the Town's zoning ordinance and zoning map.

Historic Overlay District regulations adopted 10-26-09; effective date 01-01-2010

- (b) Prior to the adoption of any such ordinance, the Town Council shall consider the recommendations of the planning commission and the Board of Architectural Review as to the proposed addition, removal or designation. The Planning Commission and Board of Architectural Review shall address the following criteria in making their recommendations:
- (1) The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places or the Virginia Landmarks Register;
 - (2) The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;
 - (3) The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing historic overlay district;
 - (4) The age and condition of a building or structure;
 - (5) Whether a building or structure is of old or distinctive design, texture and material;
 - (6) The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained; and
 - (7) Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the town;

610.04 **Moratorium on alteration or demolition while designation pending.** No applications for a historic district permit or demolition permit to construct, alter or demolish any structure or other feature on a landmark site or in a historic district, filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of the said landmark site or historic district, shall be approved while proceedings are pending on such designation; provided, however, that after ninety (90) days have elapsed from the date of initiation of said designation, if final action on such designation has not been completed, the permit application may be approved.

610.05 **Historic District permits.**

- (a) No historic landmark, building or structure (defined for the purposes of this section to include but not be limited to outbuildings, fences, walls, permanent signs, and signposts) shall be erected, constructed, reconstructed, altered, or restored unless and until a historic district permit has been issued by the Board of Architectural Review.

- (b) Review of the proposed construction, reconstruction, alteration or restoration of a building or structure shall meet the standards set forth in section 610.07 of this ordinance. The Board of Architectural Review, or Town Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration which would be architecturally incompatible with the historic landmarks, buildings or structures in the historic overlay district. Prior to attaching conditions to an approval, due consideration shall be given to the cost of compliance with the proposed conditions.
- (c) The following shall be exempt from the requirement of a historic district permit:
 - (1) Interior features, details, alterations and improvements;
 - (2) Routine maintenance or repair of exterior elements or features, provided that there is no substantive change in design or materials;
 - (3) Exterior color; and
 - (4) Construction, reconstruction, alteration, repair or other improvements to a building or structure made pursuant to an order of correction issued by the Orange County building code official, upon a determination by the County's building code official that a building or structure is an "unsafe structure," as that term is defined by the state's building code and regulations.

610.06 **Application procedures for new construction and alterations.** Applications for a historic district permit for new construction or alterations must be submitted to the Zoning Administrator by a property owner, or by their authorized agent. Each application shall be accompanied by payment of a fee, set by Town Council.

- 610.06-1 **Application requirements.** Any application submitted for a historic district permit must include the following:
- (a) A site plan showing lot dimensions; location, size, and use of existing and proposed structures; yard dimensions; location of private and public easements; water courses; fences; adjoining street names and right-of-way width.
 - (b) Photographs of the subject property and photographs of the buildings on contiguous properties.
 - (c) Detailed and clear descriptions of any proposed changes in the exterior features of the subject property, including but not limited to the following: the general design, arrangement, texture, materials, and signs, to be used and other exterior fixtures and appurtenances.
 - (d) Information showing the relationship of the proposed change to surrounding properties.

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610.06-2 **Pre-application conference.** Prior to submission of an application for a historic district permit, a property owner or his agent is encouraged to request a conference with the full Board of Architectural Review or the chairman of the Board of Architectural Review to discuss and review a proposal for activities that require such a permit. The principal objective of the conference shall be to simplify and expedite the formal review process. A conference with the chairman shall be scheduled for a date within twenty (20) days from a request for such hearing. A conference with the full board shall be scheduled for the next regularly scheduled Board of Architectural Review meeting.

610.06-3 **Board of Architectural Review hearing.** The Board of Architectural Review shall meet, at the next regularly scheduled meeting to consider applications for historic district permits. The meeting of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant and to any other interested parties. Each application for a historic district permit shall be reviewed by the Board of Architectural Review as follows:

- (a) The Board of Architectural Review shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. The Board of Architectural Review shall hold a hearing on a submission that has been deemed complete, within forty-five (45) days of receiving the submission. Written notice of such hearing shall be provided to the applicant.
- (b) In considering a particular application the Board of Architectural Review shall approve the application unless it finds that the proposal is incompatible with the architectural character of the historic landmarks, buildings, or structures in the historic overlay district and that the proposal does not meet the standards set forth in section 610.07 of this ordinance.
- (c) Failure of the Board of Architectural Review to act on a complete application within sixty (60) days after the Board of Architectural Review hearing shall be deemed an approval.
- (d) The Zoning Administrator, or deputy, shall notify the applicant in writing of the Board of Architectural Review's decision within ten (10) working days of the Board of Architectural Review hearing. Such notice shall include the reasons for the denial or approval.

610.06-4 Appeal process. Following a denial or approval the applicant or adjoining property owner may appeal the decision to the Town Council, by filing a written notice of appeal with the Zoning Administrator within thirty (30) working days of the date of the written decision.

- (a) In considering an appeal of a decision of the Board of Architectural Review, the Town Council shall review the application as if the application had come before it in the first instance. The applicant, or his agent, shall be given an opportunity to be heard on the appeal. Such hearing shall be scheduled for the next regularly scheduled Town Council meeting within forty-five (45) days from receipt of a completed appeal. Written notice of such hearing shall be provided to the applicant.
- (b) In any appeal the Town Council shall consider the standards set forth within section 610.07, as applicable, and may also consider any other information, factors, or opinions it deems relevant to the application, including, but not limited to, those provided by the Board of Architectural Review and/or by the applicant.
- (c) The Zoning Administrator, or deputy, shall notify the applicant in writing of the Town Council's decision within ten (10) working days of the Town Council hearing.
- (d) A final decision of the Town Council may be appealed by the owner of the subject property or an adjoining property owner to the Circuit Court for the County of Orange, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. Such petition must be filed with the circuit court within thirty (30) days after Town Council's final decision. The filing of the petition shall stay the Town Council's decision pending the outcome of the appeal.

610.06-5

Change of plans after issuance of historic district permit. Any change in the approved plans subsequent to the issuance of a historic district permit shall be submitted to the Zoning Administrator prior to construction of the modified feature. The Zoning Administrator may administratively approve the following modifications if consistent with the standards set forth in Section 610.07 hereof; which shall be reported to the Board of Architectural Review at its next meeting:

- (a) Change in the color of brick selected for a project;
- (b) Change in the profile of door and window moldings;
- (c) Change in the type of siding used in a small area, which does not exceed ten percent (10%) of the total area of a building; and
- (d) Change in the style of a door or window.

610.07

Standards for review – new construction and alterations. The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures.

- (a) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible;
- (b) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity;
- (c) Whether the material, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the district;
- (d) The effect of the proposed change on the historic district neighborhood;
- (e) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks; and
- (f) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures.

610.08 Demolition permits.

- (a) No historic landmarks, buildings or structures located within the historic overlay district shall be moved, removed, encapsulated, razed, or demolished (in whole or in part) unless and until an application for a demolition permit has been approved by the Board of Architectural Review, or the Town Council on appeal, except that:
 - (1) The moving, razing, removing, encapsulating or demolition, in whole or in part, of any historic landmark, building, or structure shall be allowed pursuant to an order of the Orange County building code official, without the permission of the Board of Architectural Review or Town Council on appeal, upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this article. Upon such a determination, the building code official shall deliver a copy of his order to the Zoning Administrator; and
 - (2) Where the moving, removing, encapsulation or demolition of any contributing structure or protected property shall constitute routine maintenance or repair of exterior elements or features, provided that there is no substantive change in design or materials.
- (b) Review of the proposed moving, removing, encapsulation or demolition of any contributing structure or protected property shall meet the standards set forth in section 610.10 of this ordinance.

- (c) The Board of Architectural Review, or Town Council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons present thereon; and, in the case of a partial removal, encapsulation or demolition:
 - (1) To protect the structural integrity of the portion(s) of a building or structure which are to remain following the activity that is the subject of a permit, or
 - (2) To protect historic or architecturally significant features on the portion(s) of a building or structure which are to remain following the activity that is the subject of the permit.
- (d) Failure to obtain the demolition permit required by this section shall subject the property owner to the civil penalty described within Article 11, section 1103.00.

610.09 **Application procedures for demolition permit.** Applications for a demolition permit must be submitted to the Zoning Administrator by a property owner, or by their authorized agent. Each application shall be accompanied by payment of a fee, set by Town Council.

610.09-1 **Application requirements.** Any application submitted for a demolition permit must include the following:

- (a) Detailed and clear descriptions of any proposed changes in the exterior features of the subject property.
- (b) Photographs of the subject property and photographs of the buildings on contiguous properties.
- (c) Information showing the relationship of the proposed change to surrounding properties.
- (d) Post-demolition plans, for all principal structures to be demolished on any site governed by this article and the appropriateness of such plans to the architectural character of the district.
- (e) A structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer, shall be provided by the applicant in the case of a demolition request where structural integrity is at issue. The Board of Architectural Review may waive the requirement for a structural evaluation and cost estimates in the case of an emergency, or if it determines that the building or structure proposed for demolition is not historically, architecturally or culturally significant.

610.09-2 **Board of Architectural Review hearing.** Each application for a demolition permit shall be reviewed by the Board of Architectural Review as follows:

- (a) The Board of Architectural Review shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. The Board of Architectural Review shall hold a hearing on a submission that has been deemed complete, within forty-five (45) days of receiving the submission. Written notice of such hearing shall be provided to the applicant.
- (b) In considering a particular application the Board of Architectural Review shall approve the application unless it finds that the proposal does not meet the standards set forth in section 610.10 of this ordinance.
- (c) Failure of the Board of Architectural Review to act on a complete application within sixty (60) days after the Board of Architectural Review hearing shall be deemed approval.
- (d) The Zoning Administrator, or deputy, shall notify the applicant in writing of the Board of Architectural Review's decision within ten (10) working days of the Board of Architectural Review hearing. Such notice shall include the reasons for the denial or approval.

610.09-3

Appeal process. Following a denial or approval the applicant or adjoining property owner may appeal the decision to the Town Council, by filing a written notice of appeal with the Zoning Administrator within thirty (30) working days of the date of the written decision.

- (a) In considering an appeal of a decision of the Board of Architectural Review, the Town Council shall review the application as if the application had come before it in the first instance. The applicant, or his agent, shall be given an opportunity to be heard on the appeal. Town Council shall act on such request within sixty (60) days.
- (b) In any appeal the Town Council shall consider the standards set forth within section 610.10, as applicable, and may also consider any other information, factors, or opinions it deems relevant to the application, including, but not limited to, those provided by the Board of Architectural Review and/or the applicant.
- (c) A final decision of the Town Council may be appealed by the owner of the subject property to the Circuit Court for the County of Orange, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. Such petition must be filed with the circuit court within thirty (30) days after Town Council's final decision. The filing of the petition shall stay the Town Council's decision pending the outcome of the appeal, except that the filing of the petition shall not stay the decision of the Town Council if the decision denies the right to raze or demolish a historic landmark, building or structure.

610.09-4

Demolition delay period. In addition to the right of appeal set forth above, the owner of a building or structure, the demolition of which has been the subject of an application appealed to the Town Council, shall, as a matter of right, be entitled to raze or demolish such historic landmark, building or structure if all of the following conditions have been met:

- (a) The owner has applied to the Town Council for permission to demolish the building or structure.
- (b) The owner has, for the applicable sale period set forth herein below, and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that the landmark, building or structure, and the land pertaining thereto, will be preserved and restored; and
- (c) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.
 - (1) If all of the foregoing conditions are not met within the applicable sale period, then the Town Council's decision denying a permit shall stand, unless and until that decision is overturned by the Orange County Circuit Court. However, following expiration of the applicable sale period, a property owner may renew his request to the Town Council to approve the demolition of the historic landmark, building or structure.
 - (2) Any appeal which may be taken to the Court from the decision of the Town Council, whether instituted by the owner or by any other property party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Town Council.
 - (3) The time in which a property owner may take advantage of the rights afforded by subparagraph (a), above (the applicable "sale period") shall run from the date a completed request is provided in writing to the Zoning Administrator, and shall be as follows:
 - (i) Three (3) months, when the offering price is less than twenty-five thousand dollars (\$25,000.00).

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- (ii) Four (4) months when the offering price is equal to or greater than twenty-five thousand dollars (\$25,000.00) but less than forty thousand dollars (\$40,000.00).
- (iii) Five (5) months when the offering price is equal to or is greater than forty thousand dollars (\$40,000.00) but less than fifty-five thousand dollars (\$55,000.00).
- (iv) Six (6) months when the offering price is equal to or greater than fifty-five thousand dollars (\$55,000.00) but less than seventy-five thousand dollars (\$75,000.00).
- (v) Seven (7) months when the offering price is equal to or is greater than seventy-five thousand dollars (\$75,000.00) but less than ninety thousand dollars (\$90,000.00).
- (vi) Twelve (12) months when the offering price is equal to or greater than ninety thousand dollars (\$90,000.00).

610.09-5 **Board of Architectural Review activities while action on demolition permit is suspended.** During the demolition delay period set forth above in Section 610.09-4, the Board of Architectural Review may take such steps as it deems necessary to preserve the buildings or structures concerned, in accordance with the purposes of these regulations, subject to the ownership rights of the owner. Such steps may include, but are not limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

610.10 **Standards for considering demolitions.** The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation, razing, or demolition, in whole or in part, of a historic landmark, building, or structure:

- (a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation;
 - (1) The age of the structure or property;
 - (2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
 - (3) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;

- (b) The degree to which distinguishing characteristics, qualities, features or materials remain;
- (c) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the historic overlay district, or is one (1) of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures;
- (d) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board; and
- (e) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value.

610.11 **Signage.** Permanent signs within the historic overlay district shall comply with the standards set forth in Article 7, Section 705-04-4.

610.11-1 The Zoning Administrator may review, and may approve or deny, applications for historic district permits for addition, alteration or removal of any sign(s) where such sign(s) are the sole subject of the application, consistent with the standards set forth in sections 610.07 and 610.10 herein. The Zoning Administrator's decision on such an application may be appealed to the Board of Zoning Appeals in accordance with Article 8, Section 808.00.

610.12 **Maintenance and repair required.**

- (a) Neither the owner of nor the person in charge of a contributing structure or protected property shall allow such property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of the historic overlay district or the life and character of a contributing structure. Examples of the type of disrepair prohibited include, but are not limited to:
 - (1) The deterioration of exterior walls or other vertical supports;
 - (2) The deterioration of roofs or other horizontal members;
 - (3) The deterioration of exterior chimneys;
 - (4) The deterioration or crumbling of exterior plasters or mortar;
 - (5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;

- (6) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (b) The Zoning Administrator or Orange County Building Official shall give notice by certified or registered mail of specific instances of failure to maintain or repair. The owner or person in charge of such structure or property shall have sixty (60) days to remedy such violation; provided that the zoning administrator, upon request, may allow an extension of up to sixty (60) days to remedy such violations. Thereafter, each day during which there exists any violation of this section shall constitute a separate violation. The Zoning Administrator's written notification of violation may be appealed in accordance with section 808.01 of the land development ordinance.

610.13 Validity of historic district permits.

- (a) Once issued, a historic district permit shall expire and become void twelve (12) months after issuance, unless within that time period one (1) of the following has occurred:
 - (1) Issuance of a building permit for construction of the improvements or activities which are the subject of the historic district permit or in cases where no building permit is required, construction of the improvements or the activities which are the subject of the historic district permit has substantially commenced.
- (b) The issuance of a historic district permit shall not, in and of itself, authorize any construction, reconstruction, alteration, repair, demolition, or other improvements or activities requiring a building permit. Where a building permit is required, no activity authorized by a historic district permit shall be lawful unless conducted in accordance with the required building permit and all applicable building code requirements.

