

Appendix A ZONING¹

Article 7B. Green-Space District

ARTICLE 1. GENERAL PROVISIONS

Sec. 1.1. Title.

This ordinance shall be known and cited as the Zoning Ordinance of Damascus, Virginia. The map portion may be cited separately as the Zoning Map of Damascus, Virginia.

Sec. 1.2. Authority.

This ordinance and map are adopted according to the authority of Code of Virginia, § 15.2-2280 et seq. As specified in the above sections of the Code, the town is authorized to, among other things, provide for the establishment of districts in which the town may regulate, restrict, permit, prohibit and determine the following:

- a. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood protection and other uses;
- b. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures;
- c. The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including the establishment of minimum lot sizes; and
- d. The filling, excavation or mining of soil or other natural resources.

Sec. 1.3. Jurisdiction.

The provisions of this ordinance shall apply to all land and structures within the corporate limits of the town.

ARTICLE 2. INTENT AND PURPOSE

¹Editor's note(s)—Printed in this appendix are the zoning regulations of the town, as adopted by ordinance on December 3, 2001. Amendments to the ordinances are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation and state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

State law reference(s)—Zoning, Code of Virginia, § 15.2-2280.

Sec. 2.1. Intent.

This ordinance is intended to ensure the orderly land usage, occupation and development of the town.

Sec. 2.2. Purpose.

The purpose of the zoning ordinance is:

- To promote the health, safety and general welfare of the public;
- To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- To reduce or prevent congestion in the public streets;
- To facilitate the creation of a convenient, attractive, and harmonious community;
- To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic, or other dangers; and
- To encourage economic development activities that provide desirable employment and enlarge the tax base.

ARTICLE 3. LEGAL STATUS PROVISIONS**Sec. 3.1. Interpretation.**

In their interpretation and application, the provisions of this ordinance shall be construed to be the minimum requirements for the promotion of the public health, safety, morale, and general welfare of the residents of the town.

Sec. 3.2. Relationship to other laws and private restrictions.

- 3.2-1. Where the conditions imposed by the provisions of this ordinance are comparable with applicable conditions imposed by another ordinance, law, resolution, rule or regulation, the regulations which are more restrictive shall apply.
- 3.2-2. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that, where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

Sec. 3.3. Provisions are cumulative.

This ordinance is cumulative with additional limitations imposed by all other laws and ordinances heretofore passed, or which may be passed hereafter, governing any subject matter appearing in this ordinance.

Sec. 3.4. Separability.

It is hereby declared to be the intention of the town council that the provisions of this ordinance are separable;

Thus, if any court of competent jurisdiction should adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment; or

If any court of competent jurisdiction shall hold invalid the application of any provision of this ordinance to a particular property, building, structure, or use, such judgment shall not affect the application of said provisions to any other property, building, structure, or use not specifically included in said judgment.

Sec. 3.5. Ordinance provisions do not constitute permit.

Nothing contained in this ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.

Sec. 3.6. Scope of regulations.

3.6-1. New uses, lots, buildings or other structures.

- a. Upon the effective date of this ordinance, no building or other structure shall hereafter be erected or altered or put to use which is used in any manner contrary to the provisions of this ordinance.
- b. No part of a yard, lot, or other open space, or off-street parking or loading space required in connection with any structure for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure.
- c. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Sec. 3.7. Construction of language.

In the construction of this ordinance, the rules contained in this section shall apply, except when the context clearly indicates otherwise:

- 3.7-1. The word "shall" is always mandatory and not discretionary; and the word "may" is permissive;
- 3.7-2. The word "lot" shall include the words "part" or "parcel" and the word "building" or "structure" includes all other structures or parts thereof;
- 3.7-3. The word "permitted" or words "permitted as of right," means permitted without meeting the requirements for a conditional use by special permit pursuant to article 16 of this ordinance;
- 3.7-4. The particular shall control the general, words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary;
- 3.7-5. All public officials, bodies and agencies to which reference is made are those of the town, unless otherwise specified;
- 3.7-6. In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration or table, the text shall control;
- 3.7-7. Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the definitions in article 20. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the zoning administrator shall have the right to interpret the definition of any word.

Sec. 3.8. Effective date.

This ordinance shall be in force and effect from and after its passage and adoption.

ARTICLE 4. ADMINISTRATION OF ZONING ORDINANCE

Sec. 4.1. Creation and authorization of the office of zoning administrator.

The office of zoning administrator is hereby established to administer and enforce this ordinance. The zoning administrator shall be designated by the town council and may be provided with assistance of other persons at the direction of the town council.

Sec. 4.2. Duties of zoning administrator.

The zoning administrator shall be responsible for the administration and enforcement of this ordinance and shall have all necessary authority on behalf of the town council to carry out the following duties:

4.2-1. The zoning administrator shall be responsible for the issuance of zoning permits. The zoning administrator shall review each application for a zoning permit and may require any other information which he may deem necessary for the consideration of the application. In cases where a site plan review (article 11), or a conditional use permit (article 16) is required, or where a variance (article 17), or an amendment (article 19) is requested, the zoning administrator must fulfill the duties specified in the appropriate article.

4.2-2. Upon finding that any provision of this ordinance is being violated, the zoning administrator shall follow the procedures authorized in article 5.

Sec. 4.3. Plans required for zoning permits.

Each application for a zoning permit shall be accompanied by a site plan drawn to scale showing:

- a) The shape and dimensions of the plot to be built upon;
- b) The structures and accessory buildings then existing;
- c) The dimensions and location of all proposed structures, alterations or additions;
- d) The existing and intended uses of the land and of each structure or part thereof;
- e) The number of families or dwelling units, where applicable, the structure is designed to accommodate; and
- f) Any other information that the administrator may deem necessary for consideration of the application.

If the proposed structure or use is found to conform to the provisions of this ordinance, the administrator shall issue a zoning permit to the applicant. (See section 4.7 for a diagram of the above process.)

Sec. 4.4. Zoning permits required.

No structure shall be demolished, erected, moved, added to or materially altered, or land used or occupied, without a zoning permit issued by the zoning administrator.

Sec. 4.5. Permits not to be issued.

No zoning permit shall be issued for any land use, building, structure, or part thereof which is not in accordance with the provisions of this ordinance.

The zoning administrator may require an applicant to provide satisfactory evidence that any delinquent real estate taxes, nuisance charges, and any other charges that constitute a lien on the subject property, that are owed to the town and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer. In the case that satisfactory proof cannot be provided, and authorization is not granted by the treasurer, no zoning permit shall be issued.

Sec. 4.6. Zoning compliance.

The premises are to be inspected by the zoning administrator, or his or her designee, at the time of the application for the zoning permit, and at any time thereafter that may be necessary, to ensure compliance with the plans and specifications upon which the zoning permit were based as well as compliance with any other provision of this ordinance.

Sec. 4.7. Procedure for principal uses.

(See article 7 and article 8 for principal permitted uses in each zoning district.)

Applicant	Applicant applies for zoning permit and submits copies of plans as specified in section 4.3 to zoning administrator
Application	
Zoning administrator	Zoning administrator interprets zoning ordinance, inspects premises, and (if the application conforms to the ordinance) issues a zoning permit
Zoning permit	
Permitted activity	Applicant completes activity for which the permit was issued
Zoning compliance	Zoning administrator inspects completed activity(s) to determine conformity to plans and specifications

ARTICLE 5. ENFORCEMENT AND REMEDIES

Sec. 5.1. Complaints regarding violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall state fully the causes and basis of such complaint and shall be filed with the zoning administrator. The zoning administrator shall properly record the complaint, investigate and take such action as provided for in this ordinance.

Sec. 5.2. Penalties for violation.

Violations for the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute a misdemeanor and shall be punished as provided for by law. Each day such violation exists shall be deemed as a separate offense.

The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and shall be punished as provided for by law.

Sec. 5.3. Remedies.

Upon finding that any provision of this ordinance is being violated, the zoning administrator shall notify in writing the person responsible for such violation and order the discontinuance of the construction and use of illegal buildings, structures, illegal additions, alterations or structural changes; and the discontinuance of any illegal work being done.

Should such notice fail to force compliance with the ordinance, the zoning administrator shall request that the town attorney bring legal action to ensure compliance with the ordinance, including injunction, abatement or other appropriate action or proceeding.

In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building, other structure or land is or is proposed to be used in violation of this ordinance, the zoning administrator or other appropriate authority of the town government or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute an injunction, writ of mandamus or other appropriate action or proceeding to correct or abate such violation, to prevent the occupancy of such building or other structure or land, or to prevent such unlawful erection, construction, reconstruction, alteration, extension, conversion or use.

Sec. 5.4. Remedy procedure.

Zoning administrator	Detects violation and orders in writing that the violation be corrected
Orders remedy in writing	
Violator	
Situation remains in violation	
Town attorney	Initiates appropriate court action
Court action	
Violator	

ARTICLE 6. OFFICIAL ZONING MAP

Sec. 6.1. Incorporation of map.

The boundaries of districts established by this ordinance shall be shown on the official zoning map which is incorporated into the provisions of this ordinance. The zoning map in its entirety, including all amendments, is as much a part of this ordinance as if fully set forth and described herein.

Sec. 6.2. Identification and alteration of the official zoning map.

6.2-1. The official zoning map shall be identified by the signature of the mayor and bear the town seal under the following words: "This is to certify that this is the official zoning map referred to in the zoning ordinance of the Town of Damascus, Virginia," together with the adoption date of this ordinance.

6.2-2.If, in accordance with the provisions of this ordinance and the Code of Virginia, changes are made in district boundaries or other matter portrayed on the official zoning map, the changes shall be entered on the official zoning map promptly after the amendment has been approved by the town council.

6.2-3.No amendment to this ordinance which involves a matter portrayed on the official zoning map shall become effective until such change has been made on the map.

6.2-4.No changes of any nature shall be made in the official zoning map or matters shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind shall be considered a violation of this ordinance and punishable as specified in section 5.2.

Sec. 6.3. Interpretation of the official zoning map.

When uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits;
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- e. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines;
- f. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
- g. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections "a" through "f" above, the board of zoning appeals shall interpret the district boundaries. (See article 18.)

ARTICLE 7. ESTABLISHMENT AND PURPOSE OF DISTRICTS

In order to implement all purposes and provisions of this ordinance, the lands within the corporate limits of the town are divided into the following districts, the purpose of which are as follows:

Sec. 7.1. Residential districts.

The residential districts established in this ordinance are designed to promote and protect the health, safety and general welfare by encouraging the following goals for growth:

- a. Provide sufficient space in appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population and provide a variety of choices in site selections;
- b. Permit improved movement on the public ways and effectively utilize existing public ways, and, as far as possible, mitigate the effects of heavy traffic and more particularly all through traffic in residential areas;

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- c. Protect residential areas against flood, fire, explosions and other dangers;
 - d. Protect residential areas against undue congestion, as far as possible, by regulating the density of population, the intensity of activity, and the bulk of buildings in relation to the surrounding land and to one another, and by providing for off-street parking spaces for automotive vehicles;
 - e. Provide for access of light and air to windows and for privacy, as far as possible, by controls over the height of buildings and structures;
 - f. Provide appropriate space for public and private educational, religious, recreational, and similar facilities and public utilities which serve the needs of nearby residents and coordinate the intensity of residential land use with the appropriate community facilities; and
 - g. Provide the most desirable use of land in accordance with the comprehensive plan in order to protect the character of residential neighborhoods, conserve the value of land and buildings, and protect the community's tax revenues.

