

b. If any conflict occurs between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions shall apply.

c. If 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.

(h) *Floodplain district map.* The boundaries of the floodplain district are established as shown on the flood insurance rate map which is declared to be a part of this section and which shall be kept on file at the town offices. They are also shown on the official zoning map.

(i) *District boundary changes.* The delineation of any of the floodplain districts may be revised by the town council where natural or manmade 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 Insurance Administration.

(j) *Interpretation of district boundaries.* Initial interpretations of the boundaries of the floodplain district 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.

(k) *District provisions.* Requirements for the district are as follows:

(1) *Permit requirement.* All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with this article and with all other applicable codes and ordinances, including the Virginia Uniform Statewide Building Code and the town subdivision ordinance in article III of this chapter. Prior to the issuance of any such permit, the administrator shall require all applications to include use, activity, and/or development adversely affecting the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

(2) *Alteration or relocation of watercourse.* 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 state water control board, and the state marine resources commission; a joint permit application is available from any of these organizations. Furthermore, notification of the proposal shall be given to all affected adjacent jurisdictions, the department of conservation and recreation (floodplain management program), and the Federal Insurance Administration.

(3) *Site plans and permit applications.* All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

a. For structures to be elevated, the elevation of the lowest floor, including basement.

b. For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.

c. The elevation of the 100-year flood.

d. Topographic information showing existing and proposed ground elevations.

(4) *Manufactured homes.* Manufactured homes that are placed or substantially

improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

(5) *Recreational vehicles.* Recreational vehicles placed on site shall be on the site for fewer than 180 consecutive days, shall be fully licensed and ready for highway use; or shall meet the elevation and anchoring requirements of section 50-71(k)(4). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.

(l) *Approximated floodplain district.* In the approximated floodplain district, the development and/or use of land, including but not limited to fill, new construction or other improvements, shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. The applicant shall also delineate a floodway area based on the requirement that all existing and future development and/or use of land not increase the 100-year flood elevation more than one foot at any one point. The engineering principle--equal reduction of conveyance--shall be used to make the determination of increased flood heights. Within the floodway area delineated, no such development or use of land shall be permitted that will cause any increase in the 100-year flood elevation.

(m) *Permitted uses in the floodplain district.* The following uses and activities are permitted by special use permit only issued by the town council, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided, further, that they do not require structures, fill or storage of material

and equipment:

(1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries or orchard, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.

(3) Accessory residential uses, such as yard areas, gardens, play areas and previous loading areas.

(4) Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, airport landing strips, etc.

(n) *Design criteria for utilities and facilities.* Design criteria for utilities and facilities shall be as follows:

(1) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters to the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(2) *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.

(3) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The town council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(4) *Utilities.* All utilities, such as gas lines, electrical and telephone systems, being placed in floodprone areas should be located, elevated where possible, and constructed to minimize the chance of impairment during a flooding occurrence.

(5) *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(o) *Variances.* Factors to be considered in issuance a variance from this section are as follows:

(1) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this article 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 100-year 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 floodwaters expected at the site.

l. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

m. Such other factors which are relevant to the purposes of this section.

(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.

(3) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not:

a. Result in:

1. Unacceptable or prohibited increases in flood heights;

2. Additional threats to public safety;

3. Extraordinary public expense; and

b. Create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

(4) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any exceptional hardship to the applicant.

(5) 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 100-year flood elevation:

a. Increases the risks to life and property; and

b. Will result in increased premium rates for flood insurance.

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

(p) *Existing structures in floodplain district.* A structure or use of a structure or premises which lawfully existed before the effective date of the ordinance from which this section is derived, but which is not in conformity with this section, may be continued subject to the following conditions:

(1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in

any increase in the 100-year flood elevation.

(2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use location in any floodplain area to an extent or amount of less than 50 percent of its market value shall be elevated and/or floodproofed to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this article and the Virginia Uniform Statewide Building Code.

(Ord. of 6-11-1996, § 23-12; Ord. of 12-12-2006)

Secs. 50-72--50-100. Reserved.

DIVISION 3.

SUPPLEMENTARY REGULATIONS

Sec. 50-101. Fences.

(a) 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.

(b) No fence shall be constructed within a street right-of-way.

(c) Fences shall not exceed a height of six feet as measured from the topmost point thereof to the ground or surface in a residential zone.