611.00 BOARD OF ARCHITECTURAL REVIEW

The Board of Architectural Review shall be composed of five (5) members who shall be appointed by the Town Council.

- (a) All appointees shall be residents of the Town; except that a person who resides outside the Town but who owns a business, or who owns commercial or residential property in the historic overlay district, may be appointed to serve on the board.
- (b) At least one (1) member shall have professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning; at least three (3) members shall be an owner of a business or property in the historic overlay district. One (1) member may be a member of the Town Planning Commission.
- (c) Members should not vote on any project for which that member has a direct financial gain from said project.

611.01 **Initial appointments.** The initial appointment of the Board of Architectural Review shall be as follows: One (1) member for one (1) year; one (1) member for two (2) years; one member for three (3) years; and two (2) members for four (4) years.

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- 611.02 **Terms of office.** Appointments shall be for a four (4) year term, except that appointments to fill vacancies shall be for the unexpired remainder of the vacant term. A member whose term expires shall continue to serve until a successor is appointed. Vacancies shall be filled within sixty (60) days, if at all possible. Members serve at the will of Council and can be removed by two thirds vote of the full Council.
- 611.03 **Officers.** The Board of Architectural Review shall elect from its own membership a chair, vice-chair, and a secretary, who shall serve annual terms.
- 611.04 **Meetings.** The meetings of the Board of Architectural Review shall be held as needed to conduct review hearings and at the call of the Chairman and at such other times as a quorum of the Board or the Zoning Administrator may determine.
- (a) All meetings of the Board of Architectural Review shall be open to the public.
- (b) The Board of Architectural Review shall keep full public record of its proceedings and shall submit a report of its activities to the Town Council at least once each year.
- (c) A quorum shall be at least three (3) members.
- 611.05 **Powers and duties of the Board of Architectural Review.** The function of the Board of Architectural Review shall be to administer the provisions of this ordinance. In carrying out this responsibility the Board of Architectural Review shall:
- (a) Approve, deny, or approve with or without conditions applications for historic district permits and demolition permits in accordance with the provisions of this ordinance.
- (b) Recommend additional surveys of potential districts or properties, and recommend properties for inclusion in or deletion from the historic overlay district.
- (c) Act in an advisory role to Town Council and town departments, boards and commissions; and, upon request to the town citizens as time and resources allow.
- (d) Undertake educational programs and activities.

ARTICLE 7

701.00 AREA REGULATIONS

Area and density regulations are listed below by District:

R-1, R-3, B-2 Districts

Front Setback	55' from center of road or 30' from edge of road
Minimum Lot Area w/o water or sewer	10,000 sq. ft.
Minimum Lot Area with water or sewer	7,000 sq. ft.
Minimum Lot Width at Setback Line	Seventy-five (75) ft.
Minimum Lot Width, Corner Lot at Setback	One Hundred (100) ft.
Minimum Side Yard	Ten (10) ft.
Minimum Side Yard - Corner Lot	55' from center of side street
Minimum Rear Yard (to main building)	Twenty-five (25) ft.
Minimum Rear Yard (to Aux. Building).....	Ten (10) ft.
Maximum Height (any structure).....	Thirty-five (35) ft.

R-2 District

Front Setback	55' from center of road or 30' from edge of road
Minimum Unit width at Setback line	twenty (20) ft.
Minimum Lot area water/sewer required	10,000 sq. ft. (an additional 2,000 sq. ft. of lot area per unit over the first two)
Maximum units per acre for supportive housing for seniors-eighteen (18)	
Maximum units per acre for all other uses	twelve (12)
Maximum units in a row	ten(10)
Number of units per offset	two(2)
Minimum offset distance per two units	two (2) ft.
Minimum side yard (one side required)	ten (10) ft.
Minimum rear yard (to main building)	twenty-five (25) ft.
Minimum rear yard (to aux. Building)	ten (10) ft.
Maximum height (any Structure)	thirty-five (35) ft.

R-4 District

Front setback	55' from center of road or 30' from edge of road
Minimum lot area (water/sewer optional)	40,000 sq. ft.
Minimum lot width at setback line.....	one hundred (100) ft.
Minimum side yard	ten- (10) ft.
Minimum side yard - corner lot.....	55' from center of side street
Minimum rear yard (to main building)	twenty-five (25) ft.
Minimum rear yard (to aux. Building)	ten (10) ft.
Maximum height (any Structure)	thirty-five (35) ft.

Amendment to R-2 district regulations adopted 5-19-08

B-1 District

- Front Setback None (0)
- Minimum Side Yard..... none (0)
- Minimum Lot Area w/o water or sewer 10,000 sq. ft.
- Minimum Lot Area w/ water or sewer 7,000 sq. ft.
- Minimum Rear Yard Ten- (10) ft.
- Minimum Lot Width Seventy-five (75) ft.
- Minimum Lot Width, Corner Lot..... One Hundred (100) ft.
- Maximum Height (any Structure) Thirty-five (35) ft.

M-1 District

- Front Setback 55’ from center of street
- Minimum Side Yard..... None (0)
- Minimum Side Yard adjacent to resident zone
(r-1, R-2, R-3, R-4) (twenty)- 20
- Minimum Lot Area w/o water or sewer 10,000 sq. ft.
- Minimum Lot Area w/ water or sewer 7,000 sq. ft.
- Minimum Rear Yard Ten- (10) ft.
- Minimum Lot Width Seventy-five (75) ft.
- Minimum Lot Width, Corner Lot..... One Hundred (100) ft.
- Maximum Height (any Structure) Sixty-five (65) ft.
- Maximum Stack Height Ninety-eight (98) ft.
- Maximum Lot Coverage 70% of lot area

Ag District

- Front Setback 55’ from the center of the road or 30’ from edge of road
- Minimum Lot Area 2 acres
- Minimum Lot Width 200’
- Minimum Side Yard..... 20’
- Minimum Side Yard – Corner Lots..... 55’ from center of side street
- Minimum Rear Yard 35’
- Maximum Height (any structure)..... 35’

701.01 Modification of Yard Requirements. Yard requirements may be modified to provide:

- 701.01-1 An unenclosed porch may project into a required front yard for a distance not exceeding ten (10) feet.
- 701.01-2 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening.
- 701.01-3 Minimum setback requirements of the ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lots;
- 701.01-4 Signs advertising sale or rent of premises may be erected up to the property line.

Ag district regulations adopted 4-23-07

701.02 **Special Provision for Corner Lots in Residential Districts.**

- 701.02-1 Of the two- (2) sides of a corner lot the front shall be deemed the shorter of the two sides fronting on streets.
- 701.02-2 The side yard on the side facing the side street shall be fifty-five (55) feet from center of street adjacent to side yard.
- 701.02-3 For subdivisions platted after enactment of this ordinance each lot shall have a minimum width at the setback line of 75 feet or more.

701.03 **Conditional Height Regulation.**

- 701.03-1 The height limits may be increased upon approval by the Board of Zoning Appeals after public hearing, provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more per side yard for each additional foot of building height over thirty five (35) feet, (65 feet for M-1 area);
- 701.03-2 A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased (1) for each foot in height over thirty five (35) feet;
- 701.03-3 Church spires, belfries, cupolas, monuments, water, silo barns, cooling towers, chimneys, flues, flag poles, television and radio antenna are exempt, after a public hearing and Planning Commission approval, except for those structures exceeding two hundred (200) feet in height where written approval from the Federal Aviation Administration is necessary. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

702.00 ADDITIONAL BUILDINGS ON A SINGLE LOT

After a review of an application, additional building on the same lot or parcel of land may be permitted.

702.01 **Additional Dwellings.** Additional dwellings on a single lot may be permitted provided that:

- 702.01-1 Additional dwellings conform to the minimum lot area, minimum lot width, maximum lot coverage, and yard requirements;
- 702.02 The arrangement of such additional dwellings is in such a manner so that if the lot or parcel of land is ever subdivided, no substandard lots are created.

702.02 **Temporary buildings.** Temporary buildings used in conjunction with construction work only may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.

702.03 **Accessory Buildings.** The location of accessory buildings and uses must meet the following conditions:

- 702.03-1 Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore such attached accessory building shall comply in all respects with the requirements applicable to the main building;
- 702.03-2 A detached accessory building shall be located as prescribed in Section 701.00 for the district in which the lot is located;
- 702.03-3 A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (30) percent of the rear yard;
- 702.03-4 No detached accessory building may be located in the front yard of a lot. A trailer regardless of configuration may not be used as a accessory structure.
- 702.03-5 An accessory building may be located in the rear yard of a lot no closer than one (1) foot of either or both the side and rear yards with the written permission of the adjoining property owners. All other height and size restrictions apply.

703.00 OFF-STREET PARKING

703.01 **General requirements.** For the purpose of this Ordinance, the following general requirements are specified:

- 703.01-1 The term “off street parking space” shall mean a space at least nine (9) feet wide and eighteen (18) feet in length with a minimum net area of one hundred sixty-two (162) square feet, excluding area for egress and ingress and maneuvering of vehicles. A minimum of twenty-two (22) feet between parking rows back-to-back shall be clear for maneuvering into and out of parking spaces;
- 703.01-2 Parking spaces for all dwellings shall be located on the same lot with the main buildings to be served;

If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property, provided such space lies within three hundred (300) feet of the property line of such main use;
- 703.01-3 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use;
- 703.01-4 Area reserved for off street parking in accordance with the requirements of this ordinance shall not be reduced in the area, encroached upon or changed to any other use unless the use which it serves is discontinued or modifies;
- 703.01-5 Off street parking existing at the effective date of this Ordinance on connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter should not be further reduced.

Section 703.01-1 amended 10-26-09

703.02 **Site Requirements.** All off street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

703.02-1 Any off-street parking areas for more than five (5) vehicles shall be surfaced with an asphalt, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface. Exception to this requirement may be obtained from the Zoning Administrator on a site by site basis. The Zoning Administrator, should an exception be made, shall document in writing the reason for such an exception and attach it to the applicant’s zoning permit to become public record.

703.02-2 Adequate lighting shall be provided is off street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district. Excluded from this requirement are private driveways and parking lots, which have five (5) or less parking spaces.

703.02-3 Off street facilities shall be drained to eliminate ponding of water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable specifications. Off street parking area shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;

703.02-4 Off street parking spaces in commercial and industrial districts and residential districts with more than five (5) spaces shall be clearly marked by painted lines, curbs, or other means to indicate individual spaces. Signs, or markers shall be used as necessary to ensure efficient traffic operation;

703.02-5 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements or as required by the Virginia Department of Transportation:

- a. Access shall be provided by means of not more than two (2) driveways for the first 120 feet of frontage along any one (1) street and shall have not more than one (1) additional driveway for each additional 150 feet of street frontage.
- b. Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections not ten (10) feet to adjoining property lines.
- c. Access driveways shall not be closer than twenty (20) feet from adjacent driveways and any point for the edge of the pavement to the right-of-way line.

703.03 **Parking Space Requirements for All Districts.** In all districts, there shall be provided off-street automobile storage or parking space with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth.

703.03-1

Dwellings:

- a. One and two family dwelling: Two (2) spaces for each dwelling unit.
- b. Multi-Family, townhouses: Two (2) spaces per dwelling unit.
- c. Hotels, motels, inns, bed and breakfast: One (1) space for each bedroom plus one (1) additional space for each two (2) employees.
- d. Boarding and rooming houses, dormitories: One (1) space for each bedroom.
- e. Supportive housing for seniors: One and a quarter (1.25) spaces per dwelling unit.

703.03-2

Public Assembly:

- a. Newly constructed churches and other places of worship: One (1) space for each ten- (10) seats in the auditorium of sanctuary.
- b. Private clubs, lodges, and fraternal or storage buildings not providing overnight accommodations: One (1) space for each six hundred -(600) square feet.
- c. Theaters, auditoriums, coliseums, stadiums, and similar places of assembly: One (1) space for each ten- (10) seats.
- d. Schools, including kindergarten, playschools, and day care centers: One (1) space for each four (4) seats in the assembly hall, or one (1) space for each employee, including teachers and administrators, plus five (5) spaces per classroom for high school and colleges, whichever is greater.
- e. Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements: One (1) space for each two hundred (200) square feet of floor area.
- f. Bowling Alleys: Two (2) spaces for each alley.
- g. Libraries, museums: One (1) space for each five hundred (500) square feet of gross floor area.

703.03-3

Health Facilities:

- a. Hospitals and similar uses: One (1) space for each two (2) beds, plus one (1) space for each staff doctor, plus one (1) space for each four (4) employees, on the maximum working shift.
- b. Kennels and animal hospitals: At least parking area equal to thirty (30) percent of the total enclosed or covered area.

- c. Medical, dental, and health offices: At least ten (10) spaces. Three (3) additional parking spaces shall be furnished for each doctor and dentist having office in such clinics in excess of three (3) doctors or dentists plus one (1) space per each two (2) staff and employees.
- d. Homes for adults and similar uses: One (1) space for each four (4) beds plus one (1) space for every three- (3) employees.

703.03-4

Businesses:

- a. Automobile repair establishments. One (1) space for each three hundred (300) square feet, gross floor area with a minimum of ten (10) spaces.
- b. Food stores. One (1) space for each two hundred (200) square feet of floor. Area designated for retail sales only.
- c. Restaurants, including bars cafes, taverns, nightclubs, lunch counters, and all similar dining and / or drinking establishments. One (1) space for each four-(4) seats provided for patron use, plus one (1) space per employee on average shift.
- d. Office Buildings, including banks, business, commercial and professional offices and buildings but not including medical, dental, and health offices and clinics. One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor space.
- e. General business, commercial or personal service establishments catering to the retail trade. One (1) space for each two-hundred (200) square feet of floor area designated for retail sales.
- f. Governmental Offices. One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor area, and one (1) space for each governmental vehicle.
- g. Shopping centers. One (1) space per two hundred (200) square feet of retail sales area.
- h. Furniture Stores. One (1) space for each one thousand (1,000) square feet of gross floor area.
- i. Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations. One (1) space for each employee on the maximum shift plus a parking area equal to twenty five (25) percent of the gross floor area.
- j. Mortuaries and funeral parlors. Five (5) spaces per parlor unit or chapel until, or one (1) space per four (4) seats, whichever is greater.

703.03-5 **Industries:**

- a. Manufacturing and industrial establishments not catering to the retail trade. One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle or mobile equipment operation from the premises.
- b. Wholesale establishments. One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

703.04 **Off-street loading and unloading space.** Off-street loading and unloading spaces shall be provided as hereinafter required by this ordinance.

703.04-1 For structures with a floor area over then thousand (10,000) square feet there shall be provided for each hospital, hotel, commercial, or industrial building, or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than the thousand (10,000) square feet, at least one off-street loading space for each ten thousand (10,000) square feet of floor space or faction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road, or alley;

703.04-2 For structures with a floor area of less than ten thousand (10,000) square feet, there shall be provided for each hospital, hotel, commercial, or industrial building requiring receipt or distribution of material or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road, or alley;

703.04-3 Size of off-street loading spaces shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty (50) feet in length;

703.04-4 Connection to road or alley. Each required off-street loading space shall have direct access to a road or alley or have a driveway which offers satisfactory ingress and egress for trucks;

703.04-5 Permanent reservation. Area reserved for off-street loading in accordance with the requirements of the ordinance shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modifies, except where equivalent requirements herein.

704.00 HOME OCCUPATIONS

This Ordinance uses a permit approach to the control of home occupations. The use of permits is to insure compatibility of home occupations with surrounding residential uses. Custom or home occupations with surrounding residential use. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The administrator may request advice for the Planning Commission as appropriate.