7.1-1.*R-1 single-family districts.* This district is designed to provide suitable areas for single-family dwelling units only where necessary community services and facilities, public utilities and open spaces which serve the residents of the district are available or where the extension of these facilities is physically and economically feasible, and serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations shall be permitted if they otherwise conform to the provisions of this ordinance.

7.1-2.*R-2 single-family and multifamily residential districts requiring site plan review.* This district is designed to provide suitable areas for single-family or multifamily residential development in areas where necessary community services and facilities are available or where the extension of these facilities is physically and economically feasible. It is the intent of this district to allow multifamily dwelling units in a building provided there is sufficient lot area, parking room and open space in the lot relative to the number of dwelling units. This district also includes community facilities, public utilities and open spaces which serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations shall be permitted if they otherwise conform to the provisions of this ordinance.

7.1-3.*R-3/MHP mobile home park residential district requiring site plan review.* This district is designed to provide suitable areas for residential development and mobile home park residential development where appropriate community services and facilities are provided or where the extension of such facilities will be physically and economically feasible. This district will be characterized by multifamily dwellings, and single-family mobile home dwellings in mobile home parks, and accessory structures. This district will also include community facilities, public utilities and open space uses which serve the residents of the district. Home occupations specifically provided for in these regulations shall be permitted if they otherwise conform to the provisions of this ordinance. Special provisions for mobile homes and mobile home parks are outlined in chapter [article] 10.

Sec. 7.2. Commercial districts.

The commercial districts established by this ordinance are designed to promote and protect the health, safety and general welfare by encouraging the following goals for growth:

- a. Provide sufficient space for the many and diverse types of commercial activity needed to serve the people and industry of the town;
- b. Promote the improvement and orderly growth of the existing well-located commercial centers;

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- c. Protect adjacent residential and recreational areas from offensive and detrimental influences; and
 - d. Promote the most efficient and desirable land use.

7.2-1.C-1 core commercial district. This district is designed to provide for a wide range of retail, office, and service uses normally found in a central business district. High intensity of use is permitted in this district, and increased building bulk is provided as a means of encouraging such development. This district is intended to be designed in a manner conducive to and safe for a high volume of pedestrian traffic.

7.2-2.C-2 general commercial district. This district is designed to provide adequate space in appropriate locations for the establishment of a wide variety of uses including commercial trades and services, entertainment facilities, offices and establishments engaged in wholesale trade. Since these activities tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential districts as much as possible.

7.2-3. It shall be unlawful for any real property owner, tenant, or other person to permanently board up any window in any building in the C-1 core commercial district or C-2 general commercial district.

(Ord. of 3-9-2016)

Sec. 7.3. Industrial district.

The industrial district established by this ordinance is designed to promote and protect the health, safety and general welfare by encouraging the following goals for growth:

- a. Provide sufficient space in appropriate locations which are adequately served by community facilities to meet the needs for industrial expansion in the town;
- b. Encourage industrial development which is free from hazards to the public health and which is environmentally safe and nonpolluting;
- c. Protect industrial activities against congestion, encroachment from incompatible land uses and other adverse characteristics;
- d. Protect adjacent residential and commercial areas from incompatible land uses and offensive influences; and
- e. Promote the most efficient and desirable use of land.

In accordance with these goals, the industrial district is designed to provide space for a limited range of industrial uses which have high performance standards and the least objectionable characteristics. In this district, all industrial operations shall be carried on within completely enclosed neighboring properties. Residential uses are excluded from this district. Only those community facilities and commercial uses which are essential to provide needed services for industry are permitted in this district.

ARTICLE 7A. FLOODPLAIN OVERLAY DISTRICTS²

²Ord. No. 2025-0505-1, § 1, adopted May 5, 2025, repealed the former Art. 7A., §§ 7A.1—7A.16, and enacted a new Art. 7A as set out herein. The former Art. 7A pertained to similar subject matter and derived from Ord. of Dec. 3, 2001.

State law reference(s)—Flood damage reduction act, Code of Virginia 10.1-600, et seq.; Virginia Department of Conservation and Recreation, Floodplain Management Model Ordinance (July 5, 2017 Version).

DIVISION I. GENERAL PROVISIONS³

Sec. 7A.1. Statutory authorization and purpose.

Code of Virginia § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Code of Virginia § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this article is specifically adopted pursuant to the authority granted to localities by Code of Virginia § 15.2—2280.

The purpose of these provisions is to prevent: the loss of life, health, or 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 that are unsuited for intended purposes because of flood hazards.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.2. Applicability.

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

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.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

³State law reference(s)—Prerequisites for sale of flood insurance, 44 CFR 59.22; requirements for flood plain management regulations, 44 CFR 60.1.

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 or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.4. Records.

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.

Federal law reference: Records retention mandates, 44 CFR 59.22(a)(9)(iii).

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.5. Abrogation and greater restrictions.

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.

Federal law reference: Purpose of flood plain management regulations, 44 CFR 60.1(b).

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.7. Penalty for violations.

Any person who fails to comply with any of the requirements or provisions of this article or directions of the zoning administrator or any authorized employee of the town shall be guilty of the appropriate violation and subject to the penalties thereof.

The Virginia Uniform Statewide Building Code addresses building code violations and the associated penalties in its section 104 and section 115. Violations and associated penalties of the zoning ordinance of the town are addressed in article 5 of the zoning ordinance.

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 to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Federal law reference: Enforcement criteria required, 44 CFR 60.2(e)

DIVISION II. ADMINISTRATION

Sec. 7A.8. Designation of the floodplain administrator.

The zoning administrator is hereby appointed to serve as floodplain administrator and directed 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 chief executive officer.
- 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Federal law reference: Official appointment required, 44 CFR 59.22(b).

Sec. 7A.9. Duties and responsibilities of the floodplain administrator.

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.

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- 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 (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
 - F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the coastal barrier resources system established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on flood insurance rate maps as coastal barrier resource system areas (CBRS) or otherwise protected areas (OPA).
 - G. 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.
 - H. 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.
 - I. Review elevation certificates and require incomplete or deficient certificates to be corrected.
 - J. 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, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
 - K. 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.
 - L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
 - M. 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.
 - N. 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.

- O. 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.
- P. Notify the federal emergency management agency when the corporate boundaries of the town 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.
- Q. 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.
- R. It is the duty of the 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 town, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

Federal law reference: Flood plain management criteria, 44 CFR 60.3

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.10. Use and interpretation of FIRMs.

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 in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, 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 labelled 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.

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- 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 division III, section 7A.16 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Federal law reference: Flood plain management criteria, 44 CFR 60.3.

Sec. 7A.11. Jurisdictional boundary changes.

The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the national flood insurance program. Municipalities with existing floodplain ordinances 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, the governing body shall 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Federal law reference: Prerequisites for sale of flood insurance, 44 CFR 59.22; Requirement to submit new technical data, 44 CFR 65.3.

Sec. 7A.12. District boundary changes.

The delineation of any of the floodplain districts may be revised by the town 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.13. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning administrator. 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.14. Submitting model backed technical data.

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 letter of map revision (LOMR). Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Federal law reference: Requirement to submit new technical data, 44 CFR 65.3.

Sec. 7A.15. Letters of map revision.

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.
- Any development occurring in zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- 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).

(Supp. No. 1)

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DIVISION III. ESTABLISHMENT OF ZONING DISTRICTS

Sec. 7A.16. Description of special flood hazard districts.

- A. *Basis of districts.* The various special flood hazard districts shall include the special flood hazard areas. The basis for the delineation of these districts shall be the flood insurance study and the flood insurance rate map for Washington County, Virginia, prepared by the federal emergency management agency, federal insurance administration, as of the "effective date of the Washington County Virginia flood insurance rate map", as such term is defined in this article, and any subsequent revisions or amendments thereto. The town 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 offices.
1. 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 foot at any point. The areas included in this district are specifically defined in table 3 of the above-referenced FIS and shown on the accompanying FIRM. The following provisions shall apply within the floodway district of an AE zone [44 CFR 60.3(d)]:
 - a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies—with the town's endorsement—for a conditional letter of map revision (CLOMR), and receives the approval of the federal emergency management agency. If division III, section 7A.16 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division IV.
 - b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
 2. The AE, or AH zones 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 or AH 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 zones A1-30, AE, or AH 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 zones AI-30, AE, or AH 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.
3. 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)]:
 - a. 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. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.
 - b. The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus 12 inches.
 - c. During the permitting process, the floodplain administrator shall obtain:
 - i. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
 - ii. 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 fifty lots or five acres, whichever is the lesser.
 4. The AO zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
 - b. All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number

specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

- (2) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Federal law reference: "Special Flood Hazard Area" defined, 44 CFR 59.1; Flood plain management criteria, 44 CFR 60.3.

Sec. 7A.17. 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

DIVISION IV. DISTRICT PROVISIONS⁴

Sec. 7A.18. 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 permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the town 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 permits issued for the floodplain shall incorporate the following information:

⁴**Federal law reference:** Prerequisites for sale of flood insurance, 44 CFR 59.22; Minimum compliance with flood plain management criteria, 44 CFR 60.2; Flood plain management criteria for flood-prone areas, 44 CFR 60.3.

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1. The elevation of the base flood at the site.
 2. For structures to be elevated, 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.19. General standards.

A. The following provisions shall apply to all permits:

1. New construction and substantial improvements shall be built according to this ordinance and the Virginia Uniform Statewide Building Code, and anchored to prevent flotation, collapse, or lateral movement of the structure.
2. 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.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. 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.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. 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.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

B. In addition to provisions 1—8 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.20. Elevation and construction standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with division III, section 7A.16 the following provisions shall apply:

- A. *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) in zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus 12 inches.
- B. *Non-Residential construction.*
 - 1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus 12 inches.
 - 2. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by (title of community administrator).
- C. *Space below the lowest floor.* In zones A, AE, AH, AO, and A1-A30, 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.

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- 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. *Accessory structures.* Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of division IV, section 7A.20 or, if not elevated or dry floodproofed, shall:
- 1. Not be used for human habitation;
 - 2. Be limited to no more than 600 square feet in total floor area;
 - 3. Be useable only for parking of vehicles or limited storage;
 - 4. Be constructed with flood damage-resistant materials below the base flood elevation;
 - 5. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 - 6. Be anchored to prevent flotation;
 - 7. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
 - 8. Shall be provided with flood openings which shall meet the following criteria:
 - i. 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.
 - ii. 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.
 - iii. The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
 - iv. Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
- E. *Standards for manufactured homes and recreational vehicles.*
- 1. In zones A, AE, AH, and AO, 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 division III, section 7A.16 and division IV, Sections 7A.19 and 7A.20.
 - 2. All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. Meet all the requirements for manufactured homes in division IV, section 7A.20.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Federal law reference: 44 CFR 60.3.

Sec. 7A.21. 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 fifty lots or five acres, whichever is the lesser.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

DIVISION V. EXISTING STRUCTURES IN FLOODPLAIN AREAS

Sec. 7A.22. Standards for amendment of existing structures.

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 administrator 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 complaint, 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 five-year period does not constitute 50 percent 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

DIVISION VI. VARIANCES: FACTORS TO BE CONSIDERED⁵

Sec. 7A.23. Variance lot size restriction.

Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures

⁵**Federal law reference:** Variances and exceptions, 44 CFR 60.6.

constructed below the base flood level, in conformance with the provisions of this division. While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.24. Prerequisites for granting of variance.

- A. Variances shall be issued only upon a showing of good and sufficient cause after the board of zoning appeals has determined:
 - 1. that failure to grant the variance would result in exceptional hardship to the applicant;
 - 2. that the granting of such variance will not result in unacceptable or prohibited increases in flood heights, will not result in additional threats to public safety, and will not result in extraordinary public expense; and
 - 3. that granting the variance will not create nuisances, will not cause fraud or victimization of the public, and will not conflict with local laws or ordinances.
- B. The board of zoning appeals shall limit any grant of variance to the minimum required to provide relief.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.25. Standards for review by board of zoning appeals of application for variance.

- A. Variances 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 division are met and that 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.
- B. In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in this division and elsewhere in the zoning ordinance and shall consider the following additional factors:
 - 1. 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.
 - 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - 5. The importance of the services provided by the proposed facility to the community.
 - 6. The requirements of the facility for a waterfront location.
 - 7. The availability of alternative locations not subject to flooding for the proposed use.
 - 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

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9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
 11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 12. 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.
 13. No variance shall be granted for an accessory structure exceeding 600 square feet. (Note: See division IV, section 7A.20).
 14. Such other factors which are relevant to the purposes of this article.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.26. Board of zoning appeals may refer to others for technical assistance.

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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7A.27. Notice to applicant for variance.

- A. 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 chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.
- B. 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.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

DIVISION VII. GLOSSARY

The following definitions shall apply for the interpretation of this article. Definitions set out in the 44 CFR 59.1 or in the zoning ordinance, in that order of preference, shall apply if not defined in this division.

Appurtenant or accessory structure means 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.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means 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

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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.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Board of zoning appeals means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

Development means 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, drilling or other land-disturbing activities or permanent storage of equipment or materials.

Effective date of the Washington County, Virginia, Flood Insurance Rate Map—September 29, 2010.

Elevated building means 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).

Encroachment means 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.

Existing construction means for the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the Washington County, Virginia, Flood Insurance Rate Map. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."

Flood or flooding means;

- a. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - i. The overflow of inland or tidal waters; or,
 - ii. The unusual and rapid accumulation or runoff of surface waters from any source.
 - iii. 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.

Flood insurance rate map (FIRM) means 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).

Flood insurance study (FIS) means 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.

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

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

Floodway means 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.

Freeboard means 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.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the secretary of the interior; or,
 - ii. Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis means 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.

Letters of map change (LOMC) means 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. Letters of map change include:

- a. *Letter of map amendment (LOMA)* means 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.

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- b. *Letter of map revision (LOMR)* means 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)* means 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.

Lowest adjacent grade means the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor means 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.

Manufactured home means 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.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

New construction means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the Washington County Virginia Flood Insurance Rate Map, as defined in this article, 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.

Post-FIRM structures means a structure for which construction or substantial improvement occurred on or after the effective date of the Washington County Virginia Flood Insurance Rate Map, as defined in this article.

Pre-FIRM structures means a structure for which construction or substantial improvement occurred before the effective date of the Washington County Virginia Flood Insurance Rate Map, as defined in this article.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

Recreational vehicle means a vehicle which is:

- a. Built on a single chassis;

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

Repetitive loss structure means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a ten-year period, in which the cost of the repair, on the average, equaled 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.

Severe repetitive loss structure means 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 four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000.00, and with the cumulative amount of such claims payments exceeding \$20,000.00; or
 - (ii) For which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area means 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.

Special flood hazard area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in division III, section 7A.16 of this article.

Start of construction means 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.

Structure means 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.

Substantial damage means 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. It also means flood-related damages sustained by a structure on two occasions in a

ten-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial improvement means 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.
- c. 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.

Violation means 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.

Watercourse means 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.

Federal law reference: Definitions, 44 CFR 59.1.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

ARTICLE 7B. GREEN-SPACE DISTRICT⁶

Sec. 7B.1. Purpose.

The purpose of these provisions is for the promotion of healthy lifestyles and family-friendly spaces. These provisions are designed to create permeable lands to resist flooding, and to provide for the effective use of land otherwise unsuitable for residential or commercial development.

⁶Ord. No. 2025-0505-1, § 1, adopted May 5, 2025, repealed the former Art. 7A., §§ 7A.1—7A.16, and enacted a new Art. 7A as set out herein. The former Art. 7A pertained to similar subject matter and derived from Ord. of Dec. 3, 2001.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7B.2. Applicability.

These provisions shall apply to all lands within the jurisdiction of the Town of Damascus and identified as being zoned as part of the G-1 green-space district.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7B.3. Uses.

A. *Principal Permitted Uses.*

1. Structures such as gazebos, stages, or pavilions;
2. Recreational facilities such as basketball courts, tennis courts, skate parks and baseball fields.

B. *Permitted accessory uses.*

1. Parking lots and public restroom facilities;
2. Informational structures such as kiosks, signs and poles;
3. Accessory structures customarily incidental to the above permitted uses.

C. *Prohibited uses.*

1. Residential and commercial uses and facilities;
2. Any use not allowed by right or accessory use is prohibited in the G-1 green-space district.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

Sec. 7B.4. Bulk regulations.

These bulk regulations apply to all uses or structures located on any lot, including all new developments, enlargements, extensions or conversions located within the G-1 district.

- A. *Height, maximum.* No building or structure shall be constructed or erected which contains more than one finished floor, whether designed for storage space, human occupancy or otherwise.
- B. *Public access.* Pedestrian and bicycle access shall not be limited beyond what is deemed feasible for the safety and welfare of the public.
- C. *Light pollution.* Lighting shall be designed to reduce 1) the inadvertent brightening of the night sky and 2) excessive interference with adjoining properties.
- D. *Surfacing.* All parking areas or pedestrian/bicycle access routes shall be surfaced with permeable materials, unless such materials would otherwise cause a hazard to safety of the public.
- E. *Landscaping.* All landscaping shall be undertaken in a manner natural to the surrounding eco region. No invasive species shall be introduced or permitted to flourish.

(Ord. No. 2025-0505-1, § 1, 5-5-2025)

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P - Principal Permitted Use C - Conditional Use (article 16) A - Permitted Accessory Use (20.2) Uses Not Noted in Tables Are Prohibited									
	District								
Use	R-1	R-2	R-3/MHP	C-1	C-2	C-3	I	F-1, F-2	G-1
Accessory structure (20.2)	A	A	A	A	A	A	A		
Automotive service (20.4)					P	C			
Campground*					P		C		A
Community education (20.11)		P	P		P	C			
Construction sales and service (20.14)				C	P	C	P		
Convenience sales and service business (20.15)				P	P	P	P		
Financial institution (20.25)				P	P	P			
General personal service (20.32)				P	P	P			
Home occupations (20.33)	A	A	A	A	A	A			
Hospitals (20.34)				P	P				
Library (20.39)	P	P		P	P				
Manufactured home (20.48)			P						
Manufacturing (20.50)							P		
Mobile home (20.51) (also article 10)			P						
Modular home (20.55)	P	P	P						

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Multifamily, dwelling (20.20)		P	P	P	P	P			
Off-street parking and loading (articles 12 and 13)	A	A	A	A	A	A	A	P	P
Place of worship (20.58)	P	P	P	P	P	P			
Private recreation facility (20.61)	A	A	A					P	
Professional office and clinic (20.10, 20.62)	C	C		P	P	P			
Public buildings				P	P	P			A
Public park or playground	P	P	P	P	P	P		P	P
Restaurants (20.64)				P	P	P	P		
Retail stores and shops (20.66)				P	P	P	P		
Signs (article 14)	A	A	A	A	A	A	A	A	A
Single-family detached dwelling (20.21)	P	P	P	P	P	P			
Site plan review required (article 11)		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tents (20.76)*	A	A	A	A	A	A	A	A	A
Transient and semi-transient habitation (20.67, 20.78)				P	P	P	C		
Two-family dwelling (20.22)		P	P	P	P	P			
Utility facilities (20.84)		C	P	P	P	P			C
Veterinary institution or kennel (20.37)				C	P		C		
Wholesale sales (20.85)				P	P		P		

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NOTE: For clarification see section in parentheses.

¹ Permitted uses are subject to provisions of the existing underlying districts.

*Tenting shall be allowed as follows:

- a) Noncommercial tenting shall be allowed at all times, and in any district, provided that, on any lot, no more than two tents are erected for no longer than seven days in the aggregate in any calendar month, provided further, however, that no more than five tents shall be allowed on the following holidays: Trail Days (Wednesday—Monday), Memorial Day weekend, Fourth of July, and Labor Day weekend. Noncommercial tenting means that no consideration or remuneration of any kind is either accepted or given by any person at any time.
- b) Commercial tenting shall be allowed only on the holidays referenced above and only in the districts as noted, provided that, on any lot, no more than ten tents of any size shall be erected on any lot. A land use permit must be obtained prior to any commercial tenting activity. Commercial tenting means any tenting activity for which a charge or remuneration of any kind is either accepted or given at any time.
- c) Tents shall be allowed at any time in a permitted campground, so long as the campground is only in the districts noted, has a valid permit from the Virginia health department, the campground is screened from all adjacent residentially zoned properties, a minimum number of ten parking spaces (sec. 13.4) are available, tents are placed no closer than five feet from any other tent or structure and tents are no closer than 20 feet from any lot line.

(Ord. of 9-9-2024, § 4(art. 8))

ARTICLE 9. BULK REQUIREMENTS

Sec. 9.1. Table of requirements.

The following requirements shall be observed for each district in this ordinance:

District	Minimum Site Size (sq. ft.)	Required Setback Line—Minimum Dimensions		
		Front Yard ¹ (ft.)	Side Yard (ft.)	Rear Yard (ft.)
R-1 Single-Family (with public water and public sewer)	10,000 (or 0.229 acres)	30	10	10
R-2 Single-Family and Multifamily (with public water and public sewer)	10,000 (or 2,500 sq. ft. per dwelling unit, whichever is greater)/0.229 acres	30	20	20
R-3 Mobile Home Park Residential				
Mobile home park	5 acres	—	—	—
Mobile home lot	4,500 (individual plot)	15	15	15
Other uses in park	10,000	30	15	15
C-1 Core Commercial	—	—	(10)**	(10)**
C-2 General Commercial	15,000	—	(10)**	(10)**
C-3 Downtown Commercial	—	—	(15)**	(15)**
I Industrial	—	20	20 (50)**	20 (50)**

¹ On double-frontage and corner sites, there shall be a front yard on each street.

**When abutting a residential district, the minimum setback requirements in parentheses shall apply.

Sec. 9.2. Requirements applicable to all districts.

9.2-1. *Visibility at intersections.* On a corner lot in any district, except the core commercial district, nothing shall be erected, placed, planted or allowed to be grown in such a manner as to impede vision between a height of 2½ and ten feet above the centerline grades within 15 feet of the intersecting streets.

9.2-2. *Fences, walls and hedges.* Fences, walls and hedges may be permitted in any required yard or along the edge of any yard so long as it does not encroach on any public right-of-way, and also except as prohibited in section 9.2-1. Fences or walls in R-1 and R-2 districts shall not be more than 72 inches in height and shall be constructed of normal residential materials, such as chain-link, pickets, and the like.