(d) Fences surrounding industrial sites, public playgrounds, institutions or schools

may not exceed a height of 14 feet.

(Ord. of 6-11-1996, § 23-16)

Sec. 50-102. Access to buildings.

Every building erected or moved shall be on a lot adjacent to a public street, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

(Ord. of 6-11-1996, § 23-17)

Sec. 50-103. Minimum off-street parking.

(a) There shall be provided at the time of erection of any main building or at the time any main building is enlarged or at the institution or enlargement of any use minimum off-street parking space with adequate provisions for entrance and exit. Two hundred square feet (ten feet by 20 feet) of lot or floor area shall be deemed parking space for one vehicle. All

parking spaces and access driveways shall be covered with an all-weather surface, unless as otherwise provided in this article, and shall be graded and drained to dispose of surface water.

(b) No surface water from any parking area shall be permitted to drain onto adjoining property.

(c) A driveway or parking space shall be at least three feet from a property line, and no parking space for a multifamily dwelling shall be less than ten feet from a residential structure on the lot unless as otherwise provided for townhouses and apartments.

(d) There shall be provided, at the time of the erection of any principal building or structure or at the time that any principal building or structure is altered, enlarged, or increased in size, not less than the parking space in the amounts stated in this section. Minimum off-street parking space required may be reduced when the capacity and use of a particular building is changed in such a manner that the new use or capacity would require less space than before the change. Should a nonconforming structure or use be enlarged or extended or should a use or structure be nonconforming because of parking requirements, additional parking requirements need only be based on the requirements for the enlarged or expanded portion.

(e) The parking spaces required for single- and two-family dwellings shall be located on the same lot as the dwelling; the parking spaces required for other uses shall be located on the same lot as the principal use or on a lot which is within 300 feet of the principal

use, such distance to be measured along lines of public access to the property.

(f) Collective provisions of off-street parking facilities for two or more structures or uses is permitted, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all parking requirements.

(g) Parking space requirements are as follows:

(1) For all residential dwelling units there shall be provided, either in a private garage or on the lot, space for the parking of two automobiles for each dwelling unit in a new building.

(2) Boardinghouses, bed and breakfasts, hotels and motels shall provide on the lot parking space for one automobile for each guestroom or residence unit, plus one additional space for each ten guestrooms or residence units, plus required parking for any restaurant and/or assembly space, plus one space for each employee on the maximum shift.

(3) For church and school auditoriums and for theaters, general auditoriums, stadiums and other similar places of assembly, there shall be provided at least one off-street parking space for every four fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one parking space for each 100 square feet of usable floor area. Parking space already provided to meet off-street parking requirements for stores, office buildings, and industrial establishments lying within 300 feet of the place of public assembly, as measured along lines of public access, and which are not normally in use on Sundays or between the hours of 6:00 p.m. and 12:00 midnight on other days may be used to meet not more than 75 percent of the off-street parking requirements of a church or other similar place of public assembly.

(4) For public or private nursery day care, kindergarten, elementary, intermediate or high schools, there shall be provided one parking space for each teacher, employee, or administrator, whether full or part time, whose activities are conducted between the hours of 8:00 a.m. and 4:00 p.m. in addition to the requirements of the auditoriums.

(5) For hospitals, there shall be provided at least one parking space for each two beds based on the maximum capacity in terms of beds, including those of infants and children, plus one space for each employee or staff member on maximum shift.

(6) For nursing and convalescent homes, there shall be provided at least one parking space for each six beds or fraction thereof.

(7) For retail and wholesale stores selling directly to the public, there shall be provided one parking space for each 100 square feet of retail or wholesale floor space in the building unless otherwise specified.

(8) For shopping centers, see section 50-106.

(9) For funeral homes and mortuaries there shall be one parking space for each four seats in chapels or parlors with fixed seats, and one parking space for each 100 square feet of floor area for assembly rooms without fixed seats for services, plus five parking spaces for employees in both instances noted in this subsection.

(10) For all restaurants, there shall be provided at least one parking space for each four seats or one space for each 50 square feet of gross floor area, whichever is greater. In addition, one parking space shall be provided for each employee on the maximum shift.

(11) For office buildings, offices of professionals and personal services establishments, or medical and dental clinics, there shall be provided one parking space for each 200 square feet of floor space occupied by the office or personal service or clinic. This

subsection applies to new construction only. There shall be no off-street parking requirement for an existing structure which is being converted to a professional office building.