704.01 **Special Requirements.** Home occupation, where permitted, must meet the following special requirements:

704.01-1 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant;

704.01-2 The home occupation shall be operated only by the members of the family residing on the premises and one employee. No article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;

704.01-3 The occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within the said building;

704.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of the nonresidential character of use or other than through the use of a sign meeting requirements for professional name plates, as stipulated in Section 705.03-3;

704.01-5 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure;

704.01-6 Additional off street parking may be required by the Zoning Administrator after a review of the application;

704.01-7 The applicant for a home occupation permit shall present evidence that the Gordonsville Fire Department has reviewed the proposed use of the structure and has found no reason to prohibit the building's use for reasons of safety.

704.02 **Expiration and Revocation.** A zoning permit for home occupations shall expire or be revoked under the following conditions:

704.02-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;

704.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months;

704.02-3 Whenever the Town Council finds that the holder of the permit has violated the conditions of the permit for one (1) or more of the "special requirements" in Section 705.00

705.00 SIGNS

705.01 **Intent.** The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of the Town of Gordonsville. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

705.02 **General Requirements.**

705.02-1 Except as provided in Section 705.03 (*reprinted below*) no outdoor advertising sign, or structure shall be erected without a Zoning Permit. Failure to adhere to the requirements of the Ordinance automatically cancels such permit and said structure shall be removed forthwith;

705.03 **Permissible Signs in All Districts.** *The following signs are allowed in all districts and shall be exempt from permit requirements:*

705.03-1 *Real Estate signs advertising sale, rental, or lease of the land or building upon which signs are located, provided that:*

- a. *In residential districts, real estate signs shall not be in excess of four (4) square feet, and that there only be one sign posted on the property.*
- b. *In business districts, there shall be no signs in excess of thirty-two (32) square feet and no more than one (1) such sign on any single lot;*
- c. *In industrial districts, there shall be no sign in excess of ninety (90) square feet and no more than one (1) such sign on any single lot;*

705.03-2 *Directional signs for parks and playgrounds and other permitted nonresidential uses, provided that such signs shall not exceed four (4) square feet in area (705.01-1 c also applies);*

705.03-3 *Professional name plates not exceeding two (2) square feet in area; such signs to be non-illuminated;*

705.03-4 *One sign or bulletin board indicating the name of the institution or civic association not exceeding ten(10) square feet in area on premises of public or semipublic facilities;*

705.03-5 *Signs located on the premises relating to active construction projects;*

705.03-6 *Memorial signs or tablets, including names or buildings and date of erection when cut into masonry, bronze, or other materials;*

705.03-7 *Traffic or other public signs or notices posted or erected by or at the direction of a governmental agency;*

705.03-8 *Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates, and other similar usage not exceeding eight (8) square feet;*

705.03-9 *One (1) subdivision identification sign at the main entrance or entrances to the subdivision provided that such sign shall not exceed one hundred (100) square feet, it*

may be illuminated, shall be so designed as to be in the public interest, and shall make no reference to the sale or lease of the lots or houses located within said identifies subdivision;

- 705.03-10 *Temporary signs, including political advertisements:*
- a. *Not allowed longer than sixty (60) days; and*
 - b. *Shall be removed by sign owner within five (5) days after the date of the event of activity to which the sign makes reference, or if he fails to do so, by the Zoning Administrator at the owner's expense, five (5) days following registered notification of the owner.*
 - c. *No temporary sign shall exceed thirty (30) square feet per sign area.*
 - d. *All portable and vehicular signs shall adhere to the requirements set forth herein except for those signs not exceeding forty (40) feet and attached to vehicles which are used primarily for other purposes than displaying an outdoor advertising sign.*
- 705.02-2 For the purpose of computing sign area only one side of a “V-type” or double-faced sign shall be considered;
- 705.02-3 Roof top signs or roof top sign structures are not permitted.
- 705.02-4 No sign or sign structure shall be located in such a manner as to materially impede the view of any road intersection; or in such a manner as to materially impede the view of the intersection of a road with a railroad grade crossing, or located as to impede the safe flow of traffic;
- 705.02-5 No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape;
- 705.02-6 No portion of any sign structure except official road markers, which shall adhere to the applicable state and local laws, shall be less than ten (10) feet above the level of an adjacent sidewalk or other pedestrian thoroughfare, no less than sixteen (16) feet above the level of an adjacent public driveway, alley or street;
- 705.02-7 All signs, whether permanent or temporary, shall comply with the applicable requirements of the Building Code;
- 705.02-8 In the event any sign is to be relocated, it shall be required that the owner of said sign obtain a new Sign Permit;
- 705.02-9 Maximum height of all sign structures shall be left up to the discretion of the Zoning Administrator may consult with the Planning Commission in regards to the height of sign structures. This applies to all signs in all districts throughout the Town of Gordonsville.
- 705.02-10 All signs coming within the jurisdiction of State and

Federal Laws along Interstate Highways and Federal-aid primary highway systems shall conform to said laws in lieu of any other sign regulations in this ordinance.

705.02-11 All signs in existence at the time of the passage of this Ordinance, which do not conform to the Ordinance, shall be classified as nonconforming, but may be continued providing they are properly maintained during the life of such advertisement of advertising structure;

705.02-12 Informational signs of a public or quasi-public nature identifying or locating civic, educational or cultural purpose, and sign drawing attention to public parking lots, rest rooms, or to other public convenience relating to such places or activities are permitted. Such signs shall not exceed an area of six (6) square feet, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than five (5) feet from the fronting highway. Nothing contained herein shall be construed to limit the effect of Section 705.02-13;

705.02-13 Official notices or signs posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments. Such signs shall not exceed an area of two (2) square feet, shall not be illuminated and shall contain no advertising matter, other than that which may be required by law;

705.03 **Permissible Signs in All Districts.** The following signs are allowed in all districts and shall be exempt from permit requirements:

705.03.1 Real Estate signs advertising sale, rental, or lease of the land or building upon which signs are located, provided that:

- a. In residential districts, real estate signs shall not be in excess of four (4) square feet, and that there only be one sign posted on the property.
- b. In business districts, there shall be no signs in excess of thirty-two (32) square feet and no more than one (1) such sign on any single lot;
- c. In industrial districts, there shall be no sign in excess of ninety (90) square feet and no more than one (1) such sign on any single lot;

705.03-2 Directional signs for parks and playgrounds and other permitted nonresidential uses, provided that such signs shall not exceed four (4) square feet in area (705.01-1(c) also applies);

705.03-3 Professional name plates not exceeding two (2) square feet in area; such signs to be non-illuminated;

705.03-4 One sign or bulletin board indicating the name of the institution or civic association not exceeding ten(10) square feet in area on premises of public or semipublic facilities;

705.03-5 Signs located on the premises relating to active construction projects;

- 705.03-6 Memorial signs or tablets, including names or buildings and date of erection when cut into masonry, bronze, or other materials;
- 705.03-7 Traffic or other public signs or notices posted or erected by or at the direction of a governmental agency;
- 705.03-8 Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates, and other similar usage not exceeding eight (8) square feet;
- 705.03-9 One (1) subdivision identification sign at the main entrance or entrances to the subdivision provided that such sign shall not exceed one hundred (100) square feet, it may be illuminated, shall be so designed as to be in the public interest, and shall make no reference to the sale or lease of the lots or houses located within said identifies subdivision;
- 705.03-10 Temporary signs, including political advertisements:
- a. Not allowed longer than sixty (60) days; and
 - b. Shall be removed by sign owner within five (5) days after the date of the event of activity to which the sign makes reference, or if he fails to do so, by the Zoning Administrator at the owner's expense, five (5) days following registered notification of the owner.
 - c. No temporary sign shall exceed thirty (30) square feet per sign area.
 - d. All portable and vehicular signs shall adhere to the requirements set forth herein except for those signs not exceeding forty (40) feet and attached to vehicles which are used primarily for other purposes than displaying an outdoor advertising sign.

705.04 **Signs as Permitted Uses.** The following signs are permitted uses in the following districts without a public hearing:

- 705.04-1 **Residential Districts.** Within any residential district the following signs are permitted:
- a. One (1) sign for each subdivision relating to the sale of property within said subdivision, provided that such sign shall be within said subdivision, shall not exceed thirty (30) square feet per sign area, shall not exceed thirty (30) square feet per sign area, shall not be illuminated, shall be maintained at subdivider's expense, and shall be removed by subdivider when eighty (80) percent of the lots in said subdivision are sold.
 - b. Where multi-family dwellings are a permitted use, one (1) sign for identifying multi-family dwellings of more than six (6) units, provided that such sign shall be located only on the premises of the multi-family dwellings, shall not exceed nine (9) square feet in area, shall indicate nothing other than the name and/or address of the premises, and the name of the management, and may be illuminated only by indirect illumination.

- c. Directional signs for parks and playgrounds and other permitted nonresidential use, provided that such signs shall not exceed four (4) square feet in area, shall be within six hundred (600) feet of the use, and shall not be illuminated.

705.04-2 **Business District.** Within any business district, the following signs are permitted:

- a. **One story buildings.** The total area of all signs facing a street, alley, or parking area shall not exceed two(2) square feet for each foot of building width facing such street, alley, or parking area;
- b. **First floor businesses in multi-story buildings.** The total area of all signs facing a street, alley, or parking area shall not exceed two (2) square feet for each foot of building width facing such street, alley, or parking area; provided that all such signs shall be kept within a height of twenty (20) feet above the sidewalk;
- c. **Upper stories of multi-story buildings containing one (1) or more businesses above the first floor.** the total area of all signs facing a street, alley, or parking area on any wall above the twenty (20) foot height specified in 705.04-2b above shall not exceed forty (40) square feet or one-fortieth (1/40) of the area of that wall above such twenty (20) foot height, whichever is greater;
- d. **Multi-story buildings occupied by one (1) business only.** Where entire buildings over one (1) story in height are occupied by one (1) business, a total sign area of one hundred (100) square feet facing any street, alley, or parking areas, or of one-fortieth (1/40) of the wall area facing such street, alley, or parking area, whichever is greater, may be substituted for the allowable sign areas specified in 705.04-2b and 705.04-2c above, and in such case, the sign may be located without regard to the twenty (20) foot height provisions contained in 705.04-2b above;
- e. **Signs Hung on Marquees.** No sign shall be hung on a marquee, canopy, or portico if sign shall extend beyond the established setback line. The area of any such sign shall be included in determining the total area of signs erected of displayed;
- f. **Projection and Height of Signs.** A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project beyond the established setback line. The bottom of a sign, the area against a wall, shall not be less than eight (8) feet above the sidewalk, alley or parking area. The bottom of a sign projecting from a walk shall not be less than ten (10) feet above a walkway or parking area, nor less than fourteen feet above an alley;
- g. **Roof Signs.** Roof signs are not permitted.
- h. **Freestanding Signs.** Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided, leaving a distance between the building and a side lot line of twenty-five (25) feet or more, or where a building is setback ten (10) feet or more from the

front lot line; provided that not more than two (2) such freestanding signs shall be permitted for any building or building unit having a street frontage with such drive-in service area, parking area, or building setback. No signs other than those indicated on the sign application shall be attached to a freestanding sign structure. Freestanding signs shall not be erected more than thirty (30) feet above grade, nor project beyond the established setback line, and shall not exceed one hundred (100) square feet in area. Where signs are erected as freestanding signs upon the lot, the total area of all signs permitted by this section shall be two (2) square feet for each foot of lot frontage; provided that signs erected or displayed on any building or buildings on such lot shall conform to the requirements and restrictions contained in the other paragraphs of the section;

- i. **Identification Signs.** Identification signs for shopping centers consisting of five (5) or more separate businesses and having a continuous street frontage of at least two hundred (200) feet shall be permitted, and the area of such signs shall not be included in the total area of signs otherwise permitted in this section for the separate businesses. The total area of such identification signs for any shopping center shall not exceed one (1) square foot for each foot of street frontage, nor shall the total area of such signs facing any street, alley or parking area exceed one hundred and fifty (150) square feet;
- j. **Billboards.** Billboards and general advertising signs are prohibited in all zones.

705.04-3 **Industrial Districts.** Within any industrial district, the following signs are permitted:

- a. Business sign or signs having a maximum aggregate area not to exceed thirty-five (35) square feet provided that no sign shall project more than five (5) feet beyond the face of the building.

705.04-4 **Historic Overlay District.** Within any historic overlay district, the following signs are permitted:

- (a) One (1) projecting sign is permitted for each separate storefront fronting on a public right-of-way at ground level. One (1) additional projecting sign may be permitted for a doorway entrance that provides primary access to a business located on an upper floor or basement level.
 - (1) No single sign face of any projecting sign shall have an area greater than ten (10) square feet.
 - (2) Projecting signs shall have a projection of not more than thirty-six (36) inches beyond the facade of the building to which it is attached, except marquees. Marquees shall not extend beyond the established set back line.

- (b) The total area of a wall sign facing a street, alley, or parking lot area shall not exceed two (2) square feet for each foot of building width facing the street, alley, or parking area. No single wall sign shall have an area greater than twenty-five (25) square feet.
- (c) One (1) freestanding sign is permitted on a lot only where drive-in service or parking is provided, leaving a distance between the building and a side lot line of twenty-five (25) feet or more, or where a building is setback ten (10) feet or more from the front lot line; provided that the sign does not obstruct visibility at any intersection or entrance.
 - (1) No freestanding sign shall exceed a height of fifteen (15) feet, or
 - (2) the height of the use or establishment it serves, whichever is less.
 - (3) No single sign face of any freestanding sign shall have an area greater than ten (10) square feet.
 - (4) All freestanding signs shall be located in a landscaped base.
- (d) The aggregate sign areas of all signs permitted for any one establishment shall not be greater than twenty-five (25) square feet.
- (e) In the case of a building on a site with more than one (1) street frontage or more than one (1) principal entrance, one (1) additional freestanding or projecting sign per additional street frontage or principal entrance may be allowed.
- (f) The character of all signs shall be harmonious to the character of the uses, buildings and structures with which they are associated. Among other things, consideration shall be given to the location of signs on the structure in relation to the surrounding buildings; the use of compatible colors; the use of appropriate materials; the size and style of lettering and graphics; and the type of lighting.
- (g) No neon signs or internally lit signs, except internally lit channel letters shall be permitted.
- (h) The Board of Architectural Review shall review all signs for new construction. The Zoning Administrator or Board of Architectural Review may, as part of the appropriate review, waive the requirements herein if necessary to permit the restoration or reconstruction of an original sign associated with a protected property; provided that the aggregate sign area conforms to subsection (d) above.

705.05 **Signs as Conditional Use.** The following signs may be permitted as conditional uses:

705.05-1 **Signs related to conditional use.** except as hereinafter provided within any residential district, signs relating to buildings and uses permitted conditionally are permitted as conditional uses, provided that they shall not exceed twenty (20) square feet per sign area; shall indicate nothing other than the activity engaged in, the name of the owner, firm, organization, or agency, and the hours of activity, shall be limited to two (2) signs per use; and may be indirectly illuminate at the discretion of the Board of Zoning Appeals. In business and industrial districts, signs relating to buildings and uses permitted conditionally shall be permitted as conditional uses, provided that all requirements of sign area and character for permitted signs are met;

705.05-2 **Directional signs related to conditional use.** Within any residential district, directional signs for uses and buildings permitted conditionally are permitted as conditional uses, provided that they shall not exceed four (4) square feet per sign area; shall be within one (1) mile of the use; and shall not be illuminated;

705.05-3 **Outdoor advertising signs.** One (1) for each lot of 100 feet or less of lot frontage with one (1) additional such sign for each additional 100 feet or less of lot frontage under single or separate ownership at the time of passage of the ordinance, and provided said sign shall not exceed 400 square feet in area per sign structure facing. Where two (2) signs, each not exceeding 300 square feet in area, where supported by the same structure, one, above the other, they shall be considered as a single outdoor advertising sign.