9.2-3. *Use of required yard area.* Required yard areas may be occupied by driveways, loading, parking and sidewalks unless otherwise specified in this ordinance. All yards not occupied by such uses shall be devoted to landscaping as defined in section 20.38.

9.2-4. *Accessory buildings.* No accessory building may be erected in a front yard, or within five feet of any other building or within five feet of a property line.

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- 9.2-5. *Structures to have access.* Every structure shall be on a lot fronting a public street, and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- 9.2-6. *Parking, storage or use of major recreational equipment.* No major recreational equipment or vehicle shall be parked or stored in any front yard of any lot in any residential district more than 72 hours.
- 9.2-7. *One principal building on any lot.* Only one principal building and its accessory buildings shall be erected on any lot.
- 9.2-8. *Residence, temporary.* No recreational vehicle, trailer, garage, barn or other similar vehicle, building or structure erected on any lot shall be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted for more than ten consecutive days except as otherwise permitted or restricted.
- 9.2-9. *Height, maximum.* No building or structure shall be constructed or erected which contains more than three finished floors above ground level, whether designed for storage space, human occupancy or otherwise.

ARTICLE 10. R-3/MHP MOBILE HOME PARK RESIDENTIAL DISTRICTS

Sec. 10.1. Purpose and intent.

This district is designed to provide suitable areas for mobile home park residential development (including manufactured home dwellings) where appropriate community services and facilities, public utilities, and open spaces are provided or where the extension of such facilities will be physically and economically feasible. This district is characterized by single-family mobile home and manufactured home dwellings in mobile home parks, and accessory structures. Home occupations specifically provided for in these regulations shall be permitted if they otherwise conform to the provisions of this ordinance.

Sec. 10.2. Uses.

A. *Principal permitted uses.*

Mobile home and manufactured home dwelling in mobile home park.

Place of worship.

B. *Permitted accessory uses.*

Private garages and parking areas;

Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for the use of the residents;

Customary home occupations as defined and subject to the provisions of this ordinance;

Accessory structures customarily incidental to the above permitted uses.

C. *Prohibited uses.* Any use not allowed by right or accessory use is prohibited in the MHP mobile home park residential district.

Sec. 10.3. Bulk regulations.

These bulk regulations apply to all buildings or other structures located on any lot, including all new developments, enlargements, extensions or conversions located in any MHP district.

-
- A. Minimum required lot area. Within all MHP districts, the minimum required lot area for a mobile home park shall be five acres.
 - B. Minimum mobile home plot size. The minimum plot size for an individual mobile home in the mobile home park shall be 4,500 square feet and served by public sewer.

Sec. 10.4. Yard requirements.

There shall be a minimum of 15 feet between the front, back and sides of any mobile home and the edges of the lot upon which it is situated. In the event that more than one mobile home is located upon a lot, there shall be a minimum of 30 feet between mobile homes.

Sec. 10.5. Special provisions for mobile homes.

Due to the unique characteristics of mobile homes, the following restrictions are applied to eliminate their adverse effects, including potential hazards, and permit such structures as an alternative form of housing:

Any residential mobile home located within the town shall be a minimum of 15 feet in length and a minimum of seven feet in width.

All mobile homes shall be underpinned, and axles and wheels shall be covered. The trailer hitch shall be removed if it is removable or shielded if not removed. All mobile homes shall be set on firm blocks at a minimum depth of 14 inches. Each mobile home shall be anchored with approved anchors.

All residential mobile homes shall be permitted only in those locations designated on the zoning map as MHP mobile home park residential district.

All residential mobile homes or manufactured homes shall be newer than 15 years in age when placed within the town limits of the town.

Sec. 10.6. Regulations for establishment of mobile home park.

- A. *Licenses and license fees.* No mobile home may be located in the town unless the same shall be in an approved and duly licensed mobile home park.

It shall be unlawful for any person to maintain or operate within the corporate limits of the town any mobile home park unless such person shall first obtain a zoning and occupancy permit for the park. (The Washington County Health Department also requires a permit to operate an MHP.)

- B. *Application for license.* Applications for a mobile home park zoning permit shall be filed with and issued by the zoning administrator. Applications shall be in writing signed by the applicant and shall contain the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the mobile home park.
- (3) A complete plan of the park showing compliance with section 10.8 of this ordinance.
- (4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. The sketch shall be drawn to scale showing the number and arrangement of mobile home lots, roadways, water supply, water outlets, location and type of sewage, liquid and garbage disposal and location on other facilities.
- (5) Such further information as may be requested by the zoning administrator for determination of compliance with this ordinance.

The zoning administrator, planning commission, Washington County Health Department, Washington County Building Inspector, and the town council shall review the proposed plans and specifications.

Sec. 10.7. Reserved.

Sec. 10.8. Specifications for mobile home park plan.

The mobile home park shall conform to the following requirements:

- A. The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. The zoning administrator may, in his or her discretion, require an engineer's certificate to ensure compliance.
- B. The minimum required lot area for a mobile home park shall be five acres.
- C. The minimum plot size for an individual mobile home in the mobile home park shall be 4,500 square feet.
- D. All mobile home spaces shall abut upon a driveway of not less than 30 feet in width with unobstructed access to a public street.
- E. Reserved.
- F. An electric outlet supplying 100 and 220 volts shall be provided for each mobile home space and shall apply with all applicable building code regulations, whether state, county or town. All electrical installations shall be in compliance with the National Electrical Code. Each mobile home shall have a separate electrical meter.
- G. An adequate supply for water under pressure from a source and of a quality approved by the Virginia department of health shall be provided; local water authority shall be used. Water shall be piped and metered separately to each mobile home lot.
- H. Liquefied petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a mobile home, nor within five feet of a door thereof.
- I. Waste from laundries shall be discharged into a public sewer in compliance with applicable ordinances. All kitchen sinks, washbasins, bath or shower tubs in any mobile home in any park shall empty into the sanitary sewer drain located on the mobile home space. Mobile home parks shall connect to the municipal sewer with approved and sized lines. No storm drains or roof drainage shall be discharged into the public sewer.
- J. Refuse storage, collection and disposal shall be in accordance with other regulations and ordinances of the town.
- K. The mobile home park shall be subject to the rules and regulations of the fire prevention authorities having jurisdiction.
- L. No permanent additions of any kind shall be built onto, nor become a part of, any mobile home, without approval from the zoning administrator.
- M. All service buildings, mobile homes, mobile home spaces and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance.

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- N. All mobile homes shall be set in accordance with HUD approved manufacturer's specifications.

ARTICLE 11. REGULATIONS FOR SITE PLAN REVIEW

Sec. 11.1. General provisions.

A special site plan review is required for all building construction in all districts except the single-family residential district (R-1). No zoning permit will be issued in any district until the proposed site development plan has been reviewed by the planning commission and approved by the town council.

Sec. 11.2. Purpose.

The site plan review procedure is required in order to make sure that development will not affect the health, safety, or general welfare of the residents of the town in an adverse manner. Specifically, this section allows the planning commission and town council to identify at an early stage proposed activities which would cause traffic hazards, flooding, noise, or other nuisances.

Sec. 11.3. Site plan specifications.

For all proposed development requiring a site plan review, a site plan for the use and development of the entire tract shall be submitted to the zoning administrator. The site plan shall conform to any other requirement contained in this ordinance, as well as the following requirements:

1. Be drawn to a scale of at least one inch equals 50 feet.
2. Include the following:
 - a. All information required under section 4.3;
 - b. All existing and proposed roads and drainageways;
 - c. Curb cuts, drives and parking and loading areas;
 - d. Landscaping and planting screens;
 - e. Building lines enclosing the portion of the tract within which buildings are to be erected;
 - f. The proposed use of the land and buildings; and
 - g. The existing zoning.
3. Include a vicinity map showing the relationship of the proposed development to:
 - a. The surrounding use districts; and
 - b. Surrounding properties.
4. Bear a certificate by a licensed civil engineer, architect, surveyor, or building inspector certifying that the plan as shown is true and correct.
5. Bear a form for certificate of approval by:
 - a. The planning commission.
 - b. The town council.

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6. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

Sec. 11.4. Site plan review.

The zoning administrator shall forward the site plan to the planning commission for review and approval. The town council shall also review and approve the application, and may review and reverse planning commission approvals.

Applicant

Application

Zoning administrator

Zoning administrator forwards site plan to planning commission

Site plan

Planning commission

Planning commission shall review and approve site plan or state reasons for disapproval

Approval or disapproval

Town council

Town council shall review and approve the application and may review and reverse planning commission approvals

Approval or disapproval

Zoning administrator

If site plan is approved by planning commission and town council, then zoning administrator issues appropriate permits

Sec. 11.5. Procedure for site plan review.

The zoning administrator shall forward the site plan to the planning commission which shall review and approve the site plan or state reasons for disapproval to the applicant.

Sec. 11.6. Additional requirements for approval of site plan.

11.6-1. *Commercial districts.*

- a. All uses shall be conducted within completely enclosed buildings except for parking, and loading; exterior storage and other accessory uses as set forth in the site plan.
- b. The placement of solid waste storage containers is permitted in rear yards only, and such facilities shall be appropriately screened and maintained in a safe and sanitary manner.

11.6-2. *Industrial district.*

- a. All uses shall be conducted within completely enclosed buildings except for parking, loading, and other accessory uses which by their nature must exist outside a building.
- b. Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent and screening of storage is approved as a part of the site plan by the planning commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding eight feet in height with the stored materials to be kept at least two feet below the top of such screen.
- c. All storage areas shall be surfaced. All areas shall be graded and drained so as to dispose of all surface water in the area.

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- d. The location of solid waste storage containers shall be located in rear yards only, and such facilities shall be appropriately screened and maintained in a safe and sanitary manner.

11.6-3. *R-2/R-3 residential districts.* Development shall conform to all general requirements of previously defined residential districts (see article 7) with only the addition of the site plan review procedure to assure the protection of health, safety, and general welfare.

ARTICLE 12. OFF-STREET LOADING REQUIREMENTS

Sec. 12.1. General provisions.

The following provisions for accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to limit the use of streets for such purposes, to help relieve traffic congestion in commercial areas, and thus to promote and protect the public health, safety and general welfare.

Sec. 12.2. Applicability.

The provisions of this ordinance on accessory off-street loading regulations shall apply to community facility, commercial, and industrial uses permitted by right, by accessory use or by conditional use in all districts.

Sec. 12.3. Requirements for off-street loading berths.

Off-street loading berths and access ways to loading berths shall be situated so that pedestrian and vehicular traffic is not adversely affected.

Sec. 12.4. Size of required berths.

Off-street loading berths, opened or enclosed, shall have minimum dimensions of: length: 55 feet; width: 12 feet; and vertical clearance: 15 feet.

Sec. 12.5. Location of access to the street.

The entrances and exits to all off-street loading berths shall be located at least 50 feet from the intersection of any two streets.

Sec. 12.6. Surfacing.

All off-street loading berths shall be surfaced with asphalt, concrete or other hard-surfaced dustless material, and constructed so as to provide for adequate drainage and prevent the release of dust.

Sec. 12.7. Screening.

All off-street loading berths located adjacent to residences or a residential district shall be screened from the adjoining residential district, by either:

- a. A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

- b. A wall or barrier of uniformly painted fence of fire-resistant material, at least six feet high but not more than eight feet high, as measured from the finished grade. Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the fence is open.