(12) For industrial establishments or wholesale establishments not selling directly to the public, there shall be provided one parking space for each employee computed on the basis of maximum number of individuals employed within an eight-hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

(13) Any commercial building not listed in this subsection and that is erected, converted, or structurally altered shall provide one parking space for each 100 square feet of business floor space in the building.

(14) Every parcel of land used as a public parking area shall have appropriate guardrails or stops where needed as determined by the administrator. Any lights used to illuminate the parking areas shall be so arranged as to reflect the light away from adjoining residential uses.

(Ord. of 6-11-1996, § 23-18)

Cross References: Stopping, standing and parking, § 66-56 et seq.

Sec. 50-104. Off-street loading requirements.

(a) On the same premises with every building, structure, or part thereof erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading, and unloading services, in order to avoid interference with public use of the streets and alleys.

(b) Such space shall be a minimum of 15 feet wide and 45 feet in length with a minimum clear height of 15 feet. Off-street truck loading space shall be provided at a rate of one space for the first 10,000 square feet or less of gross floor areas, plus a minimum of one additional space for each additional 40,000 square feet of gross floor area or part thereof. For the purpose of this section, gross floor area shall also include gross outdoor storage area, whether covered or uncovered.

(Ord. of 6-11-1996, § 23-19)

Cross References: Stopping, standing and parking, § 66-56 et seq.

Sec. 50-105. Signs.

(a) *Permitted signs.* The maximum permitted size of signs and type of signs shall be in accordance with the following:

(1) *All zoning districts.* Permitted signs in all zoning districts are as follows:

a. Official traffic signs and other official federal, state, county, or town government signs.

b. Temporary signs announcing a campaign, drive, political campaign, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed 12 square feet in area and shall be removed within seven days after the completion of the drive, campaign, or event.

c. Signs offering the sale or rental or stating the future use of the premises upon which such signs are erected, provided that the combined area of such signs shall not exceed 24 square feet.

d. One temporary sign of each contractor or developer and one sign for all combined subcontractors, erected and maintained on the premises where the work is being performed, provided that the area of each such sign shall not exceed 18 square feet, and further provided that such sign shall be removed upon completion of the work.

e. No trespassing signs; signs indicating the private nature of a road, driveway, or premises; signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four square feet.

(2) *Residential districts.* Permitted signs in residential districts are as follows:

a. Home occupation or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, provided that not more than one such sign shall be erected for each permitted use of the lot and provided that the area of each such sign not exceed two square feet. All such signs shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within a street right-of-way.

b. Sign, bulletin, announcement board or identification sign for schools,

parks, or playgrounds, churches, hospitals, clubs, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed 24 square feet and not more than one such sign shall be erected or displayed on each street frontage.

c. Subdivision signs, not exceeding 24 square feet in area, for the purpose of advertising or identifying a housing development or subdivision, when erected or displayed on the property so advertised or identified, at least ten feet from the front lot line, provided that only one such sign shall be erected or displayed facing any one street on the perimeter of such development or subdivision.

(3) *Signs for multifamily dwellings.* Permitted signs for multifamily dwellings are as follows:

a. Freestanding real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that:

1. The total area of the sign does not exceed 24 square feet;

2. There shall be no more than one such sign on any one lot on the same street frontage; and

3. No sign shall be erected so as to stand higher than the building it advertises.

b. Directional signs, not to exceed two square feet each, erected within a housing development to direct persons to a rental office or sample unit.

c. Permanent identifying signs for the purpose of indicating the name of the multifamily project and for the purpose of identifying the individual buildings within the project. Not more than one sign for each entrance to the project from a public street to identify the name of the project shall be permitted, and no such sign shall exceed ten square feet in size. Signs to identify the individual buildings within the project shall not exceed six square feet in size.

(4) *Commercial district.* Permitted signs in commercial districts are as follows:

a. Any sign permitted in a residential district.

b. Signs advertising only the general business conducted on the premises upon which such signs as listed in subsection (4)c of this section are erected or displayed.

c. Signs permitted within a commercial district shall be erected or displayed only on such walls of a building as face a street, alley or parking areas or as freestanding signs upon the lot, subject to the following as to size and location:

1. *One-story building.* The total area of all signs facing a street, alley or parking area shall not exceed one square foot for each foot of building width facing such street, alley or parking area, but in no case shall the aggregate of all such signs exceed 100 square feet. This applies to signs which are only affixed to the building; not freestanding signs.