705.06 **Signs Prohibited in all Districts.** The following signs are prohibited in all districts:

705.06-1 Any sign erected or painted upon a fence, tree, fire escape, or utility pole;

705.06-2 Any sign which uses the words “Stop” or “Danger” prominently displayed or which is a copy or imitation of official traffic control signs.

705.06-3 Any sign which contains flashing or intermittent illumination;

705.06-4 Any sign which is mobile and is designed to distract the attention of passing motorist on any highways by means of appearance, noises, movable objects or flashing lights.

705.07 **Maintenance and Removal of Signs:**

705.07-1 All signs and sign structures shall be kept in repair and in proper state or preservation. All signs must adhere to the appropriate provisions of the Building Code.

705.07-2 Signs which are no longer functional, or are abandoned, shall be repaired, removed or relocated at the owner’s expense in compliance with the provisions of this Ordinance within thirty (30) days following the dysfunction.

706.0 **Space reserved for mobile homes (manufactured housing).**

707.00 Nonconforming Lots, Buildings, and Uses

It is the intent of the Ordinance to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of the Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue but not to encourage their survival, permit their expansion, or permit their use as grounds for adding other structures of uses prohibited elsewhere in the same district.

Therefore, any structure or use of land existing at the time of the enactment of this ordinance, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

707.01 Lots of Record. Where a lot of record at the time of enactment of this ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this Ordinance, the following provisions shall apply:

707.01-1 When two (2) or more adjoining and vacant lots with continuous frontage are in single ownership at the time of enactment of this Ordinance or amendments thereto, and each of such lots have a width or lot area less than is required by the district in which they are located, such lots shall be platted and re-parceled, at owners expense so as to create one (1) or more lots which conform to the minimum lot width and area requirements of the district prior to use or transfer of ownership of such parcels;

707.01-2 Where a single nonconforming lot of record at the time of enactment or amendment of this ordinance is not of continuous frontage with other lots in the same ownership, such lot may be used as a building site, provided that yard dimensions, and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board, as outlined in Section 807.00 herein.

707.02 Nonconforming Structures. Where a lawful structure exists at the time of enactment or amendment of this Ordinance that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

707.02-1 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed fifty (50) percent of its replacement cost at the time of the Building Official declaration.

707.02-2 No nonconforming structure may be enlarged or altered in any way which increases its non-conformity: and any structure or portion thereof may be altered to decrease its nonconformity.

707.02-2a Space Reserved.

707.02-3 Notwithstanding the provisions of Section 707.02-2, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such alteration by the requirements of this ordinance. Where an existing residential structure exceeds these requirements, the said addition shall extend no nearer the lot line than the existing building line;

707.02-4 Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved;

707.02-5 Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall be constructed in conformity with the provisions of this ordinance, so far as practical, but not to any greater degree of nonconformity.

707.03 **Nonconforming Uses of Land.** Where a lawful use of land exists at the time of enactment or amendment of this ordinance that would not be permitted by the regulations imposed herein and where such is either (1) an accessory use involving the use of no separate accessory structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

707.03-1 No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance;

707.03-2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance;

707.03-3 In the event that such use ceases for reasons other than destruction for a period of more than two years any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;

707.03-4 No additional structure not conforming to the requirements of this ordinance shall be constructed in connection with such nonconforming use.

707.04 **Nonconforming Uses of Structure.** Where a lawful use involving individual structure or structures in combination, exists at the time of enactment or amendment of this Ordinance, that would not be permitted in the district in which it is located under the requirements of this ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

707.04-1 No structure at the time of the enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use;

- 707.04-2 A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure;
- 707.04-3 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for two (2) years, except when government action impedes access to the premises; or when a nonconforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- 707.04-4 Upon application to the Board of Zoning Appeals, as provided in Article 8 of this Ordinance, any nonconforming use of a structure or structures and premises in combination may be changed to another nonconforming use if the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing use. The Board may impose such conditions relating to the proposed use as it may deem necessary in the public interest and may require a cash bond or equivalent, a surety bond of a surety company, or a certified check payable to the Treasurer of the Town of Gordonsville, be supplied in an amount equal to the estimated cost of the complying with the conditions imposed to ensure that the conditions imposed are being and will continue to be met.

708.00 SPECIAL REGULATIONS FOR TOWNHOUSES

- 708.01 No more than (10) and no less than (2) townhouses shall be included in any townhouse grouping.
- 708.02 Attached dwellings shall conform to the Commonwealth of Virginia Building Code.
- 708.03 Each townhouse shall front on a dedicated public street or a forty (40) foot minimum width access easement. If access is to be provided by means of a private access easement, the following minimum standards of development shall be observed:
- a. Concrete curb and gutter on both sides of street easement.
 - b. Sidewalk five (5) feet in width on at least one (1) side of the easement, constructed of concrete, brick, cobble stone, or some other material of reasonable durability and safety,
 - c. The radius for all cul-de-sacs shall be at least fifty-five (55) feet.
- 708.04 Common areas shall be maintained by and the sole responsibility of the developer owner of the townhouse development until such time as the developer owner conveys such common area to a homeowner's association whose members shall be all the individual owners of the townhouse development, said land shall be conveyed to and be held by said homeowner's association solely for the recreational and parking purposes of the owners of the event of such conveyance by the developer owner to a homeowner's association, deed restrictions and covenants shall provide, among other things, that any areas shall constitute a pro-rata lien upon the individual townhouse lots. Maintenance of townhouse exteriors, lawns, refuse, handling, taxes, lighting, and drainage shall be provided in a similar manner so as to discharge any responsibility from the Town of Gordonsville.
- 708.05 Facades of dwelling units in a townhouse development shall be varied by changed front yards of not less than two (2) feet and variations in materials or design, so that no more than four (4)

abutting units will have the same front yard depth or essentially the same architectural treatment of facades and roof lines.

708.06 Any utility entering a unit must do so on the property of that unit.

709.00 FENCES

709.01 No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence;

709.02 In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.

709.03 Fences shall not exceed a height of six (6) feet as measured from the top most point thereof to the ground or surface, along the centerline of the fence, in a commercial or residential zone.

709.04 Fences surrounding industrial sites, public playgrounds, institutions, or schools may not exceed a height of fourteen (14) feet.

ARTICLE 8

ADMINISTRATION

This Ordinance shall be administered in accordance with the provisions below.

801.00 ZONING ADMINISTRATOR

- 801.01 **Appointment.** The Zoning Administrator shall be appointed by and shall serve at the pleasure of the Town of Gordonsville, which shall fix the compensation of the Zoning Administrator.
- 801.02 **Powers and Duties Relating to Zoning.** The Zoning Administrator is authorized an empowered on behalf of and in the name of the Gordonsville Town Council to administer and enforce the provisions set forth herein to include receiving applications. Inspecting premises, issuing Zoning Permits for uses and structures, which are in conformance with the provisions of this Ordinance. The Zoning Administrator shall have all necessary authority on behalf of the Gordonsville Town Council to administer and enforce this Ordinance, including the ordering, in writing, the remedy for any condition found in violation of this Ordinance, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Ordinance. The Zoning Administrator does not have the authority to take final action on applications or matter involving variances nor on conditional uses or other special exemptions, on which final action is reserved, to the Board of Zoning Appeals, Planning Commission, Or Town Council.

802.00 ZONING PROCEDURES

Zoning Permits shall be issued in accordance with the following provisions and procedure, refer to figure 1 (page 98):

- 802.01 **Issuance and Display.** The Zoning Administrator shall issue a Zoning Permit for any permitted use or structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. The Zoning Permit shall indicate whether the use is a permitted use, a conditional use or a variance. No such permit shall be issued until the applicant has paid the fee due for the permit.
- 802.02 **Application Procedure for Permitted Uses.** Applications for a Zoning Permit shall be submitted to the Zoning Administrator according to the following provisions:
- 802.02-1 An application for a Zoning Permit for a permitted use shall be accompanied by two (2) copies of an acceptable site plan with such reasonable information shown as shall be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application;
- 802.02-2 Each application for a Zoning Permit, upon issuance of the permit, shall be accompanied by payment of a fee if applicable;
- 802.02-3 If the proposed use or construction described in the application required by Section 802.02-1 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Gordonsville, the Zoning

Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue a Zoning Permit. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;

802.02-4 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a Zoning Permit, but shall return one (1) copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this Ordinance with which the submitted plan does not comply. The Zoning Administrator shall retain one copy of the site plan and one (1) copy of the refusal.

802.03 **Application Procedures for Conditional Uses.** Applications for Conditional Use Permit for a conditional use shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for a recommendation to the Town of Gordonsville Town Council. The Town Council will hold a public hearing and make a decision on the application. Application for Zoning Permits for conditional uses must be submitted in accordance with the following procedures:

802.03-1 An application shall be accompanied by two (2) copies of an acceptable site plan drawn in accordance with applicable provisions of Section 802.00 of this ordinance, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: The dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses, fences, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application;

802.03-2 Each application for a Zoning Permit for a conditional use or other special exception shall be accompanied by payment of a fee as set forth in Article 10 to help defray the cost of publicizing and conducting the public hearing;

802.03-3 The application shall be sent to the Commission for review and recommendation, and the Commission shall have (60) days within which to submit a report. If the Commission fails to submit a report within a sixty (60) day period it shall be deemed to have approved the proposed conditional use;

During its review, the Commission shall consider whether the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and the Comprehensive Plan, is in the public interest, and will comply with all provisions of law and ordinances of the Town of Gordonsville. In addition, the Commission may recommend to the Council any conditions it deems necessary to protect the public health, safety and general welfare of Town citizens.

802.03-4 The Town Council shall consider the proposed conditional use or other special exception after notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia, 1950, as amended, and shall take action on the proposed conditional use within thirty (30) days from the date of the public hearing;

802.03-5 In evaluation the proposed conditional use or other special exception, the Town Council shall address the following concerns:

§ 802.03-3 amendment adopted 8-15-2011

- a. The effect of the proposed use or special exception, on existing and projected traffic volumes in the neighborhood;
- b. The current and future need for the proposed use in the Town of Gordonsville; and
- c. The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values;
- c. The impact of the proposed use or special exception on the health, safety, and welfare of the neighborhood.

802.03-6 Conditions set forth in Article 802.03-5 for the various conditional uses are minimum. In approving a proposed conditional use or other special exception, the Town Council may stipulate such additional requirements as are necessary to protect the public interest. The Town council may require the applicant to furnish a performance bond in an amount sufficient for and conditions and requirements stipulated by the Town Council;

802.03-7 If the Town Council approves the application for a Zoning Permit for a proposed conditional use, the Zoning Administrator shall issue a Conditional Use Permit, indicating the conditional nature of the use;

802.03-8 If the Town Council disapproves the application for a Zoning Permit for a proposed conditional use or other special exception, the Town Council shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record. The applicant shall have the right of appeal to the Circuit Court;

802.03-9 The property owner, or his appointed agent, shall not initiate action for a Conditional Use Permit relating to the same conditional use affecting the same parcel of land more often than once every twelve (12) months;

802.03-10 A conditional use permit must be put into effect six (6) months after the date the permit is issued, unless otherwise provided in the permit itself. Expiration of a conditional use permit shall occur with the discontinuance or suspension for a period of one (1) year of an activity which was authorized by a conditional use permit;

802.03-11 Renewal of a conditional use permit does not require a public hearing unless the original conditions in the permit are changed, however notice of the renewal will be shown on the agenda of the Town Council;

802.03-12 Upon change of ownership, any conditional use permit for the property shall expire.

802.04 **Application Procedures for Ordinance or Map Amendment.** The Gordonsville Town Council may from time to time, amend these regulations or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state the above public purposes.

802.04a **Conditional Zoning.** The Town Council may rezone property subject to conditions, provided the applicant proffers such conditions in writing prior to the close of the public hearing before the Town Council. Any such rezoning shall conform to the provisions of Code of Virginia, §§ 15.2-2296 through 15.2-2303.3. Any landowner applying for rezoning may voluntarily proffer to place restrictions on the use of his land in addition to the restrictions imposed by this chapter, to dedicate to the town or to an agency approved by the town real estate or public facilities located off the site to be rezoned but necessitated by the rezoning, or to pay to the town a fixed sum of cash or other consideration to defray the cost of capital improvements necessitated by the rezoning. The Town Council may rezone the property on the condition that the landowner and his heirs and assigns abide by such conditions. Such conditions shall have the same force and effect as the regulations provided for the zoning district by this chapter. Failure to abide by such conditions shall render the rezoning voidable and may cause the zoning of the property to revert to its classification prior to the conditional rezoning.

***State law references:** Conditional zoning, Code of Virginia, §§ 15.2-2296--15.2-2303.3.

802.04-1 Applications for amendments initiated by any person, firm, or corporation owning the subject property shall be submitted in writing to the Zoning Administrator and shall be accompanied by two (2) copies of a scale accurate site plan, of the proposed amendment and signed by all owners.

802.04-2 Rezoning Application requirements. Any application submitted for consideration for rezoning must include the following:

- a. A written justification of conditions warranting such amendment, the public purposes to be served, including anticipated effects upon properties within the district(s) and a statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed zoning amendment;
- b. information about the market area to be served by the proposed development if a commercial use, including population, effective demand for proposed business facilities, and any other information describing the relationship of the proposed development to the needs of the market area;
- c. the degree of compliance of the proposed rezoning request and subsequent development plans with the provisions of the Town of Gordonsville *Comprehensive Plan*;
- d. a list of all adjoining property owners with their names and mailing addresses, including property located directly across the street;
- e. the approximate time schedule for the beginning and completion of any development proposed in the area as a result of rezoning or amendment;
- f. a Site plan, which shall include, but not be limited to the following:
 - i. the extent of the area to be rezoned, streets bounding and intersecting the area, and the land use and zoning classification of abutting properties;

§802.04-1 – 802.04-3 repealed & amendments adopted 4-23-07

- ii. proposed or existing locations of structures together with plans thereof, land uses;
- iii. areas for off-street parking and loading, site access and roadways;
- iv. topography, utilities, open spaces, recreation areas, and recognized historic resource.

802.04-3 The Planning Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, as amended. The Planning Commission shall then present the proposed amendment along with site plans and explanatory materials, where applicable, to the Town Council with its recommendations. If the Commission fails to submit its recommendation within sixty (60) days of their first meeting after the proposed amendment has been referred to it, the Commission shall be deemed to have recommended approval of the proposed amendment;

802.04-4 The Gordonsville Town Council shall give notice under Sections 15.2-2204 and 15.2-2285 of the Code of Virginia, 1950, as amended, of a public hearing on the rezoning request to be held not more than sixty (60) days after the receipt of the Planning Commission’s recommendation and shall take action on the proposed amendment within thirty (30) days from the date of the Town Council public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with Section 15.2-2204 of the Code of Virginia;

802.04-5 No more than one application for any amendment affecting a specific parcel of land may be initiated during any single six (6) month period.

802.04-6 The zoning administrator is vested with all necessary authority on behalf of the Gordonsville Town Council to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including (i) the ordering in writing of the remedy of any noncompliance with the conditions; (ii) the bringing of legal action to insure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and (iii) requiring a guarantee, satisfactory to the town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor’s guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

***State law references:** Conditional zoning, Code of Virginia, §§ 15.2-2299

§802.04-1 – 802.04.3 repealed & amendments adopted 4-23-07

802.05 **Procedures for proffering conditions to zoning district regulations.**

802.05-1 **Intent.** The Intent of this section is to provide (pursuant to Section 15.1-491.1 through 15.1-491.5 of the Code of Virginia, 1950 as amended) to the Zoning district regulations of the zoning map;

802.05-2 **Proffer of Conditions.** An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in the Ordinance, as part of an amendment to the zoning district regulations or the zoning district map. The proffered conditions shall be in writing and shall be made prior to the public hearing before Town Council. In addition:

- a. The rezoning itself must give rise to the need for the conditions.
- b. The conditions proffered shall have a reasonable relation to the rezoning.
- c. The conditions proffered shall not include a cash contribution to the Town.