In addition, such screening:

- a. Shall be maintained in good condition at all times;
- b. Shall not be located within 15 feet of normal vehicular entrances and exits; and
- c. Shall have no signs hung or attached thereto.

Sec. 12.8. Location.

All off-street loading facilities shall be located to the side or in the rear of the principal building.

ARTICLE 13. OFF-STREET PARKING REQUIREMENTS

Sec. 13.1. Off-street requirements.

In all districts except C-3 downtown commercial district (see article 7), off-street parking shall be provided in accordance with the following provisions as a condition precedent to the use.

Sec. 13.2. Space requirements for off-street parking.

In the case of a fraction, the number of required off-street parking spaces shall be rounded off to the nearest whole number.

- 13.2-1. *Residential dwelling.* Two spaces per dwelling unit.
- 13.2-2. *Place of worship.* The number of spaces to be prescribed by the zoning administrator.
- 13.2-3. *Community education, visitor or information center.* The number of spaces to be prescribed by the zoning administrator.
- 13.2-4. *Community and group assembly.* The number of spaces to be prescribed by the zoning administrator.
- 13.2-5. *Library, public park, playground, or utility facility.* The number of spaces to be prescribed by the zoning administrator.
- 13.2-6. *Commercial use.* One off-street parking space shall be provided for the specified number of square feet of gross floor area for the following activities:

<i>Activity</i>	<i>Gross Floor Area (square feet)</i>
Retail sales, convenience sales and service	150
Professional office	150
Animal care	150
General personal service	300
Financial institution	400
Automotive repair and cleaning vehicular, craft and related equipment sales, rental and service	500
Construction sales and service	1,000

Wholesale sales	1,000
Transportation	5,000
Warehousing	10,000

[13.2-7. *Reserved.*]

13.2-8. *Mortuary service.* One space per 1,000 square feet of gross floor area, and when a chapel is provided, one space for every four permanent seats, plus one space for every 25 square feet of floor area where temporary seats are used, whichever requires the greater number of spaces.

13.2-9. *Transient habitation.* One space for each unit in a building serving transient guests.

13.2-10. *Industrial use.* One space shall be provided for every 1,500 square feet of gross floor area or one space for every three employees during a single shift or two successive shifts, whichever requires the greater number of spaces.

Sec. 13.3. Additional regulations for off-street parking.

13.3-1. *Building containing two or more uses.* When a building or lot contains two or more uses having different parking requirements, the parking requirements for each type of use shall apply to the extent of that use.

13.3-2. *Operation of off-street parking spaces.* Off-street spaces shall be designed and operated exclusively for the parking of motor vehicles used by the visitors, occupants, employees, patrons or customers of the use associated with the parking facilities.

13.3-3. *Area of off-street parking spaces.* Each off-street parking space, open or enclosed, shall be a minimum of eight feet wide and 18 feet long exclusive of drives, ramps, and aisles.

13.3-4. *Off-site parking requirements.* Off-street parking must be on the same lot as the principal use except where there is no way to arrange the spaces on the same lot as the principal use, provided that:

- a. The spaces are located to draw a minimum of vehicular traffic to and through streets having predominately residential frontage;
- b. The spaces are located no further than 200 feet from the nearest boundary of the lot occupied by facility to which the spaces are accessory;
- c. The spaces are in the same fee simple ownership as the use to which the spaces are accessory; and
- d. The spaces conform to all applicable district regulations of both the district in which the principal use is located and in the district in which the spaces are located. In the event of conflict between the applicable district regulations, the most restrictive shall prevail.

Sec. 13.4. Design of off-street parking spaces.

13.4-1. *Location of access to the street.* The entrances and exits of all required or permitted accessory off-street parking facilities with five or more spaces shall be located as far as possible from the intersection of any two streets.

13.4-2. *Surfacing.* All off-street parking areas shall be surfaced with asphalt, concrete or other hard-surfaced material and so constructed to provide for adequate drainage and prevent the release of dust.

13.4-3. *Screening.* Open off-street parking areas with five or more parking spaces which are located on a lot adjacent to the boundary of a residential district shall be screened from the residential district by either:

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- a. A strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least eight feet high within three years; or
 - b. A wall or barrier or uniformly painted fence of fire-resistant material at least eight feet in height. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the fence is open.

In addition, such screening:

- a. Shall be maintained in good condition at all times;
- b. Shall not be placed within five feet of the normal vehicular entrances and exits;
- c. Shall have no signs hung or attached thereto; and
- d. Shall not obstruct visibility of motorists at street intersections.

ARTICLE 14. SIGNS

Sec. 14.1. Purpose.

The provisions of this ordinance shall govern the use of signs in all zoning districts of the town.

Sec. 14.2. Permit required.

No person shall erect, construct, install or maintain any sign on, upon, or within the boundaries of any property without first submitting a drawing to the zoning administrator showing sign lettering dimensions, methods of attachment, the area in which the sign is to be located, and any additional information deemed necessary for the granting of a permit. Upon receiving written approval from the zoning administrator, the proposed sign may be installed/constructed.

Sec. 14.3. Maximum number.

Any business or nonresidential use may have no more than one sign per street frontage. Small interior signs displaying hours of operation are excluded from the maximum limitation.

Sec. 14.4. Signs in residential districts.

The only signs permitted in residential districts are signs which do not display a commercial message, excluding real estate signs advertising the property on which they are located as for sale, rent or lease, signs allowed without permit (section 14.7), or any signs attendant to a conditional use permit for semi-transient or transient housing, or temporary signs.

Sec. 14.5. General rules for placement and design of signs.

14.5-1. *Prohibition of obstructive and misleading signs.* No sign may be arranged so that it interferes with traffic in any way, including, but not limited to, through glare; through blocking of reasonable sight lines for streets, sidewalks or driveways; through confusion with a traffic control device (by reason of its color, location, shape, or other characteristics); or through any other means. No sign may be erected which misleads pedestrian or vehicular traffic, by meaning or direction. Rotating beacons and flashing signs are prohibited, excluding small interior signs and state-approved traffic control devices.

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- 14.5-2. *Prohibition of moving, changing and mobile signs.* No sign or any portion thereof shall be permitted which is designed to move except for the rotation of barber poles or movement of message boards. Changing signs and multiprism sign units are not permitted except for time and temperature signs. Mobile or trailer-mounted signs are not permitted, except for temporary hazard warning signs utilized by the municipal body or a state or federal agency.
- 14.5-3. *Location of signs.* That portion of a sign or a pole or standard of such sign which is in contact with the ground shall be within the lot lines of the property which it represents, not including applicable setbacks or public right-of-way, excluding real estate signs.
- 14.5-4. *Height of signs.* Signs shall not exceed the height of the structure housing the business advertised or 20 feet, whichever is less.
- 14.5-5. *Wall signs.* Wall signs for buildings shall not exceed 15 percent of the area of the wall facing street frontage.
- 14.5-6. *Overhanging signs.* Overhanging signs or projecting signs referring to business operated on the premises are permitted, provided that any such sign shall not be allowed to protrude more than 3½ feet from the building front, and shall not exceed one square inch for each square foot of that business store front, up to a maximum of 12 square feet. Under-canopy signs are permitted provided they do not exceed 250 square inches and allow a clearance of seven feet from sidewalk to bottom of sign.
- 14.5-7. *Window signs.* Window signs shall not obstruct more than 35 percent of the visible area of the window if opaque, or be less than 65 percent transparent if covering the entire window surface.
- 14.5-8. *Sandwich signs.* Moveable A-frame signs shall not be further than 15 feet from the door of the establishment advertised and shall only be allowed during operation hours of the business. Only one sandwich sign shall be allowed per business and no such sign shall be larger than three feet high by 1½ feet wide. No sandwich sign shall be placed in a manner as to impede traffic on public rights-of-way.
- 14.5-9. *Landscaping.* For freestanding signs above five feet in height, designed for advertising, the base of the sign shall be landscaped appropriately so as to discourage tampering with the structure of the sign and to foster good community appearance.
- 14.5-10. *Illumination.* All lighted signs will meet the requirements of the local electrical codes. Neon bulbs and filaments shall not be exposed. Internally illuminated signs shall be required to have an opaque background. Signs shall not be illuminated by strings of lights. Illumination of signs shall be in a manner which does not create light pollution which would affect neighboring properties or the safety of vehicular, pedestrian or bicycle traffic. The American flag may be illuminated with spot lights.

Sec. 14.6. Nonconforming signs.

Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this ordinance shall be allowed to remain as a nonconforming sign. Any previously nonconforming sign damaged to the extent that it represents a public hazard as determined by the zoning administrator or where damage exceeds 75 percent of the replacement costs shall be required to conform to the provisions of this ordinance. Signs advertising a business which changes ownership or ceases to do business must be removed within 90 days of the date of change of ownership or business closing.

Sec. 14.7. Signs allowed without permit.

The following signs shall be allowed in all districts and are not counted toward the applicable limits on the number of signs allowed, provided that the sign otherwise meets the size limitations which are applicable. No signs

allowed under this subsection, excluding traffic control signs, may be illuminated. Signs allowed without permit include:

- a) *Construction signs.* Such signs shall not exceed an area of 32 square feet and shall be removed once construction is completed.
- b) *Flags.* Flags of the United States of America, this commonwealth, or any official government organization and religious, charitable, fraternal, military or community service organization.
- c) *Identification signs.* Signs such as building numbers, addresses, private parking signs.
- d) *Political signs.* Signs expressing support for a candidate for public office or another position regarding a public figure or issue, but bearing no commercial message. Political signs shall be removed within 30 days after the applicable election.
- e) *Public art.* Street graphics and other forms of art such as, but not limited to, murals and sculptures that do not constitute any type of outdoor advertising of a commercial message, and are not displayed with profanity or nudity.
- f) *Indoor promotional signs.* Temporary business or promotional signs displayed inside a building or establishment, which are in view of the general public, including those attached to windows, for a period of less than 90 days.
- g) *Realty signs.* Signs advertising the premises for sale, rent or lease. Such signs shall not exceed six square feet in area and four feet in height for freestanding signs, and shall be located on the land or premises advertised.
- h) *Traffic control signs.* Traffic, municipal, legal notice, directional or informational signs; railroad crossing signs, danger, safety, temporary or emergency signs.
- i) *Yard sale signs.* Signs advertising a yard or garage sale, not to exceed four feet in height or six square feet in area per sign. Limited to one sign per lot, signs may not be erected for a period exceeding one week.
- j) *Memorial plaques or tablets.* Such items memorializing events or persons requiring town council approval.
- k) *Outdoor promotional signs.* Temporary business or promotional signs displayed outside a building or establishment, which are in view of the general public, for a period of less than 90 days.

ARTICLE 15. PROVISIONS GOVERNING NONCONFORMING USES

Sec. 15.1. Statement of purpose.

In order to guide the development of compatible land use patterns in the town, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions of this article are designed to provide a gradual remedy for existing undesirable conditions which result from incompatible nonconforming uses. While such uses are generally permitted to continue, the provisions are designed to discourage further investment in or continuance of these uses.

Sec. 15.2. Applicability.

The provisions of this article apply to all uses, signs, buildings and structures which are not permitted within the districts in which they are located. Any nonconforming use or structure which existed lawfully at the time of enactment of this ordinance, or any use which shall become nonconforming upon enactment of this ordinance and

subsequent amendments, may be continued subject to the provisions of this article. For the purpose of this ordinance, a change in use is a change in the type of activity, however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

Sec. 15.3. Change of nonconforming use to conforming use.