2. *First-floor businesses in multistory buildings.* The total area of all signs facing a street, alley or parking area shall not exceed one square foot for each foot of building width facing such street, alley or parking area, but in no case shall the aggregate of such signs exceed 100 square feet. All such signs shall be kept within a height of 20 feet above the sidewalk.

3. *Above first floor of multistory buildings containing one or more businesses above first floor.* The total areas of all signs facing a street, alley or parking area on any wall above the 20-foot height specified in subsection (a)(4)c.2 of this section shall not exceed 40 square feet or

1/40 of the area of that wall above such 20-foot height, whichever is greater.

4. *Multistory buildings occupied by one business only.* Where entire buildings over one story in height are occupied by one business, a total sign area of 100 square feet facing any street, alley or parking area or of

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 subsections (a)(4)c.2 and (a)(4)c.3 of this section, and in such case the sign may be located without regard to the 20-foot height restriction.

5. *Signs on windows advertising occupants, etc.* Signs advertising only the name of the occupant of a store, office or building; the business or occupation conducted; or the products sold therein may be placed on show windows, provided that not more than 20 percent of the area of such windows shall be covered. The area of such signs shall not be included in determining the total area of signs erected or displayed and shall not include temporary signs for special rules.

6. *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 unless as otherwise indicated in this section. The bottom of a sign, the area of which exceeds six square feet, erected flat against a wall, shall not be less than eight feet above the sidewalk, alley, or parking area. The bottom of a sign projecting from a wall shall not be less than ten feet above a walkway, parking area, or alley.

7. *Roof signs.* No roof signs shall be permitted.

8. *Freestanding signs.* Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided. However, no freestanding sign shall be located closer than ten feet to a side lot line, provided that not more than one such freestanding sign shall be permitted for any building or building unit having a street frontage with such drive-in service area, parking area or building setback. Freestanding signs shall not be erected more than 30 feet above the grade, nor project beyond the established setback line, and shall not exceed 60 square feet in area. For the purpose of this section all lot lines facing streets shall be considered front lot lines.

9. *Identification signs.* Identification signs for shopping centers consisting of three or more separate businesses and having a continuous street frontage of at least 200 feet shall be permitted, and the areas of such signs shall not be included in the total areas of signs otherwise permitted in this section for separate businesses. The total area of such identification signs for any shopping center shall not exceed one square foot for each foot of street or alley frontage, nor shall the total area of such signs facing any street or alley exceed 150 square feet.

10. *Advertising theater acts, etc.* Signs advertising the acts or features to be given in a movie theater may be displayed on permanent cases or frames erected on theater buildings in accordance with this section as to size and location, provided that the bottom of any such case or frame erected flat against a wall may be less than eight feet above the sidewalk, alley, or parking area. When the area of any such case or frame facing a street, alley, or parking area does not exceed 24 square feet and the area of all such cases or frames facing such street, alley, or parking areas does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.

(5) *Industrial district.* Permitted signs for industrial districts are any sign permitted in a commercial district, provided that the allowable area of any such sign where it faces a commercial or industrial zone may be 1 1/2 times the allowable area specified in subsection (a)(4) of this section.

(b) *Supplemental sign regulations.* Supplemental sign regulations are as follows:

(1) *Illumination.* Signs may be lighted with nonglaring lights or may be illuminated by shielded floodlights; provided, however, that no red, green, or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, or animated types shall be permitted.

(2) *Construction.* All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

(3) *Nonconforming signs.* Nonconforming signs, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be repainted or repaired, provided such repainting or repairing does not exceed the dimensions of the existing signs.

(4) *Billboards.* Billboards are prohibited in all districts.

(5) *Permit required.* A sign permit shall be required before a sign is erected, altered, or relocated, except as otherwise provided in this subsection.

(6) *Permit applications.* Each application for such permit shall be accompanied by plans showing the area of the sign; the size, character, and design proposed; the method of illumination, if any; the exact location proposed for such sign; the method of fastening such sign; the names and addresses of the sign owner and of the sign erector.

(7) *Permit fees.* Fees for sign permits shall be as determined by the town council.

(8) *Permit nullification.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of issuance of the permit.

(9) *Permit exceptions.* A permit shall not be required for the following; provided, however, that such