802.05-3 **Expiration.** Any zoning shall automatically expire six (6) months from the date of issuance if the person, firm, corporation to which the permit has been issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

803.00 CERTIFICATE OF OCCUPANCY

Certificates of Occupancy shall be issued by the County Building Department in accordance with the following provisions:

803.01 **Certificate of Occupancy Required.** A certificate of occupancy shall be required in advance of occupancy or use of

803.01-1 A building hereafter erected;

803.01-2 A building hereafter altered so as to affect height, or the side, front, or rear yard dimensions;

803.01-3 A change of type of occupancy or use of any building or premises.

803.02 Issuance of Certificate of Occupancy. The County Building Department shall sign and issue a Certificate of Occupancy, as stated on the application for such certificate and signed thereto by the owner or his appointed agent, is found to conform to the applicable provisions set forth herein and if the building, as finally constructed, complies with the sketch or plan submitted for the Zoning Permit.

803.03 Denial of Certificate of Occupancy. A certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions set forth herein.

804.00 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall consist of five (5) members who reside in the Town of Gordonsville and shall be appointed by the Circuit Court of Orange County.

- 804.01 Initial Appointment. The initial appointment of the Board shall be as follows: One (1) member for one (1) year; one (1) member for two (2) years; one (1) member for three (3) years; one (1) member for (4) years; one (1) member for (5) years.
- 804.02 Terms of Office. Appointments shall be for five years each. The secretary of the Board of Appeals shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of Office. A member whose term expires shall continue to serve until his successor is appointed.
- 804.03 Public Offices Held. No member shall hold any public office except that one (1) member may be a member of the Planning Commission of the Town of Gordonsville.
- 804.04 Compensation. Members of the Board may receive such compensation as may be authorized by the Gordonsville Town Council.
- 804.05 Support. Within the limits of funds appropriated by the Town Council, the Board of Appeals may employ or contract for secretarial, clerical, legal, and consulting services.
- 804.06 Vacancies. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall be removable for cause by the Circuit Court upon written charges and after a hearing held after at least (15) days notice.

805.00 RULES OF PROCEDURE

The Board shall observe the following procedures:

- 805.01 The Board shall adopt rules in accordance with the provisions of this Ordinance and consistent with other ordinances of the Town of Gordonsville and general laws of the Commonwealth for the conduct of its affairs.
- 805.02 The Board shall elect a Chairman, Vice Chairman, and Secretary from its own membership who shall serve annual terms as such and may succeed themselves.
- 805.03 The Board will keep a full public record of its proceedings and shall submit a report of its activities to the Town Council at least once each year.
- 805.04 All meetings of the Board shall be open to the public.
- 805.05 Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which they have an interest.
- 805.06 The meetings of the Board shall be held at the call of the Chairman and at such other times as a quorum of the Board may determine.
- 805.07 The Chairman, or in his absence the Vice-Chairman or Acting Chairman may administer oaths and compel the attendance of witnesses.
- 805.08 A quorum shall be at least three (3) members.
- 805.09 A favorable vote of (3) members of the Board shall be necessary to reserve any order, requirement, decision, or determination of any administration of any administrative official or to decide in favor of the applicant on any matter upon which the Board is empowered.

806.00 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following duties and powers.

806.01 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Ordinance.

806.02 To authorize upon original application in specific cases, such variance from the terms of the Ordinance 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 the Ordinance shall be observed and substantial justice done as follows:

806.02-1 When a property owner can show that his property was acquired in good faith and where 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, or where by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance;

806.02-2 No such variance shall be authorized by the Board unless it finds: (1) that the strict application of the Ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the some zoning district and the same vicinity; and (3) 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 variation;

806.02-3 No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia, 1950 as amended;

806.02-4 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance;

806.02-5 In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure for 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.

807.00 APPLICATION FOR VARIANCES

Application for variances from this Ordinance may be made by any property owner, tenant, governmental official, department, board, or bureau.

807.01 **Application.** Application shall be made to the Zoning Administrator. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the

following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; road names and road right-of-way lines; and such other information regarding abutting property as directly affects the application. The application and accompanying maps, plans, or other information shall be transmitted properly to the secretary of the Board. The Zoning Administrator shall also transmit a copy of the application and material to the local commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing.

807.02 **Posting and Land.** The Zoning Administrator shall cause to have posted in a conspicuous place on the property in question one or more signs, each of which shall not be less than one and one half (1 ½) square feet in area, shall contain information as to the proposed change and the date and time of the public hearing; and the cost of each shall be paid by the applicant prior to the public hearing. These signs shall be posted at least fifteen (15) days before the public hearing.

807.03 **Hearing and Action.** The secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of Code of Virginia, 1950, as amended. The board shall decide it within thirty (30) days from the date of such hearing.

807.04 **Limitation of Application.** A property owner, or his appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board.

807.05 **Withdrawal of Application.** Any petition for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the Discretion of the person, firm, or corporation initiating such request upon written notice to the Secretary of said Board.

807.06 **Fee.** Each application for a variance shall be accompanied by payment of a fee as set forth in Article 10 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required would be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

808.00 PROCEDURE FOR REQUESTING A HEARING BEFORE THE BOARD OF ZONING APPEALS

Requests for a hearing before the Board of Zoning Appeals for an administrative review shall observe the following procedures:

808.01 An appeal to the Board may be taken by any person aggrieved by an officer, department, board, or bureau of the Town of Gordonsville affected by and decision of the Zoning Administrator within thirty (30) days after the decision.

808.02 Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board. Such application shall specify the grounds for appeal.

808.03 The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.

808.04 An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed

otherwise than by a retaining order granted by the Board or by a Court of Record, and on notice to the Zoning Administrator and for good cause shown.

- 808.05 The board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by **Section 15.1-431 of the Code of Virginia, 1950, as amended**, and decide the same within thirty (30) days from the date of such public hearing.
- 808.06 In exercising the powers granted the Board in Section 806.00 of the Ordinance, the Board may, in conformity with the provisions of the Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a zoning permit.
- 808.07 Any application for appeal before the Board may be withdrawn prior to action hereon by said Board at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.
- 808.08 Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 10 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

809.00 DECISION OF THE BOARD OF ZONING APPEALS

- 809.01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or any taxpayer of an officer, department, board, bureau of the Town of Gordonsville may present to the Circuit Court of Orange County petition specifying the grounds on which aggrieved within thirty (30) days after the filling of the decision in the office of the Board.
- 809.02 Upon the presentation of such petition, the Court shall allow a writ of certiorati to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.
- 809.03 The Board shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision being appealed and shall be verified.
- 809.04 If, upon hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.
- 809.05 Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.

810.00 Space Reserved. §810.00 repealed 4-23-07

**ARTICLE 9
SUBDIVISION REGULATIONS**

901.00 AUTHORITY

Whereas, by act of the General Assembly of Virginia as recorded in the Code of Virginia, 1950, as amended, § 15.2-2240 et seq., the Town of Gordonsville, Virginia hereby adopts an ordinance to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the Town, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light, air, and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity including reasonable regulations and provisions that apply to or provide:

- (1) Assist in the orderly development of land by establishing reasonable standards of design and procedures for subdividing and resubdividing land and by insuring the proper legal description and marking of subdivided land.
- (2) Provide for the coordination of existing streets and public utilities with new facilities in areas to be subdivided.
- (3) Insure that proper provisions will be made for drainage and flood control, water supply, sewerage and other necessary improvements, and insure that buildings are constructed with adequate light and air.
- (4) Provide for the efficient and orderly extension of community services at a minimum cost and at a maximum level of service.
- (5) Insure that development of land is carried out in conformity with the *Town of Gordonsville Comprehensive Plan*.
- (6) Insure the equitable handling of all subdivision applications by providing uniform procedures and standards for the subdivision of land.
- (7) Prevent the pollution of air and streams and to encourage the wise use and management of natural resources throughout the town, in order to preserve the integrity, stability and beauty of the town in general and residential neighborhoods in particular.

State law reference: Virginia Code §15.2-2240.

902.00 STATUTORY PROVISIONS

The following statutory provisions shall be effective in the Town of Gordonsville:

- 902.01 **Plat.** No person shall subdivide land without making a plat of such subdivision, recording it in the office of the Circuit Court of Orange County and without fully complying with the provisions of this article.

Subdivision regulations adopted 4-23-07

- 902.01-1 No such plat shall be recorded unless it has been approved by the Subdivision Administrator appointed by the Town Council.
- 902.01-2 No person shall sell or convey any lot or part of a subdivision unless the plat of the subdivision has been approved and recorded, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- 902.01-3 Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500) for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer of the document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- 902.01-4 No clerk of any court shall file or record a plat of a subdivision required by this article until such plat has been approved as required herein; and the penalties provided by section 902.01.3 shall apply to any failure to comply with the provisions of the section.

State law reference: Virginia Code §15.2-2254.

- 902.02 **Jurisdiction.** In accordance with Article 6, Chapter 22 of title 15.2 of the *Code of Virginia*, as amended, this Chapter shall apply within the corporate limits of the Town and within such territory outside of the corporate limits of the Town as may be authorized from time to time by statute.
- 902.03 **Mutual responsibility.** There is a mutual responsibility between the subdivider and the Town of Gordonsville to divide the land so as to improve the general use patterns of the land being subdivided.
- 902.04 **Private contracts.** This regulation bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this Ordinance calls for more restrictive standards than are required by private contract, the provisions of the Ordinance shall control
- 902.05 **Land Suitable.** The Town shall not approve the subdivision of land if from adequate investigation conducted by the public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
- 902.06 **Agricultural zoning districts.** No lot in an agricultural zoning district, as indicated by the town zoning maps, shall be subdivided into more than four lots (including the residue) within any four-year period.

Subdivision regulations adopted 4-23-07

- 902.07 **Minor subdivisions.** For any minor subdivision, the subdivider shall submit a final plat that meets or exceeds the requirements of section 905.00 of this chapter, to the Subdivision Administrator, who shall approve or disapprove it pursuant to section 905.04 of this chapter.
- 902.08 **Major subdivisions.** For any major subdivision, the subdivider shall submit a preliminary plat and a final plat to the Subdivision Administrator pursuant to sections 904.00 and 905.00 of this chapter.
- 902.09 **Family subdivisions.**
- (a) For any family subdivision, the subdivider shall submit a plat, including a note explaining that it is a family subdivision, to the Subdivision Administrator, who shall certify whether it is a bona fide family subdivision.
 - (b) Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter.
 - (c) Any such lot less than five (5) acres in area shall have reasonable right-of-way not less than ten (10) feet or more than twenty (20) feet wide providing ingress and egress to a public road.

State law reference: Virginia Code §15.2-2244.

- 902.10 **Powers and Duties of Subdivision Administrator.** The Subdivision Administrator, authorized agent of the Town of Gordonsville, is authorized and empowered on behalf of and in the name of the Gordonsville Town Council to administer and enforce the provisions set forth in Article 9, other pertinent provisions, and Section 15.2-2240 et. Seq., Code of Virginia, 1950, as amended. The Administrator may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat.

903.00 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 903.01 **Administrator, Subdivision.** The individual who shall be appointed by and shall serve at the pleasure of the Gordonsville Town Council who shall be authorized and empowered on behalf of and in the name of the Gordonsville Town Council to administer and enforce the provisions set forth in Article 9 of these regulations, other pertinent provisions, and Section 15.2-2240 et. Seq., Code of Virginia, 1950, as amended.
- 903.02 **Commission or Planning Commission.** Means the Town of Gordonsville, Virginia, Planning Commission.
- 903.03 **Cul-de-sac.** Means any street with an outlet at one end and a turnaround at the other.

Subdivision regulations adopted 4-23-07

- 903.04 **Easement.** Means the authorization by a property owner to a person, a partnership, a corporation, the general public, or a government agency to use a designated part of his property for specific purposes.
- 903.05 **Family or immediate family.** means a person's natural or legal offspring, spouse, sibling, parent, grandparent, or grandchild.
- 903.06 **Floodplain.** Means any area designated on the flood insurance rate maps issued by the Department of Housing and Urban Development as subject to inundation by a 100-year flood.
- 903.07 **Lot.** Means a parcel of land, including a residue, whether described by metes and bounds or shown on a plat, intended as a unit of real estate for the purpose of ownership, conveyance, taxation or development.
- 903.08 **Lot of record.** Means a parcel of land recorded by the clerk of the circuit court as an individual unit of real estate for the purpose of ownership, conveyance or taxation.
- 903.09 **Major subdivision (including cluster housing developments).** Means any division of a parcel of land into five or more lots, all phases included, or any division of land creating new community water or sewer systems.
- 903.10 **Minor subdivision.** Means any division of a parcel of land neither creating five or more lots nor creating any new community water or sewer systems.
- 903.11 **Plat.** Means a schematic representation of a parcel or subdivision drawn by a certified land surveyor or a professional engineer to the standards of the Virginia Public Records Act.
- 903.12 **Plat, final.** Means a plat showing new property lines and certain features and improvements pursuant to the preliminary plat, and prepared for recordation. Final plat approval gives the subdivider the right to record such plat with the clerk of the circuit court and to convey individual lots.
- 903.13 **Plat, preliminary.** Means a plat showing the existing boundaries and certain existing features of a parcel to be subdivided, together with the property lines of proposed lots and certain proposed features and improvements. Preliminary plat approval gives the subdivider the right to install the proposed features and improvements shown on the preliminary plat, but does not authorize recordation of the subdivision or the conveyance of any lot or part of the subdivision.
- 903.14 **Property owners' association.** Means an entity established pursuant to Code of Virginia, § 55-508 et seq., usually for the purpose of maintaining land or property owned in common by the owners of property in a subdivision.
- 903.15 **Residue.** Means the remainder of a lot after a subdivision has detached one or more lots. The residue is regulated by this chapter as a new lot, and therefore, must meet the minimum lot requirements as stated in this chapter.

- 903.16 **Right-of-way.** Means either a strip or other parcel of land owned by the state department of transportation for the purpose of constructing and maintaining a road or the same as an easement.
- 903.17 **Street.** Means a thoroughfare for vehicular traffic, including all of the area within an easement or right-of-way, and is interchangeable with the terms alley, avenue, boulevard, court, drive, highway, lane, road, or any similar term.
- 903.18 **Subdivider.** Means any individual, partnership, corporation or group, owning or having an interest in land, or representing the owners of any land; proposing to subdivide such land.
- 903.19 **Subdivision.** Means the division of any lot of record into two or more lots, parcels or building sites, including residue, for the purpose of recordation in the county land records, transfer of ownership, or building development. As the context requires, the term "subdivision" may mean the land divided, the process of division, or both.
- 903.20 **Subdivision, adjustment.** Means any straightening or realigning of property lines that would not change the number of lots nor substantially change the area of any lot.
- 903.21 **Subdivision, agricultural.** Means any bona fide partition of agricultural land for agricultural purposes, or for the purpose of providing a site for a dwelling for the owner separate from a large tract, but not for the purpose of circumventing this chapter.
- 903.22 **Subdivision, court-ordered.** Means any division or partition of land ordered by a court of competent jurisdiction.
- 903.23 **Subdivision, exempt.** Means a subdivision which the Subdivision Administrator may approve notwithstanding the requirements of this chapter. Adjustment, agricultural and court-ordered subdivisions shall be administered as exempt subdivisions.