A nonconforming use may be changed to any conforming use. However, all applicable regulations and accessory off-street parking requirements shall apply to such change.

Sec. 15.4. Change of nonconforming use to nonconforming use.

In all districts, a nonconforming use, building or structure may not be changed to another nonconforming use, building or structure.

Sec. 15.5. Discontinuance.

No nonconforming use, structure, use of land or sign shall be reestablished after discontinuance of two years.

(Ord. of 9-9-2024, § 4(15.5))

State law reference(s)—Two-year discontinuance, Code of Virginia, § 15.2-2307(C).

Sec. 15.6. Repairs, alterations and expansion of nonconforming structure or use.

15.6-1. *Incidental alterations.* Incidental alterations as defined by this ordinance may be made to a building or structure occupied by a nonconforming use.

15.6-2. *Alterations other than incidental alterations.* No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use except when made:

- a. In order to comply with requirements of law regarding fire protection, safety of structure, etc.
- b. In order to conform to the applicable district regulations.

15.6-3. *Repair of nonconforming use.* No nonconforming structure or structure used for a nonconforming use shall be rebuilt or repaired after damage exceeding 75 percent of replacement cost unless the use and structure conform to the other provisions of this ordinance.

15.6-4. *Expansion of nonconforming use.* No structure used for a nonconforming use shall be expanded except in conformity with this ordinance. The nonconforming use of land, not involving a building or structure, or involving a use or structure which is incidental or accessory to the principal use of the land, shall not be expanded beyond the area it occupies.

15.6-5. *Conditional use permit.* Nonconforming manufactured homes in place at the time of the enactment of this ordinance may be replaced by conditional use permit provided the new unit meets applicable department of housing and community development regulations and the Virginia Uniform Statewide Building Code and is no more than five years old.

Sec. 15.7. Nonconforming signs.

(See section 14.6.)

Sec. 15.8. Existing structures in floodplain districts.

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

- a. Existing structures located in the floodway district shall not be expanded or enlarged unless certification (with supporting technical data) by a registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrences of the base flood discharge, which have been approved by all appropriate local and/or state authorities, as required in article 7A.
- b. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain district, to an extent or amount of less than or equal to 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a floodplain district, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code and the National Flood Insurance Program.

- c. Uses of appurtenant or accessory structures thereof which are, or become, nuisances shall not be permitted to continue.

Sec. 15.9. Transient/semi-transient habitation in the R-1, R-2 and R-3 district.

Effective as of September 9, 2024, the town ordinance was revised to no longer allow transient and semi-transient habitation in the R-1, R-2, and R-3 districts upon issuance of a conditional use permit. However, where such use was established prior to September 9, 2024, it shall be governed by article 15 provisions governing nonconforming uses. Additionally, the following regulations shall apply to transient and semi-transient habitation in the R-1, R-2, and R-3 [districts] to the extent they continue as pre-existing nonconforming uses.

- (a) *No adverse effect.* The location, site, and design of such facilities shall be in keeping with the character of the surrounding area, and shall not have an adverse effect on properties within the surrounding area. The activity shall not create any additional noise, vibration, dust, fumes, odors, glare, other than those normally expected in a residential district.
- (b) *Off-street parking.* Transient and semi-transient uses that continue to operate as nonconforming uses shall maintain no fewer off-street parking than required by the applicable conditional use permit or, if not specified, then no fewer than the number of off-street parking spaces in existence as of September 9, 2024.

(Ord. of 9-9-2024, § 4(15.9))

ARTICLE 16. CONDITIONAL USE PROVISIONS

Sec. 16.1. General provisions.

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The town council may impose such other conditions and restrictions as may be necessary to reduce or minimize the injurious effect of the conditional use and ensure compatibility with surrounding property, and the town council may also establish dates for the expiration of any conditional use permit as a condition of approval.

(Ord. of 9-3-2024, § 16.1)

Sec. 16.2. Issuance of conditional use permit.

The town council shall hear and decide, in accordance with the provisions of this ordinance, requests for conditional use permits. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Code of Virginia, § 15.2-2310.

(Ord. of 9-3-2024, § 16.2)

Sec. 16.3. Application for conditional use permit.

The application for a conditional use permit shall be made by the property owner or his designated agent, and filed in writing with the board of zoning appeals and shall contain information and exhibits as may be required by the board. Not more than 60 days after filing such applications, a hearing shall be held on the application. Notice of the hearing shall be in accordance with Code of Virginia, § 15.2-2204. A fee payable to the town shall be charged to defray costs of review and processing for each application for a conditional use permit, except that the fee shall be waived for any governmental agency. Upon approval by the board, the zoning administrator shall issue a use permit to the applicant as specified in article 4.

(Ord. of 9-3-2024, § 16.3)

Sec. 16.4. General requirements.

A conditional use permit may be granted provided the town council finds that the conditional use:

- a. Is designed, located and operated so as the public health, safety and welfare will be protected;
- b. Will not adversely affect other property in the area in which it is located;
- c. Is within the provision of "conditional uses" as set forth in this ordinance; and
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located.

(Ord. of 9-3-2024, § 16.4)

Sec. 16.5. Specific standards.

In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit may be granted for the following uses when the following conditions are met as part of the condition for issuance of a permit:

16.5-1. *Specific conditions for utility facilities.*

- a. All of the bulk regulations of the zoning district shall apply.
- b. The location of the facility shall not materially increase traffic on surrounding streets.
- c. The location of the facility shall not have an adverse effect on surrounding properties.
- d. There shall be provided along the entire site boundaries fencing, screening and landscaping, as appropriate to protect the surrounding area.

16.5-2. *Specific conditions for residential unit in C-1 district and C-2 district.*

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- a. The location of the facility shall not have an adverse effect on surrounding properties.
 - b. There shall be provided along the entire site boundaries fencing, screening and landscaping, as appropriate to protect the enclosed area.

16.5-3. *Transient/semi-transient habitation in the R-1, R-2 and R-3 district.* Effective as of September 9, 2024, the town ordinance was revised to no longer allow transient and semi-transient habitation as a use in the R-1, R-2, and R-3 districts upon issuance of a conditional use permit. However, where such use was established prior to [September 9, 2024], it shall be governed by Article 15 provisions governing nonconforming uses.

(Ord. of 9-3-2024, § 16.5; Ord. of 9-9-2024, § 4(16.5))

Sec. 16.6. Conditional use permit appeals.

Any person or any agency of the town government may appeal to the circuit court of the county to review the decision of the town council as provided under Code of Virginia, § 15.2-2314. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(Ord. of 9-3-2024, § 16.6)

ARTICLE 17. ADMINISTRATION OF VARIANCE PERMITS

Sec. 17.1. Issuance of zoning variance.

The board of zoning appeals shall hear and decide, in accordance with the provisions of this ordinance, requests for zoning variances.

Sec. 17.2. Application for zoning variance.

An application for a zoning variance may be made by any property owner, tenant, government official, department, board or bureau. The application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the board. Not more than 60 days after filing such application, a hearing shall be held on the application. Notice of the hearing shall be in accordance with the hearing procedures in Code of Virginia, § 15.2-2204. A fee payable to the town shall be charged to defray the cost of review and processing for each application for a variance, except that the fee shall be waived for any governmental agency.

Sec. 17.3. Notice to affected property owners.

It shall be the general rule of the board that reasonable efforts shall be made to contact and notify interested parties who, in the opinion of the board, may be affected by any matter brought before the board. In all cases, all owners of record of adjoining property, including those separated by a public way from the premises in question, shall be notified. The notification required to meet this provision shall be accomplished by registered mail addressed to the respective owner at the address given in the latest tax records.

Sec. 17.4. Standards for variances.

The board shall not grant a variance unless it finds:

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- a. That the property owner acquired the property in good faith, and that by reason of exceptional narrowness, shallowness, size or shape, or exceptional topographic conditions or other extraordinary conditions of the property, or of the use or development of property immediately adjacent to it, the strict application of the terms of this ordinance would unreasonably restrict the use of the property;
 - b. That the strict application of the ordinance would produce undue hardship;
 - c. That the hardship is not generally shared by other properties in the same zoning district and the same vicinity;
 - d. That the board is satisfied, upon the evidence heard by it, the granting of such variance will alleviate a significant demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant;
 - e. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;
 - f. That the condition or situation of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
 - g. That the variance shall be in harmony with the intended spirit and purpose of this ordinance;
 - h. That financial concerns only shall not be considered as a basis for granting a variance; and
 - i. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

Sec. 17.5. Specific conditions for variances in floodplain district.

In passing upon applications for a variance, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this zoning ordinance and the following 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 the floodway district that will cause any increase in flood levels during the 100-year flood.
- b. There is no significant danger that materials may be swept on to other lands or downstream to the injury of others.
- c. The variance will not adversely affect the existing and proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d. The variance will not increase the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on immediate and adjacent owners.
- e. Reserved.
- f. Reserved.
- g. There is no availability of alternative locations not subject to flooding for the proposed use.
- h. The variance is compatible with the proposed use, with existing development and development anticipated in the foreseeable future.
- i. The variance bears a reasonable relationship to the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The variance will not adversely affect the safety of access to the property in time of flood of ordinary and emergency vehicles.

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- k. The variance will not adversely affect the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 - l. Such other factors which are relevant to the purposes of this ordinance in general or this article in particular.
- 17.5-1. The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
- 17.5-2. Variances shall only be issued 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;
 - (d) Creation of nuisances;
 - (e) Cause fraud or victimization of the public; or
 - (f) Conflict with local laws or ordinances.
- 17.5-3. In deciding to grant a variance, the board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of the variance to construct a structure below the 100-year flood elevation:
- (a) Increases risks to life and property; and
 - (b) Will result in increased premium rates for flood insurance.
- 17.5-4. A record of the above notification as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

Sec. 17.6. Nonconforming does not constitute grounds for granting a variance.

No permitted or nonconforming use of neighboring lands, structures or buildings in the same district, or in other districts, shall be considered grounds for the issuance of a variance.

Sec. 17.7. Prohibition of use variances.

Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permitted under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Sec. 17.8. Conditions and restrictions by the board.

The board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in article 18 to reduce or minimize the injurious effect of such variance upon surrounding property and to better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variance. The board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

Sec. 17.9. Variance appeals.

Any person including any agency of the town government aggrieved by a decision of the board on a variance may appeal any decision of the board to the circuit court of the county as provided for in Code of Virginia, § 15.2-2314.

Sec. 17.10. Appeal procedure.

Applicant	Applicant or aggrieved files a notice of appeal with the zoning administrator
Notice of appeal	
Zoning administrator	Zoning administrator refers case to board of zoning appeals
Case	
Board of zoning appeals	Board of zoning appeals publishes notice of public hearing, holds a public hearing and decides the case
Verdict	
Zoning administrator	Zoning administrator takes action appropriate to the outcome of the case (see section 4.7 or 5.4)

ARTICLE 18. BOARD OF ZONING APPEALS

Sec. 18.1. Creation, membership and appointment of the board.

The board of zoning appeals is hereby established which may be referred to in this ordinance as the "board" or "board of zoning appeals." The board shall have jurisdiction within the corporate limits of the town, and it shall consist of five residents of the town, appointed by the circuit court of the county, and who may be nominated by the town council. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the town except that one may be a member of the planning commission.

(Ord. of 9-3-2024, § 18.1)

Sec. 18.2. Terms of office of board members; vacancies; removals.

The members of the board shall serve for a five-year term, except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least 30 days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. A member whose term expires shall continue to serve until his successor is appointed and qualified. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after a hearing held after at least 15 days' notice.

(Ord. of 9-3-2024, § 18.2)

Sec. 18.3. Staff of board and compensation of board members.

Within the limits of funds apportioned by the town council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the town council.

(Ord. of 9-3-2024, § 18.3)

Sec. 18.4. Powers of the board.

The board is hereby vested with the powers to:

- a. Hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in carrying out the administration or enforcement of the ordinance;
- b. Hear and act upon application for variances in accordance with this article to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reason of unique shape, topography or physical features of the lot;
- c. Hear and decide appeals from the decision of the zoning administrator;
- d. Hear and decide applications for interpretation of the district map where there is any certainty as to the location of a district boundary;
- e. Hear and decide all other matters referred to it on which it is required to act under this ordinance;
- f. Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.

(Ord. of 9-3-2024, § 18.4)

Sec. 18.5. Election of officers.

The board shall elect for its members its own chairman, vice-chairman and secretary who shall service [serve] for one year and may, upon election, serve succeeding terms.

(Ord. of 9-3-2024, § 18.5)

Sec. 18.6. Stay of proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent threat to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of record on application and on notice to the zoning administrator and for good cause shown.

(Ord. of 9-3-2024, § 18.6)

Sec. 18.7. Rules and proceedings of the board.

The board shall also adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- a. The presence of a majority of all members of the board shall constitute a quorum.
- b. No action shall be taken by the board on any application for variance until after a public hearing and notice thereof. Notice of public hearing on an application for variance shall be published twice in some newspaper published or having general circulation in the locality, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice. The notice of application for a variance shall specify the time and

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place of hearing at which persons affected may appear and present their views. A written notice of the hearing of an appeal shall be sent by mail to the applicant and all directly affected property owners at least ten days before the hearing of the appeal. The notice to the appellant shall be sent by registered mail.

- c. Appeals to the board may be taken by any person aggrieved or by an officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, or any modification of zoning requirements pursuant to [Code of Virginia,] § 15.2-2286. Such appeal shall be taken within 30 days after the action appealed from by filing with the zoning administrator and with the board a notice of appeal specifying the grounds thereof. The zoning administrator shall then transmit to the planning commission and to the board all the papers constituting the record upon which the action was taken.
- d. The board shall fix a reasonable time for hearing the application or appeal, give public notice thereof as well as notify interested parties and decide the same within 90 days.
- e. The board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to affect any variance from the ordinance.
- f. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board or, in his absence, the vice-chairman may administer oaths and compel.
- g. The board may call upon another officer or agency of the town for information in the performance of its duties, and it shall be the duty of such other agencies to render the information to the board as may be reasonably required.
- h. Any office, agency or department of the town or other aggrieved party may appeal any decision of the board to the circuit court of the county as provided for in Code of Virginia, § 15.2-2314.
- i. In decisions on variance, the board shall indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare."

The board shall state clearly the specific conditions imposed in granting the variance. For variance cases pertaining to hardship, the board shall specifically identify the hardship warranting such action by the board.
- j. At the public hearing before the board, the appellant shall appear in his own behalf or be represented by counsel or agent. If represented by legal counsel, the appellant shall notify the board of such representation no less than 30 days prior to the established meeting date. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
- k. The town planning commission shall be permitted to submit an advisory opinion on any matter before the board, and such opinion shall be made part of the record of the public hearing. The zoning administrator shall provide to the planning commission a copy of all applications for variance and appeal that are filed for hearing before the board of zoning appeals.

(Ord. of 9-3-2024, § 18.7)

Sec. 18.8. Procedure for applications to the board of zoning appeals.

Applicant	Applicant submits application and plans, if applicable, to zoning administrator
Application Zoning administrator	Zoning administrator refers applicant's application and plans, if applicable, to board of zoning appeals and provides a copy to the application to the planning commission
Case Board of zoning appeals	Board of zoning appeals publishes notice of public hearing, holds a public hearing, and decides the applicant's case
Case Zoning administrator	Zoning administrator takes appropriate action (see sections 4.7 and 5.4)

(Ord. of 9-3-2024, § 18.8)

ARTICLE 19. PROCEDURE FOR AMENDMENT

Sec. 19.1. Authority to amend.

The town council may, from time to time, by ordinance amend, supplement or change the regulations, district boundaries or classifications of property. Amendments may be initiated whenever the public necessity, convenience, general welfare or good zoning practice requires it.

Sec. 19.2. Initiation of amendment.

Amendments may be initiated by resolution of the town council, or by motion of the town planning commission or by petition of any property owner addressed to the governing body.

Sec. 19.3. Application for amendment; fee.

An application by an individual for an amendment shall be accompanied by a fee payable to the town and shall also be accompanied by maps, drawings and data necessary to demonstrate that the proposed amendment is in conformance with the comprehensive plan of the town and that public necessity, convenience and general welfare require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.

Sec. 19.4. Review and recommendation by the planning commission.

The planning commission shall review and make recommendations to the town council on all proposed amendments to this ordinance.

Sec. 19.5. Grounds for amendment.

The planning commission, in its review and recommendation, and the town council, in its deliberations, shall make specific findings with regard to the following grounds for an amendment and shall note the findings in the official record as follows:

- a. The amendment is in agreement with the town comprehensive plan;
- b. It has been determined that the legal purposes for which zoning exists are not contravened;
- c. It has been determined that there will not be an adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public welfare;
- d. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Sec. 19.6. Public hearing and notice of hearing.

One joint public hearing or two individual hearings of the planning commission and the town council shall be held on all proposed amendments to this ordinance. Notice of such hearing or hearings shall be published once a week for two successive weeks in a local newspaper of general circulation, not less than six days nor more than 21 days after the second advertisement appears. At least ten days prior to the public hearing, all affected property owners and all adjoining property owners, including those separated by a public way, including those parcels which lie in other localities of the commonwealth, shall be notified by certified mail of the proposed amendment, and the time, date and place of the public hearing. Washington County shall also be notified as an adjoining jurisdiction.

In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment, and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan.

Sec. 19.7. Amendments affecting zoning map.

Upon enactment of an amendment to the zoning map which is part of this ordinance, the zoning administrator shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

Sec. 19.8. Effect of denial of application.

Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for that amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- a. Upon initiation by the planning commission or town council;
- b. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- c. When the previous application was denied for the reason that the proposed zoning would not conform to the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

Sec. 19.9. Amendment procedure.

Amendment	Amendment is initiated by local petition or resolution of town council or planning commission and is submitted to town council
Town council Amendment	Town council refers proposed amendment to planning commission
Planning commission Recommendation	Planning commission submits recommendation to town council

Town council

Town council notifies all affected property owners and publishes notice of joint public hearing of town council and planning commission
Approval Joint public hearing after which town council decides on proposed amendment

ARTICLE 20. DEFINITIONS

Sec. 20.1. General provisions.

The following definitions shall apply for the interpretation of this ordinance. The dictionary definition will apply to all words not defined in this article.

Sec. 20.2. Appurtenant or accessory.

An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same lot, except as provided for under the provisions of accessory off-street parking. This definition does not include "modular homes" or "tiny houses."

When in a special flood hazard area, this term shall be additionally defined as a non-residential structure which does not exceed 600 square feet.

Sec. 20.3. Alley.

A public way intended to provide only secondary vehicular access to abutting properties.

Sec. 20.4. Automotive service.

Establishments with the primary purpose of cleaning, servicing, or repairing motor vehicles.

Sec. 20.5. 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 one percent annual chance flood.

Sec. 20.6. Basement.

Any area of a building having its floor sub-grade (below ground level) on all sides.

Sec. 20.7. Building.

A structure, either temporary or permanent, having a roof or other covering and enclosed on all four sides, and designed or used for the shelter or enclosure of any person, animal or property of any kind, excluding tents, recreational vehicles situated on private property and used for purposes of a building, and portable dog houses.

Sec. 20.8. Building height.

The vertical distance from the highest point on a building or other structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

Sec. 20.9. Bulk.

Describes the size of buildings or other structures, and their relationship to each other, to open areas and to lot lines therefor, including:

- a. The size (including height and floor area) of buildings or other structures;
- b. The area of the lot upon which a residential building is located, and the number of dwelling units within each building in relation to the area of the lot;
- c. The location of exterior walls of buildings or structural beams of other structures in relation to lot lines, to other walls of the same building, or to other structures; and
- d. All open areas relating to buildings or other structures and their relationship thereto.

Sec. 20.10. Clinic.

An establishment where persons are given medical, dental, or surgical treatment by one but not more than four physicians or dentists with no patients lodged overnight. (See section 20.38 for kennels.)

Sec. 20.11. Community education.

Structure or location where knowledge is taught.

Sec. 20.12. Completely enclosed.

Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls.

Sec. 20.13. Conditional use.

A conditional use is a use that would not be appropriate generally or without restriction throughout the district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare. Such uses may be permitted in a district as conditional uses, if specific provisions for such use is made in this ordinance.

Sec. 20.14. Construction sales and service.

Any establishment involved in the sale of materials for construction.

Sec. 20.15. Convenience sales and services.

Any neighborhood retail establishment which caters to the everyday needs of the adjoining residential areas such as small "country" stores offering a variety of goods or services not to exceed 2,500 square feet in floor area.

Sec. 20.16. Curb level.

The mean of the elevations of the side lot lines extended to the street line.

Sec. 20.17. Development.

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, the placement of mobile homes, paving, utilities, filling, grading, excavation, mining, dredging, drilling, or other land disturbing activities or permanent or temporary storage of equipment or materials.

Sec. 20.18. Dwelling, mobile home.

See "Mobile home."

Sec. 20.19. Dwelling, modular home.

See "Modular home."

Sec. 20.20. Dwelling, multifamily.

A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like. For purposes of these regulations, regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental partly on a monthly basis and partly for a shorter time period, but with less than 30 percent of the living units under the same ownership or management on the same lot being occupied on a less-than-monthly basis, shall be considered as a semi-transient residential activity.

Sec. 20.21. Dwelling, single-family detached.

A single-family dwelling entirely separated from structures on adjacent lots.

Sec. 20.22. Dwelling, two-family.

A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Sec. 20.23. Dwelling unit.

A room or rooms connected together, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

Sec. 20.24. Family.

An individual or a group of persons related by blood, marriage, adoption, or in a domestic partnership, living together as a single housekeeping unit.

Sec. 20.25. Financial institution.

Banks, credit unions, and other savings and loan institutions.

Sec. 20.26. Flood or flooding.

A temporary or general condition of partial or complete inundation of normally dry land areas.

Sec. 20.27. Flood, 100-year.

A flood that, on the average, is likely to be equaled or exceeded once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year). Also described as the "base flood."

Sec. 20.28. Floodplain.

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

(As defined by the Damascus Flood Study Map.)

Sec. 20.29. 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.

Sec. 20.30. Floor area.

The total of the gross areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof, but excluding the following:

- a. Areas used for off-street parking spaces or loading berths, driveways and maneuvering aisles relating thereto required in this ordinance.
- b. In the case of nonresidential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used for sales, display, storage, service or production areas.