904.00 PRELIMINARY PLAT

The subdivider shall submit two (2) copies of a preliminary plat to the Subdivision Administrator that conforms to the provisions of this chapter. The subdivider may, if he so chooses, submit to the Administrator a preliminary sketch of the proposed subdivision before his preparing detailed preliminary and final plats. The purpose of such preliminary sketch is to permit the Administrator to advise the subdivider whether his plans, in general, are in accordance with the requirements of this Ordinance.

- 904.01 **Form.** Plats shall consist of black or blue lines on white paper. Each page shall be no more than forty-two inches (42") wide or thirty inches (30") high. If the plat is drawn on more than one sheet, match lines shall clearly indicate where the several sheets join.
- 904.02 **Plat information.** The plat, which shall be prepared by certified professional engineer or land surveyor, shall clearly show:

904.02-1 Name of proposed subdivision;

- 904.02-2 Name, address and telephone number of property owners and subdivider;
- 904.02-3 Name, address, telephone number and seal of surveyor or engineer;
- 904.02-4 Graphic scale, title, date and north arrow;
- 904.02-5 Vicinity map showing the location of the parcel to be subdivided and its relationship to the surrounding roads;
- 904.02-6 Legal description of boundaries of the parcel to be subdivided with all bearings and distances indicated;
- 904.02-7 Tax parcel number, zoning classification, source of title, and location of the last instrument in the chain of title for all lots to be subdivided.
- 904.02-8 A general develop plan of the project to include:
- (a) Proposed land uses including residential types, commercial types, recreation and open space;
 - (b) proposed layout of all proposed lots with average area indicated
 - (c) proposed location of structures and improvements with setback lines indicated;
 - (d) preliminary plans of proposed streets with name, width, and type of surface;
 - (e) proposed parking areas and parking space delineation in accordance to Section 703.00 *Town of Gordonsville Land Development Ordinance*;
 - (f) proposed grading plan, showing areas of substantial clearing, cutting or filling;
 - (a) proposed utility rights-of-way or easements including water, sewer, gas, power, telephone, and cable T.V.;
 - (b) designation of all land to be reserved or dedicated for public use, open space, recreation, and common property, showing location, size, shape, proposed ownership and responsibility for maintenance;
 - (i) proposed pedestrian circulation plan;
 - (j) proposed landscaping plan;
 - (k) proposed treatment of the project perimeter such as screening or landscaping;

- (l) preliminary plans of water supply, treatment, distribution and fire protection system, if applicable, meeting the specifications of the state department of health and the *Town of Gordonsville Public Facilities manual*;
- (m) preliminary plans of sanitary sewer collection and treatment system, if applicable, meeting the specifications of the state department of health and the agency to be responsible for its maintenance;
- (n) existing conditions to include
 - (i) Topographic contours at vertical intervals of two feet; provided that, if the average slope of the site exceeds fifteen percent (15%) or the area of the site exceeds fifty (50) acres, the interval may be five feet;
 - (ii) location of all existing buildings, and easements;
 - (iii) location and identification of all streams, rivers, ponds, lakes, wetlands, drainage channels, floodplains;
 - (iv) location, identification and width of all easements and rights-of-way for streets, railroads, utility facilities or similar uses, on or adjacent to the subject parcel;
 - (v) location and identification of any town or county boundary;
 - (vi) in case of re-subdivision, the existing lot layout shall be superimposed upon the proposed subdivision.

904.02-9 Supporting Documentation to include:

- (a) Names and addresses of adjacent property owners;
- (b) statement of project development objectives and character to be achieved;
- (c) approximate development schedule including dates of proposed construction beginning and completion;
- (d) statement of intent regarding future selling or leasing of land area, dwelling units, commercial areas, etc.;
- (e) number and type of dwelling units, parcel sizes, residential density, total percentage of open space, recreation space, residential, commercial, and other land types;

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- (f) proposed building types including architectural style, height, and floor area;
- (g) proposed agreements, provisions, or covenants, which govern the use, maintenance, and continued protection of property to be held in common ownership

904.03 **Phasing.** If the subdivider desires to complete the improvements shown on the preliminary plat over a period of more than one year, he may submit a preliminary plat showing the entire development at completion, and delineating two or more phases to be improved in succession, together with a schedule for completion of each phase. After such plat has been approved, he may design or construct the improvements in, and submit a final plat for, each phase, consistent with the approved schedule.

904.04 **Review procedure.** For any major subdivision, the subdivider shall submit a subdivision application along with two (2) copies of a preliminary plat to the Subdivision Administrator. The Subdivision Administrator shall review the application and preliminary plat for completeness and shall notify the subdivider, in writing, whether the plat has been deemed complete or incomplete within thirty (30) calendar days. Such notice shall detail any additional data that may be required, the character and extent of public improvements that will be required as a prerequisite to approval of the final subdivision plat. The Subdivision Administrator shall request seven (7) copies of the plat, which shall be forwarded to the Town of Gordonsville Planning Commission. Minor subdivisions shall be reviewed by the Subdivision Administrator.

904.04.1 **Planning Commission review.** Within sixty (60) days of receiving the preliminary plat, that has been deemed complete, the Planning Commission shall review and discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat conforms to the requirements of this Ordinance and the Planning Commission shall take action, which shall include either a recommendation for approval, approval with modifications, or disapproval. However, if approval of a feature or features of the preliminary plat by a state agency is necessary, the Subdivision.

Administrator shall forward the preliminary plat to the appropriate state agency or agencies for review within ten (10) days of receipt of such preliminary plat.

Any state agency making a review of a plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation, shall complete its review within forty-five (45) days of receipt of the preliminary plat. The Virginia Department of Transportation shall allow use of its public rights-of-way for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in § [15.2-2259](#) A with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the Planning Commission shall act upon a preliminary plat within thirty-five (35) days.

Within thirty (30) days of the Planning Commission's action, the Subdivision Administrator shall provide the subdivider, in writing, the reasons for the Planning Commission's action. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat.

Within thirty (30) days of the Planning Commission's action on a preliminary plat the Subdivision Administrator shall report the Planning Commission's action to the Town Council.

State law reference: Virginia Code §15.2-2260.

904.04-2 **No Guarantee.** Approval of the preliminary plat by the Planning Commission does not constitute a guarantee of approval of the final plat.

904.04-3 **Town Council consideration.** Upon receipt of the Subdivision Administrator's report on the Planning Commission's action the Town Council shall give notice under Section 15.2-2204 of the Code of Virginia of a public hearing to be held not more than sixty (60) days after the receipt of the report on the Planning Commission's action.

Within thirty (30) days of the Town Council's action on the Preliminary Plat, the Subdivision Administrator shall provide the subdivider, in writing, the reasons for the Town Council's decision.

If the Town Council or other agent fails to approve or disapprove the preliminary plat within ninety (90) days after it has been officially submitted for approval, the subdivider after ten (10) days' written notice to the Subdivision Administrator, may petition the Orange County circuit court to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

905.00 FINAL PLAT

The subdivider shall submit two (2) copies of a final plat to the Subdivision Administrator that conforms to the provisions of this chapter.

905.01 **Form.** Plats shall consist of black or blue lines on white paper. Each page shall be no more than forty-two inches (42") wide or thirty inches (30") high. Plats shall be drawn to a scale of one inch equals fifty (50), one-hundred (100) or two-hundred (200) feet, whichever is most convenient for the subject parcel. If the plat is drawn on more than one sheet, match lines shall clearly indicate where the several sheets join.

905.02 **Plat Information.** The plat, which shall be prepared by certified professional engineer or land surveyor who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title, shall clearly show:

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- 905.02-1 Name of proposed subdivision;
 - 905.02-2 name, address and telephone number of the owners and subdivider;
 - 905.02-3 name, address, telephone number, and seal of surveyor or engineer;
 - 905.02-4 graphic scale, title, date, and north arrow;
 - 905.02-5 vicinity map showing the location of the parcel to be subdivided and its relationship to the surrounding roads;
 - 905.02-6 boundaries of the parcel to be subdivided with all bearings and distances indicated;
 - 905.02-7 tax parcel number, zoning classification, source of title, and location of the last instrument in the chain of title for all lots to be subdivided;
 - 905.02-8 all rights-of-way, easements or areas to be dedicated, reserved or used for any purpose other than single-family detached dwellings;
 - 905.02-9 final plans and specifications of all streets, water, sewer, and stormwater management systems, drawn to the specifications of the agency to be responsible for their maintenance and the *Town of Gordonsville Public Facilities Manual*. All required improvements shall be installed by the subdivider at his cost; and
 - 905.02-10 a bond in lieu of construction. Before any subdivision plat is finally approved, satisfactory arrangements shall be made for performance bond, cash, cash bond, or other form of surety to cover the cost of necessary public improvements, in lieu of construction, to the satisfaction of the town.
- 905.03 **Certificates.** The following certificates shall appear on the final plat, and shall be executed as appropriate:
- 905.03-1 I certify that, to the best of my knowledge and belief, all requirements of the Town Council and ordinances of the Town of Gordonsville, regarding the platting of subdivisions within the town, have been complied with. (To be signed, dated and sealed by surveyor or engineer.)
 - 905.03-2 The platting and subdivision of (here insert a correct legal description of land subdivided, including magisterial district, source of title, and location of last instrument in the chain of title), containing (insert acreage) and designated (insert name of subdivision), is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any; that all streets shown on the plat are irrevocably offered for dedication to public use; and that all lots are subject to certain covenants and restrictions dated (insert date) and recorded at (deed book and page) in the office of the clerk of the circuit court of the county. (To be signed and dated by all owners.)

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905.03-3 The subdivision shown on this plat has been reviewed and approved by the undersigned in accordance with existing regulations, and may be committed to record. (To be signed and dated by representatives of the state department of transportation, the state department of health [if applicable], and the Administrator of the Town of Gordonsville.)

905.04 **Review procedure (Minor subdivisions).** The subdivider shall submit two copies of a final plat to the Subdivision Administrator. The Subdivision Administrator shall review the final plat for completeness and shall notify the subdivider, in writing, whether or not the plat has been deemed complete or incomplete within thirty (30) calendar days. If the final plat meets the criteria stated in this chapter, it shall be approved and returned. If it does not meet those criteria, it shall be returned it with specific written instructions for bringing it into compliance.

905.05 **Review procedure (Major subdivisions).** The subdivider shall submit two copies of a final plat to the Subdivision Administrator. The Subdivision Administrator shall review the final plat for completeness and shall notify the subdivider, in writing, whether or not the plat has been deemed complete or incomplete within thirty (30) calendar days. Such notice shall detail any additional data that may be required. The Subdivision Administrator shall request fifteen (15) copies of the final plat, which shall be forwarded to the Town of Gordonsville Town Council.

905.06 **Town Council consideration.** Within sixty (60) days of receiving the final plat, that has been deemed complete, the Town Council shall take action on said plat. Such action shall be submitted to the subdivider, in writing and shall relate in general terms such modifications or corrections as will permit approval of the plat.

If the Town Council fails to act on the proposed plat, that has been deemed complete, within sixty (60) days, the subdivider, after ten (10) days written notice to the Town Council may petition the Circuit Court having jurisdiction, to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper.

If the Town Council disapproves a plat and the subdivider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Orange County Circuit Court who shall hear and determine the case as soon as possible, provided that his appeal is filed with the Circuit Court within sixty (60) days of the written disapproval by the Town Council.

905.07 **Recordation.** The recordation of such plat shall operate to transfer, in fee simple, to the Town of Gordonsville such portion of the premises platted as in on such plat set apart for streets, alleys, or other public use and to transfer to the Town any easement indicated on such plat to create public right of passage over the same.

905.07-1 The subdivider shall have not more than six (6) months after receiving final approval or such longer period as may be approved by the Governing Body to file the subdivision plat for recordation. If a plat is not filed for recordation within the time limit such approval shall be withdrawn and the plat marked void and returned. However, in any

case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Town Council, or its designated agent, or where the developer has furnished surety to the Town Council or its designated agent by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the Town Council or its designated agent, whichever is greater.

905.07-2 An approved final subdivision plat which has been recorded shall be valid for a period of not less than five (5) years from the date of approval thereof or for such longer period as the Town Council may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.

905.08 **Release of Bond.** The subdivider of land shall be released from performance agreements, bonds or sureties pursuant to Code of Virginia § 15.2-2245, as amended.

905.08-1 A partial release of any bond, escrow, letter of credit, or other performance guarantee required by the Town Council under this Article shall be released within thirty (30) calendar days after receipt of written notice by the subdivider or developer of completion of part or all of any public facilities required to be constructed hereunder unless the Town Council or its designated administrative agent notifies the subdivider or developer in writing of nonreceipt of approval by applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the Town, its administrative agent, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the Town, its administrative agent, the Virginia Department of Transportation or other political subdivision.

905.08-2 If no such action is taken by the Town Council or administrative agent within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail return receipt to the Town Manager. The Town Council or its designated administrative agent shall act within ten (10) working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

- 905.08-3 After receipt of the written notices required above, if the Town Council or administrative agent takes no action within the times specified above and the subdivider or developer files suit in the Orange County circuit court to obtain partial or final release of a bond, escrow, letter of credit, or other performance guarantee, as the case may be, the circuit court, upon finding the Town Council or its administrative agent was without good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.
- 905.08-4 No more than three (3) partial releases shall be granted in any twelve (12) month period.
- 905.08-5 The town may retain ten percent (10%) of the performance agreement, bond, or surety for final acceptance and completion.
- 905.08-6 A final release shall be granted within thirty (30) days after receipt of written notice by the subdivider or developer of acceptance and completion of all construction, development and required facilities, unless the town notifies the subdivider or developer in writing of specified defects or deficiencies and suggested corrective measures or of non-receipt of approval by a local, state or federal agency.
- 905.08-7 Acceptance requires that the public facility is accepted by and taken over for operation and maintenance by the state agency, town or other public authority responsible for maintaining and operating such facility.

State law reference: Virginia Code §15.2-2245 and §15.2-2241(11).

- 905.09 **Necessary Changes.** No change, erasure, or revision shall be made on any final plat, nor on accompanying data sheets after approval by the Town Council has been authorized in writing on the plat or sheets, unless authorization for such changes has been granted in writing on behalf of the Council.

906.00 GENERAL REQUIREMENTS

The general specifications and requirements set forth in this section shall be followed:

- 906.01 **Lot Size.** Residential lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is to be located as prescribed in Article 7 of the Land Development Ordinance.
- 906.02 **Lot Shape.** The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for building, and be properly related to the topography, and conform to the requirements of these regulations. Lots shall not contain peculiarly shaped elongation just to provide necessary square footage by adding an area, which would be unusable for normal purposes.
- 906.03 **Lot Side Lines.** Sidelines of lots shall be approximately at right angles, or radial to the street line.

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906.04 **Lot Shall Abut On a Street.** Each lot shall abut on a developed public street dedicated by the subdivision plat, or on a street which has become public by right of use.

906.05 **Remnants.** Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots, or become the property of the homeowners association rather than allowed to remain as unusable parcels.

906.06 **Block Length.** The maximum length of blocks shall be twelve hundred (1,200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.

906.07 **Block Width.** Blocks shall be wide enough to allow tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the Administrator may approve a single tier of lots of minimum depth.

906.08 **Block Orientation.** Where a proposed subdivision adjoins a major road, the Town may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

907.00 STREET DESIGN AND STANDARDS

A subdivision street or private road may be maintained by a property owner's association or by the Virginia Department of Transportation.

907.01 **Road Maintenance.** Any street or private road must be built to Virginia Department of Transportation standards. The plat, and each deed, shall clearly state neither the Town of Gordonsville nor the Commonwealth of Virginia is responsible for the maintenance of the roads. A road maintenance agreement, approved by the Town Council or their authorized agent, shall be filed with the deed of all lots to be served by such private road(s).

907.02 **Pedestrian Access.** All lots and uses within residential districts shall be designed to provide convenient and safe access for pedestrians through the use of sidewalks, trails and landscaping. The main entrances of buildings shall be oriented to the public sidewalk to an equal or stronger degree than to the driveway or garage. Concrete sidewalks on one side of all streets shall be constructed. The Planning Commission shall have the authority to require sidewalks on both sides of any new subdivision street or accept an alternative pedestrian access on one or both sides of the street if they feel that the neighborhood would be better served by the construction of the additional sidewalk or an alternative type of pedestrian access. The requirement for sidewalks on any new subdivision street shall be made in writing to the developer before the approval of the preliminary plat.

907.03 **Townhouse developments.** Privately owned and maintained streets are allowed in townhouse developments, including curbs, gutters, and sidewalks and shall be developed according to Virginia Department of Transportation Standards.

907.04 **Street Alignment and Layout.** The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets adjoining areas. The street arrangement must be such as to not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Town, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside area, streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the Administrator. If curbs, gutters, and sidewalks are required, they shall be constructed such that there will be a driveway entrance for each lot.

907.04.1 Streets within and contiguous to the subdivision with other existing or planned streets within the general area shall be coordinated as to location, width, grades, and drainage, as provided in the *Town of Gordonsville Public Facilities Manual* and according to Virginia Department of Transportation specifications.

907.04.2 All streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed and to conform to Federal, State, and County regulations, laws, and ordinance and shall conform to the *Town of Gordonsville Public Facilities Manual*.

State law reference: Virginia Code §15.2-2241.

907.04.3 Any subdivision creating more than forty (40) lots on new subdivision streets shall have more than one point of access to the state highway system.

907.05 **Alleys.** Alleys should be avoided whenever possible, if permitted the right-of-way will be not less than twenty (20) feet.

907.06 **Cul-de-sacs.** Streets designed to have one end permanently closed must be terminated by a turn-around of not less than one hundred ten (110) feet in diameter.

907.07 **Reserve Strips.** There shall be no reserve strips controlling access to public streets.

907.08 **Street Names.** Proposed streets that are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary and final plats, and shall be approved by the Town. Names of existing streets shall not be changed except by specific approval.

907.09 **Street Identification Signs.** Street identification signs of an approved design shall be installed at all intersections.

907.10 **Monuments.** Monuments shall be provided to permanently identify lot and right-of-way lines and the performance bond shall not be released prior to monument installation. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this regulation are clearly visible for inspection and use. Such monuments shall be inspected and approved by the town before any improvements are accepted:

907.10-1 **Location-Iron Pipe.** All streets corners, all points where the street line intersects the exterior boundaries of the subdivision, at right angle points, and points of curve in each street, and all other lot corners shall be marked with iron pipe not less than three-fourths inch (3/4") in diameter and twenty-four inches (24") long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches (4") deep in the rock into which shall be cemented a steel rod one-half inch (1/2") in diameter the top of which shall be flush with the finished grade line.

State law reference: Virginia Code §15.2-2241(7).

908.00 UTILITY REQUIREMENTS

908.01 **Plans and Specification for Utility Fixtures and Systems to be Submitted for Approval.** If the owners of any such subdivision desire to construct in, on, or under any streets or alleys located in such subdivision and gas, water, sewer, or electric light or power works, pipes, wires, fixtures, or systems, they shall present three (3) blue or black line prints of the plans and specifications of all required physical improvements to be installed to the Town for approval. All such plans must be prepared by a licensed engineer or licensed surveyor as certified by the Commonwealth of Virginia and shall conform to Federal, State, and County regulations, laws, and ordinance and shall conform to the *Town of Gordonsville Public Facilities Manual*. The Town shall have thirty (30) days in which to approve or disapprove the plans.

If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, the Subdivision Administrator shall notify the subdivider, in writing, the reason for disapproval.

In the event of the failure of the Town to act within such period, such plans and specification may be submitted, after ten (10) days notice to the Town, to the Orange County Circuit Court for approval or disapproval, and approval thereof shall, for all purposes of this article, be treated and considered as the approval of the Town.

State law reference: Virginia Code §15.2-2269.

908.02 **Utilities Underground.** All utilities that serve a structure shall be underground. Temporary construction shall be exempted from this requirement

908.03 **Septic Tanks.** The Gordonsville Town Council shall not approve any subdivision where sanitary sewers are not provided unless it shall receive in writing from the Health Department, a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that approval by the Town Council is only with the understanding that where septic tanks are to be installed, they must be approved on an individual basis by the Health Department.

908.04 **Mandatory water connections; drilling of private wells prohibited.**
Provided public water is within one hundred (100) feet of the principal structure, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is located a public water line of the town, is hereby required at his expense to install suitable water facilities therein, and to connect such facilities directly with the public water system.

908.04-1 The water supply, as provided by the town, shall be neither connected with unsafe water supplies nor cross-connected, through plumbing fixtures, to the drainage system.

908.04-2 It shall be unlawful for any person to drill a private well within the town with the intent to circumvent the requirements of this section.

908.04-3 It shall be unlawful for any person, for either direct or indirect compensation, to furnish within the corporate limits of the Town to any other person a supply of water for any purpose without the consent of the council, the council reserving for the town the exclusive right and privilege of furnishing water, whether to individuals, firms, corporations or persons for whatever purpose the same may be used.

908.05 **Private Water and/or Sewer.** Where public water and/or sewer is not available, in accordance with section 908.03, nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities, provided, however, that any such installation must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulations having authority over such installations.

908.06 **Utility Easements.** The Town may require easements for drainage through adjoining property if provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines, and other utilities to serve the subdivision when required.

908.07 **Town is Not Obligated to Pay for Grading, Paving, Etc..** Nothing herein shall be construed as creating an obligation upon the Town of Gordonsville to pay for grading or paving, or sidewalks, sewers, curb and gutter improvements, or other construction.

909.00 OUTDOOR LIGHTING REQUIREMENTS

Outdoor lighting provisions are intended to establish minimum standards for outdoor lighting in order to:

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- a. Ensure the provision of lighting that provides safety, utility, and security;
- b. prevent dangerous glare on public roadways and nuisance glare onto adjacent properties;
- c. protect the privacy of neighbors by limiting light trespass to neighboring properties;
- d. limit light pollution; and
- e. protect and retain the established historic character of the Town.

909.01 All external lighting shall be directed downward or towards the façade of a building or sign.

909.02 All external lighting on canopies or roofs shall be directed downward and for the principal purpose of providing ground lighting below the canopy or roof.

909.03 No canopy or roof fascia of any size or dimension shall be constructed, reconstructed, or altered in such a manner as to have internal lighting of any kind, except for a sign, which is integral to the canopy or roof fascia.

910.00 OPEN SPACE REQUIREMENTS

Open space provisions are intended to encourage development approaches by permitting flexibility in design. More specifically, open space is intended to serve such varied objectives as: (1) provision of active/passive recreation; (2) buffering between dissimilar uses; and (3) Preservation of agricultural activity.

910.01 Not less than twenty-five percent (25%) of the residential area of any major subdivision shall be in open space.

911.00 TREE REQUIREMENTS

The intent of the tree requirements is regulate the planting and preservation of trees; to promote the general health, safety and welfare of Town citizens; to facilitate the creation of an attractive and healthy environment; to promote clean and healthy air; to protect property values; and to further the urban design, economic development and other goals and objectives of the Comprehensive Plan.

911.01 The following shall be exempt from the requirements of these tree replacement and planting regulations: school sites, playing fields, other non wooded recreation areas and other facilities and uses of a similar nature, as determined by the Planning Commission to be sites on which trees would prevent the site from being used for its intended and permitted purpose

911.02 The subdivider shall design and arrange lots in such a fashion as to preserve existing woodlands and trees of eight (8) inch caliper or greater. The preservation of such existing tree canopy may be used as a credit to canopy requirements as provided in Section 911.02.4 of this Ordinance. Trees scheduled to remain shall be marked. Where woodlands or groups of trees are to be retained, only those trees on the perimeter shall be marked. Temporary fencing or root pruning may be required along areas adjacent to heavy equipment operation.

911.02-1 In instances where deciduous trees (with the exception of evasive and non native trees) of eight (8) inch caliper or larger are removed, they shall be replaced by trees indigenous to the Gordonsville region, with a similar deciduous tree

911.02-2 Tree plans shall provide for the planting or replacement of trees on the site to the extent that, at twenty (20) years, minimum tree canopies or covers will be provided in areas designated in this ordinance, as follows:

- (i) Ten percent tree canopy for a site zoned business, commercial, or industrial;
- (ii) ten percent tree canopy for a residential site zoned for twenty (20) or more units per acre;
- (iii) fifteen percent (15%) tree canopy for a residential site zoned for more than ten (10) but less than twenty (20) units per acre; and
- (iv) twenty percent tree canopy for a residential site zoned for ten (10) units or less per acre.

911.02-3 The Tree Plan shall specify the caliper size required at the time of planting needed to achieve the above required canopies after twenty (20) years of normal growth.

911.02-4 Upon written request and justification of the subdivider, the Planning Commission may approve credits to reduce the on-site tree canopy requirements if in the judgment of the Planning Commission, the purposes of this Ordinance and the goals of the Comprehensive Plan can be better met through such credits. Such credits may achieved through any of the following methods:

- (i) By preserving existing tree cover. Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the tree plan identifies such trees and the trees meet standards of durability, function and life expectancy.

- (ii) **By Preserving Outstanding Trees.** Upon approval of the Planning Commission, up to fifty percent (50%) of the tree canopy requirements for the site may be met by preserving one or more trees of outstanding age, size or other physical characteristics in comparison to the typical specimen of that species normally found within the Town, if a certified arborist provides a written determination that any such trees are in good health. The canopy of each qualifying outstanding tree preserved shall count toward three (3) times as much canopy requirement.
- (iii) **Exceptions and Deviations.** The Planning Commission shall grant an exception to or deviation from these requirements to allow for the reasonable development of farmland or other areas devoid of healthy or suitable woody materials or when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. In such instances, the Planning Commission shall permit the subdivider to provide for a tree canopy bank whereby a portion of the development's tree canopy requirements are met from off-site planting or replacement of trees on sites within the Town that are determined by the Planning Commission to be consistent with the Comprehensive Plan.

911.02-5 Existing diseased trees or trees weakened by age, storm, fire or other injury, which are dead or face imminent demise within a year, as determined in writing by a certified arborist or horticultural report, may be removed without being subject to replacement requirements.

912.00 RECREATIONAL AREA REQUIREMENTS

Developed recreational area(s) shall be provided for every development of thirty (30) residential units or more.

912.01 A minimum of two hundred (200) square feet per unit of recreational area shall be provided in common area or open space on the site, not to exceed five (5) percent of the gross site area. The Town shall consider the appropriateness of such area for the intended purpose, using the following guidelines:

- a. Slope in active recreation areas shall not exceed ten percent (10%);
- b. size and shape of each recreation area shall be adequate for the intended use;
- c. groundcover shall consist of turf grass or contained mulch such as pine bark, shredded tires, or pea gravel;
- d. existing wooded or steep areas may qualify as passive recreation area provided no other suitable area is available on the site;
- e. access shall be adequate for pedestrians and service vehicles if necessary; and

Subdivision regulations adopted 4-23-07

- f. location shall be compatible with adjoining uses, convenient to users and suitable for supervision.

912.01-1 The following facilities shall be provided within the recreational area:

- a. One (1) tot lot shall be provided for the first thirty (30) units and for each additional fifty (50) units and shall contain equipment which provides an amenity equivalent to:

One (1) swing [four (4) seats]
One (1) slide
Two (2) climbers
One (1) buckabout or whirl
Two (2) benches.

- b. One-half (1/2) court for basketball shall be provided for each one hundred (100) units, consisting of a thirty (30) foot by thirty (30) foot area of four inches (4") 21-A base and one and one half inches (1½") inches bituminous concrete surface, and a basketball backboard and net installed at regulation height.
- c. Each tot lot shall consist of at least two thousand (2,000) square feet and shall be fenced, where determined necessary by the Subdivision Administrator, to provide a safe environment for young children.
- d. Substitutions of equipment or facilities may be approved by the Subdivision Administrator, provided they offer a recreational amenity equivalent to the facilities listed above, and are appropriate to the needs of the occupants.
- e. Equipment specifications shall be approved by the Town on advice of the Orange County director of parks and recreation.
- f. Recreational equipment and facilities shall be maintained in a safe condition and replaced as necessary. Maintenance shall be the responsibility of the property owner if rental units or a homeowners' association if sale units.
- g. Recreational facilities shall be completed when fifty percent (50%) of the units have received certificates of occupancy

913.00 RELATION TO EROSION AND SEDIMENT CONTROL LAWS

The General Assembly has determined that the lands and waters comprising the watersheds of the State are great natural resources that are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control law to control erosion and sedimentation from land disturbing activities.

Subdivision regulations adopted 4-23-07

913.01 **Subdivision Development Included as Land Disturbing Activity.** The Code of Virginia includes the term Subdivision development along with activities disturbing ten thousand (10,000) or more square feet of land for commercial or noncommercial uses.

913.02 **Erosion and Sedimentation Plan Required.** At the time of filing the final plat, an erosion and sedimentation control plan (which shall include identifying soil characteristics) shall be filed in accordance with the Orange County Erosion and Sediment Control Ordinance and the provisions of the *Virginia Erosion and Sediment Control Handbook*.

Agent must provide written proof of approval from Orange County prior to approval of the final subdivision plat.

913.03 **Flood Plain.** If any portion of the proposed subdivision is determined to be in the one hundred (100) year flood plain, the subdivider shall provide the necessary information to demonstrate that the presence of the one hundred (100) year flood plain was considered in the layout of the subdivision. The subdivider shall also provide the criteria, or alternate criteria adopted by the Gordonsville Town Council. The flood drainage information shall include a properly certified engineer's or surveyor's statement that such improvements, when properly installed will be adequate to meet the criteria as applied to the proposed development.

914.00 REQUIRED IMPROVEMENTS TO BE GUARANTEED THROUGH BONDING

914.01 For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the Town Council that the construction costs have been paid to the person constructing such facilities; (ii) furnishes to the Town Council a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Town Council or its designated administrative agency, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the Town Council a bank or savings institution's letter of credit on certain designated funds satisfactory to the Town Council or its designated administrative agency as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the Town and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed twenty-five percent (25%) of the estimated construction costs.

- 914.02 If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the Town Council a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event that the Town accepts the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, the Town shall require the subdivider or developer to furnish the Town with a maintenance and indemnifying bond, with surety satisfactory to the Town Council or its designated administrative agency, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the Town Council or its designated administrative agency may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the Town Council or its designated administrative agency as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage;
- 914.03 For conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within thirty (30) days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the Subdivision Administrator shall not be responsible to enforce the requirements of this subdivision.

915.00 LOT LINE REVISIONS

A lot line on an existing parcel may be revised as long as the revision will not be in conflict with any provisions of the *Town of Gordonsville Land Development Ordinance*. Such revisions must be approved by the Subdivision Administrator, and executed by all owners. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

916.00 VACATION OF PLAT

The Town Council shall have the authority to vacate any plat subject to Code of Virginia, § 15.2-2271 et seq., as amended.

917.00 EXCEPTIONS

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where because of topographical or other conditions peculiar to the site, in the opinion of the Town a departure may be made without destroying the intent of such provisions, the Town Council may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the Subdivision Administrator with the reasoning, on which the departure was justified, set forth.

State law reference: Virginia Code §15.2-2242(1).

918.00 FEES

The Town Council shall adopt a schedule of fees to be charged for the administration of this chapter to include review of plats and plans, and for the inspection of facilities required to be installed by any such ordinance or the *Town of Gordonsville Public Facilities Manual*.

State law reference: Virginia Code §15.2-2241.

919.00 EFFECTUAL CLAUSES

Should any article, section, subsection, or provision of the Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Ordinance as whole or any part thereof other than the part so declared to be invalid or unconstitutional.

ARTICLE 10

SCHEDULE OF FEES

The following fees are hereby established in order to help defray the expenses of administration, processing application, publicizing and conducting public hearings, and performing necessary inspections.

1001.00 FEES RELATED TO ZONING

The following fees apply for application relating to zoning regulations.

Zoning Permit application and site plan - accessory structures
\$10.00

Zoning Permit application and site plan - single-family dwelling and additions
\$25.00

Zoning Permit application and site plan - multi-family dwellings / commercial
\$200.00 plus advertising costs.

Zoning Permit application and site plan - new sign
\$10.00 – plus \$1.00 per every 2 square feet of signage.

Zoning Permit application and site plan – sign face replacement
\$5.00

Zoning Permit application and site plan – conditional use
\$200.00 – plus advertising costs.

Board of Zoning Appeals processing fee
\$200.00 – plus advertising costs.

Zoning amendment (re-zoning) application fee
\$200.00 – plus advertising costs.

Preliminary plan review fee – minor subdivision (*4 lots or less*)
\$25.00 per lot – plus advertising costs.

Preliminary plan review fee – major subdivision (*5 lots or more*)
\$200.00 – plus \$10.00 per lot and advertising costs.

Final subdivision plat review fee – major subdivision (*5 lots or more*)
\$25.00

Boundary adjustment plat review fee
\$5.00

Inspection fee
Direct labor costs.

Development engineering review fee
Direct labor costs - \$300.00 initial payment.

§1001.00 – 1001.04 repealed & amendments adopted 7-01-05

ARTICLE 11

VIOLATION AND PENALTY

1101.00 VIOLATION

All departments, officials, and public employee of the Town of Gordonsville which are vested with the duty to issue permits or licenses shall conform to the provisions of the Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of these regulations. Any such permit, if issued in conflict with the provisions of these regulations shall be null and void.

1102.00 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrator. He shall record properly such complaint, immediately investigate, and take action thereon provided by these regulations.

1103.00 PENALTIES

1103.01. Criminal penalties. Except as provided for in Section 1103.02 below, any person, firm, or corporation, whether as principal agent, employee, or otherwise, who violates, causes, or permits the violation of any of the provisions of these regulations, shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

Notwithstanding the designation of violations set out below, these criminal penalties shall be imposed for:

1. Activities which result, or may result, in physical injury to any persons;
2. Activities related to land development;
3. Violation of any zoning provision relating to the posting of signs on public property or public rights-of-way.
4. Violations of Section 610.08 – Demolition permits

State law reference— Criminal penalties, Code of Virginia 15.2-2286(A)(5)

1103.02 - Civil penalties.

- a) Unless otherwise specified, any violation of the provisions of this ordinance shall be deemed a civil infraction. A violation may be punishable by a civil penalty of \$200.00 for the first summons, and a fine of not more than \$500.00 for each additional summons. The penalty for a first offense shall be a warning providing a reasonable period of remediation not to exceed 30 days.
- b) Each day during which any violation of the provisions enumerated in subsection (a) above is found to have existed may constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day

<Amended October 19, 2015>

period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of \$5,000.00.

- c) The designation of a particular violation of this ordinance as an infraction pursuant to subsection (a) above shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000.00 or more, the violation may be prosecuted as a criminal misdemeanor.
- d) The issuance of a violation notice shall not be deemed a precondition to the issuance of a civil summons pursuant to this section. The zoning administrator may cause a civil summons to be issued for any scheduled violation and served upon any person responsible for that violation in any manner of service authorized by law.
- e) Such summons shall contain the following information:
 - 1. The name and address of the person charged.
 - 2. The name and address of the property owner, if different.
 - 3. The nature of the infraction, the subsection of this section and the ordinance provision(s) being violated.
 - 4. The location, date and time that the infraction occurred or was observed.
 - 5. The amount of the civil penalty assessed for the infraction.
 - 6. The manner, location and time in which the civil penalty may be paid to the Town Treasurer.
 - 7. The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial, or the date for scheduling of such trial by the court.
- f) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Town Treasurer prior to the date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.
- g) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the Orange County Court in the same manner and with the same right of appeal as provided by law. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the Court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the Court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. A finding of liability shall not be deemed a criminal conviction for any purpose.

State law reference— Civil penalties, Code of Virginia 15.2-2209

ARTICLE 12

LEGAL STATUS PROVISIONS

1201.00 CONFLICT WITH OTHER LAWS

Whenever the requirements of these regulations are a variance with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

1202.00 VALIDITY

Each phrase, sentence, paragraph, section or other provision of these regulations is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section, or provision of these regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not effect any other portion or provision of these regulations.

1203.00 REPEALED RESOLUTIONS AND ORDINANCES

These regulations are a comprehensive enactment of all of the resolutions and ordinances of the Town of Gordonsville Town Council relating to zoning and subdivision regulations. All prior ordinance affecting zoning and subdivision regulations are hereby repealed.

1204.00 EFFECTIVE DATE

These regulations shall take effect and be in force from and after 12:01 A.M., June 30, 1993. A certified copy of the foregoing Land Development Ordinance of the Town of Gordonsville shall be filed in the office of the Administrator, and in the office of the Clerk of the Town of Gordonsville, and the office of the Circuit Court Clerk for Orange County, Virginia.

Richard O. Blount, Jr., Mayor

Date

Ethel Hutchinson, Clerk

Date

Article 13. Floodplain Management Ordinance

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ARTICLE I - GENERAL PROVISIONS

Section 1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a) (2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 – Applicability

These provisions shall apply to all privately- and publicly-owned lands within the jurisdiction of the Town of Gordonsville and identified as areas of special flood hazard shown on the flood insurance rate maps (FIRM) or included in the flood insurance study (FIS) that are provided to the Town of Gordonsville by FEMA.

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of the Town of Gordonsville or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

Section 1.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Section 1.6 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this

ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Floodplain Administrator or designee shall be guilty of the appropriate violation and subject to the penalties as provided for in Section 1103 of the Town of Gordonsville Land Development Ordinance. The VA USBC addresses building code violations and associated penalties in Section 104 and Section 115.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Gordonsville to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

ARTICLE II - ADMINISTRATION

Section 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Town Manager or his/her designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Gordonsville Town Manager.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of

Environmental Quality (VADEQ), United States Army Corps of Engineers (USACE) and have submitted copies of such notifications to FEMA.

- F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- G. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- H. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Gordonsville within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- J. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- L. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- M. Administer the requirements related to proposed work on existing buildings:
 - 1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - 2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

- N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- O. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Gordonsville have been modified and:
- (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- Q. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:

- (1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - (2) Are above the base flood elevation and the area is labeled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
- (1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1.A.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the Town for all annexed areas until the Town shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM

and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Section 2.5 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Town of Gordonsville where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed Letter of Map Revision (LOMR) is a record of this approval.

Section 2.6 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 2.7 – Submitting Model Backed Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. 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.

Section 2.8 – Letters of Map Revision (LOMR)

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

ARTICLE III - ESTABLISHMENT OF FLOOD HAZARD DISTRICTS

Section 3.1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the Special Flood Hazard Areas (SFHAs). The basis for the delineation of these districts shall be the FIS and the FIRM for the Town of Gordonsville prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated May 17, 2022, and any subsequent revisions or amendments thereto.

The Town of Gordonsville may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the Town of Gordonsville offices. Provisions for the districts located within the Town are as follows:

1. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance 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 base flood elevation using methods that correctly reflect currently accepted practices, including but not limited to point on boundary, high water marks, or detailed hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development.

During the permitting process, the Floodplain Administrator shall obtain:

- a) The elevation of the lowest floor (in relation to mean sea level), including the

basement, of all new and substantially improved structures; and,

- b) If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed five lots or five acres, whichever is the lesser.

2. The **AE Zone** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations:
 - a. 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 Zone AE on the FIRM, 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 Town.
 - b. Development activities in Zone AE on the Town’s FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the Town’s endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.
 - c. The Floodway District is in an AE Zone and 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 one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. Gordonsville’s current FIRM does not include any Floodway Districts.

Section 3.2 - Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured 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 Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Town of Gordonsville 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.

B. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate 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 floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and 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.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

1. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
2. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A and AE shall have the lowest floor, including basement, elevated to or above the base flood elevation *plus eighteen (18) inches*.

B. Non-Residential Construction

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) within Zones A and AE shall have the lowest floor, including basement, elevated to or above the base flood level plus *eighteen (18) inches*; OR, together with attendant utility and sanitary facilities, be designed so that below the base flood level 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;”.
2. Where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii).

C. Space Below the Lowest Floor

In zone A, 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 be used solely 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 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 (1) 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 (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. 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 and Recreational Vehicles

In zone A, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in section 4.2.

E. Accessory Structures

- 1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article IV, Section 4.3.B or, if not elevated or dry floodproofed, shall:
 - a. Not be used for human habitation;
 - b. Be limited to no more than *600 square feet* in total floor area;
 - c. Be useable only for parking of vehicles or limited storage;
 - d. Be constructed with flood damage-resistant materials below the base flood elevation;
 - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 - f. Be anchored to prevent flotation;
 - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
 - h. Shall be provided with flood openings which shall meet the following criteria:
 - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.

- (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
 - (3) The bottom of each flood opening shall be one (1) foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
 - (4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
- i. A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded on the property deed.

Section 4.4 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed five lots or five acres, whichever is the lesser.

ARTICLE V – EXISTING STRUCTURES IN FLOODPLAIN AREAS

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that:
 - 1. change is not a substantial repair or substantial improvement; and
 - 2. no new square footage is being built in the floodplain that is not compliant; and
 - 3. no new square footage is being built in the floodway; and
 - 4. the change complies with this ordinance and the VA USBC; and
 - 5. the change, when added to all the changes made during a rolling 5 year period, does not constitute 50% of the structure's value.
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

ARTICLE VI – NONCONFORMING STRUCTURES IN FLOODPLAIN AREAS

Any pre-FIRM structure which lawfully existed before (*date of ordinance amendment to include the floodplain ordinance in the LDO*), but which is not in conformity with the requirements of the flood hazard overlay district, may continue, subject to the following:

- A. Expansion or enlargement of existing structures. Existing structures shall not be expanded or enlarged.
- B. Modification, alteration, repair, reconstruction or improvement of an existing structure; not a substantial improvement. Existing structures may be modified, altered, repaired, reconstructed or improved (collectively, the “improvements”), but not enlarged or expanded, where the improvements are not a substantial improvement, provided that the improvements: (i) are authorized by section 707, as applicable; and (ii) comply with the Virginia Uniform Statewide Building Code.
- C. Modification, alteration, repair, reconstruction or improvement of an existing structure; substantial improvement. Existing structures may be modified, altered, repaired, reconstructed or improved (the “improvements”), where the improvements qualify as a substantial improvement, provided that: (i) the entire structure complies with the requirements of the flood hazard overlay district and all other applicable laws; and (ii) the entire structure complies with the Virginia Uniform Statewide Building Code.
- D. Repair or rehabilitation of historic structure; substantial improvement. Any historic structure undergoing repair or rehabilitation that would constitute a substantial improvement shall comply with any requirements of the flood hazard overlay district that do not preclude the structure’s continued designation as a historic structure. The owner shall provide documentation from the Secretary of the Interior or the State Historic Preservation Officer that a specific requirement of the flood hazard overlay district will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places, as applicable. Any relief from any requirement shall be the minimum necessary to preserve the historic character and design of the structure.

ARTICLE VII - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only (i) upon a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variations may be issued 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, and 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.

In passing upon applications for variations, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.

- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted 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.
- M. Such other factors which are relevant to the purposes of this ordinance.
- N. No variance shall be granted for an accessory structure exceeding 600 square feet. (*Note: See Article IV, Section 4.3.E.2).*)

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ARTICLE VIII – ENACTMENT

Enacted and ordained this 16th day of August, 2016. This ordinance of the Town of Gordonsville, Virginia, shall become effective upon passage.

Robert K. Coiner
Signature

Mayor
Title

James W. Jones
Attested

GLOSSARY [44 CFR 59.1]

1. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed *600 square feet*.
2. Base flood - The flood having a one percent chance of being equalled or exceeded in any given year.
3. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
4. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
5. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
6. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
7. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
8. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
9. Existing construction – For the purposes of the insurance program, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”
10. Flood or flooding -
 - a. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 1. the overflow of inland or tidal waters; or,
 2. the unusual and rapid accumulation or runoff of surface waters from any source.
 3. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces

of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- b. The collapse or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
11. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
12. Flood Insurance Study (FIS) – a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
13. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
14. Floodproofing - 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.
15. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
16. 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.
17. Habitable space - An enclosed area having more than twenty (20) linear feet of finished walls composed of, but not limited to, drywall, paneling, lath and plaster, or used for any purpose other than solely for parking of vehicles, building access, or storage.
18. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
19. 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;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.
20. Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the *base flood*, other frequency floods, *flood* elevations, *floodway* information and boundaries, and *flood* profiles.
21. Letter of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letter of Map Change includes:
- a. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.
 - b. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood* elevations, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.
 - c. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.
22. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.

23. 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.
24. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. 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.
25. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
26. Mean Sea Level – is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.
27. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after January 2, 2008, 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.
28. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after January 2, 2008.
29. Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before January 2, 2008.
30. 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.
31. Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
32. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood

insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

33. 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.
34. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.
35. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; 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 the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
36. Structure - for floodplain 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.
37. 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.
38. 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. The term does not, however, include either:
 - a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by

the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- b. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

- 39. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- 40. 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.
- 41. Zone A - A special flood hazard area that is subject to inundation by the one (1) percent annual chance flood event (one hundred year flood) where detailed hydraulic analyses have not been performed and no base flood elevations or flood depths are shown.

APPENDIX A

CERTIFICATES REQUIRED

OWNER'S CONSENT AND DEDICATION

Know all men by these presents, that the subdivision of land as shown on this plat, containing _____ acres, more or less, and designated as the _____ Subdivision, situated in the Town of Gordonsville, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; that all streets shown on said plat are hereby dedicated to public use, and that all lots within the subdivision are subject to certain restrictions, reservations, stipulations, and covenants as contained in a writing executed by the undersigned, under the date of _____, 19____, and recorded in the Clerk's Office of Circuit Court for the County of Orange, in Deed Book _____, Page _____. The said _____ acres of land subdivided having been conveyed to _____ by _____ by deed, dated _____, 19____, and recorded in the Clerk's Office of the Circuit Court of Orange County, Virginia in Deed Book _____, Page _____.

Given under our hands this _____ day of _____, 19____.

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

SURVEYOR'S CERTIFICATE*

I hereby certify that to the best of my knowledge and belief, all of the requirements of the Town of Gordonsville regarding the platting of subdivisions within the Town have been complied with.

Given under my hand this _____ day of _____, 19____.

State Certified or Land Surveyor

**The Foregoing plat is not approved until all signatures have been obtained.*

CERTIFICATE OF APPROVAL

This subdivision known as _____ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

(Date)

(Signed) _____
Virginia Dept. of Transportation

(Date)

(Signed) _____
Health Officer (if applicable)

(Date)

(Signed) _____
Chairman, Gordonsville Planning Commission

(Date)

(Signed) _____
Mayor or Agent, Town of Gordonsville



Town of Gordonsville Zoning Map

Adopted: 10/26/2009



Zoning

	R1		B1		Town Boundary
	R2		B2		Historic Overlay District
	R3		M1		Railroad
	R4		P		Proffer