Sec. 20.31. 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.

Sec. 20.32. General personal service.

Any establishment not involved in the transaction of goods which caters to the needs of individuals (not including massage parlors).

Sec. 20.33. Home occupation.

An occupation conducted in a dwelling unit, or accessory building, provided that:

- a. Only one person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, nonilluminated, and mounted flat against the wall of the principal building;
- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.

Sec. 20.34. Hospital.

An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, and homes for the aged.

Sec. 20.35. Incidental alterations.

Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:

1. Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
2. A minor addition to the exterior of a residential building, such as an open porch;
3. Alterations of interior non-load-bearing partitions in all other types of buildings or other structures; or
4. Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits.

Sec. 20.36. Junkyard.

The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or two or more motor vehicles of any kind which are incapable of being legally operated.

Sec. 20.37. Kennel.

A place prepared to house, board, breed, handle, or otherwise keep or care for animals for sale or in return for compensation.

Sec. 20.38. Landscaping.

The planting and maintenance of trees, shrubs, lawns and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects and similar accessory features may be included as landscaping if integrally designed, and permitted as required.

Sec. 20.39. Library.

A building primarily used to store, and allow access to books, films, maps, recorded music, computers and other educational material.

Sec. 20.40. Lot.

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other spaces as required by this ordinance. A lot shall have frontage on an approved public street and shall either be shown on a plat of record or be considered as a unit of property described by metes and bounds.

Sec. 20.41. Lot area.

The entire area of a lot as defined within this ordinance.

Sec. 20.42. Lot coverage.

That portion of a lot which, when viewed directly from above, would be covered by a building or any part of a structure.

Sec. 20.43. Lot frontage.

The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this ordinance.

Sec. 20.44. Lot line.

A line marking the boundary of a lot.

Sec. 20.45. Lot measures.

- a. Lot depth shall be the average horizontal distance between the front and rear lot lines.
- b. Lot width shall be the average horizontal distance between side lot lines.

Sec. 20.46. Lot of record.

A lot which is part of a subdivision recorded in the clerk's office of the circuit court, or a lot whose existence, location and dimensions have been legally recorded or registered in a deed prior to the enactment of this ordinance.

Sec. 20.47. Lot types.

The diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, through lots and reversed frontage lots:

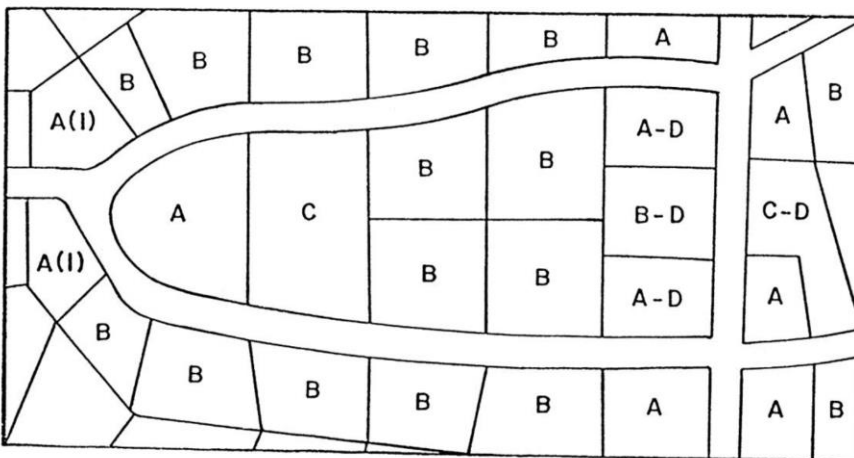
In this diagram:

A = Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees. See lots marked A(1) in the diagram.

B = Interior lot, defined as a lot other than a corner lot with only one frontage on a street.

C = Through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots.

D = Reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).



Reversed Frontage Lot

Sec. 20.48. Manufactured home.

A structure built after June 15, 1976, subject to HUD title 6 federal regulation, transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, mobile homes and other similar vehicles placed on a site for greater than 180 consecutive days.

Sec. 20.49. Manufactured home lot.

A site for the placement of a manufactured home. A manufactured home lot may be formally subdivided into a discrete taxable parcel of land for a permanent structure.

Sec. 20.50. Manufacturing.

The action of or an establishment engaged in the transformation of substances into new products.

Sec. 20.51. Mobile home.

A structure built prior to June 15, 1976, not subject to HUD title 6 federal regulation, transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained within the structure.

Sec. 20.52. Mobile home park.

An area where two or more mobile homes or trailers can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for two or more families.

Sec. 20.53. Mobile home space.

A plot of ground within a mobile home park, designed to accommodate one mobile home, and which has water, sewer and electricity available at the space.

Sec. 20.54. Mobile home stand.

That part of an individual mobile home space which has been reserved for the placement of the mobile home.

Sec. 20.55. Modular home.

A single-family dwelling unit that is constructed to state-wide building code, on or off a frame, basically as a conventionally built wood frame house except it is built at a factory and is transported to the site on which it will be permanently located. Typical characteristics include:

- Often delivered in two or more pieces;
- Typically built on crawlspaces or basements;
- Usually look like traditional stick-built homes in both size and features;

Panelized homes would also fall into this category. This term may also include the term "tiny house" (see section 20.80 [20.77] for tiny house).

Sec. 20.56. Motel, hotel, hostel and lodge.

Shall mean the same as "Transient lodging."

Sec. 20.57. Nonconforming.

- a. Any lawful building or other structure which does not comply with any one or more of the applicable bulk regulations; or
- b. Any lawful use which does not comply with any part or any one or more of the applicable regulations pertaining to:
 - 1. Principal permitted, conditional or accessory uses permitted in the district in which use is located;
 - 2. Sign regulations; or
 - 3. Accessory off-street parking and loading requirements;

either on the effective date of this ordinance or as a result of any subsequent amendment.

Sec. 20.58. Place of worship.

Structure or location where services or rites are held showing reverence for a deity.

Sec. 20.59. Principal activity.

An activity which fulfills a primary function of an establishment, institution, household or other entity.

Sec. 20.60. Principal building.

A building which contains the principal activity or use.

Sec. 20.61. Private recreation facility.

Swimming pools, tennis courts, and other outdoor recreation facilities for use primarily by the lot owner.

Sec. 20.62. Profession (professional office).

The term "profession," as used in this ordinance, is limited in its application to physicians and surgeons, lawyers, members of the clergy, architects, engineers, or other persons holding advanced degrees from institutions of higher learning in the field which they practice. The term is not intended to include insurance agents, insurance adjusters, realtors, photo studios, beauty parlors, barbershops, dance schools, business schools or any persons engaged in sales or trade. In permitting professional office as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations but that only offices occupied by persons engaged in professions, as herein defined, shall be permitted.

Sec. 20.63. Recreational equipment, major.

For purposes of this ordinance, major recreational equipment includes boats and boat trailers, travel trailers, tent trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings such as recreational vehicles commonly called RVs, and the like. Recreational equipment may also be identified as a vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;

-
- c) Designed to be self-propelled or towable; and
 - d) Designed primarily not for use as a permanent dwelling but as temporary living quarters. This term may also include the term "tiny house" (see section 20.77 for tiny house).

Sec. 20.64. Restaurant.

An establishment where food is ordered, prepared and served for pay.

Sec. 20.65. Residence.

A building or part of a building containing one or more dwelling units or rooming units, including single-family or multifamily houses, multiple dwellings, boarding or rooming houses, or apartment hotels.

Sec. 20.66. Retail stores and shops.

Buildings for display and retail sale of merchandise or for the rendering of personal services (but specifically exclusive of coal, wood and lumberyards), such as the following examples: drugstores, newsstands, food stores, candy shops, dry goods and notions stores, antique stores and gift shops.

Sec. 20.67. Semi-transient residential establishment.

An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than 30 percent of the living units under the same ownership or management on the same lot being occupied on a less-than-monthly basis; but excluding institutional living arrangements involving the provision of specific kinds of forced residences, such as nursing homes, orphanages, asylums, and prisons.

Sec. 20.68. Setback line.

A line running parallel to the street which establishes the minimum distance the principal building must be set back from the street line.

Sec. 20.69. Sign.

Any writing (including letter, word, or numeral); pictorial presentation (including illustration, or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which:

- a. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and
- b. Is used to announce, direct attention, or advertise; and
- c. Is visible from outside a building.

Sec. 20.70. Sign, realty.

A sign indicating pertinent information regarding real property for sale, lease or rent.

Sec. 20.71. Sign, residential.

An accessory sign which indicates the name and/or address of the occupant or a permitted home occupation.

Sec. 20.72. Story.

A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- a. A basement or cellar if the finished floor level directly above it is not more than six feet above the average adjoining elevation of finished grade.
- b. An attic or similar space under a gable, hip or gambrel roof, the wall plates or any exterior walls are not more than two feet above the floor of such space.

Sec. 20.73. Street.

A publicly maintained right-of-way which affords a primary means of access to abutting property. The word "street" shall include the words "road," "highway," "thoroughfare" and "alley."

Sec. 20.74. Street line.

The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the edge of the sidewalk farthest from the traveled street shall be considered as the street line.

Sec. 20.75. Structure.

Anything constructed or erected, the use of which requires a location on the ground or attachment to something having a location on the ground. This includes, but is not limited to, buildings, towers, carports, signs, and smokestacks.

Sec. 20.76. Tent.

A portable or collapsible shelter of fabric designed to serve as a temporary dwelling unit.

Sec. 20.77. Tiny house.

A manufactured dwelling unit constructed subject to state-wide building code, built on a permanent chassis, which in the travelling mode or when erected on site is 400 or less square feet, and may be mobile while on wheels or situated upon a temporary or permanent foundation. The term "tiny house" may be defined under the following requirements:

- a) Recreational equipment, major—Tiny house remains in travelling mode, while maintaining fully operational (road-ready) wheels and tires, quick-connect/disconnect utility connections, and unrestricted street access at all times; or
- b) Modular home—Tiny house placed on a temporary or permanent foundation.

The term "tiny house" may also be referred to as a tiny home.

Sec. 20.78. Transient lodgings.

A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge. Such lodgings must have a certificate of occupancy issued by the office of the building inspector.

Sec. 20.79. Travel trailer.

A travel trailer, pickup camper, converted bus, tent trailer, recreational vehicle commonly called an RV, or similar device used for temporary portable housing or a unit which:

- a. Can operate independent of connections to external sewer, water, and electrical systems;
- b. Is identified by the manufacturer as a travel trailer and/or is designed as a travel trailer.

Sec. 20.80. Use.

The purpose for which land or water or a structure thereon is designed, arranged, and intended to be occupied or utilized or for which it is occupied or maintained.

Sec. 20.81. Use and/or occupancy permit.

A written permit issued by the zoning administrator or authorized building inspector, either of which is required before occupying or commencing to use any building or other structure or any lot.

Sec. 20.82. Use, public.

Any use that is under control of a unit of general purpose government or governmental agency.

Sec. 20.83. Use, recreation.

Any use of land or water and facilities provided for the enjoyment of the general public.

Sec. 20.84. Utility facilities.

Any structure involved in the transport of electricity, water, natural gas, sewage or communication.

Sec. 20.85. Wholesale sales.

Any establishment involved with the sale of merchandise to retail establishments.

Sec. 20.86. Yard.

An open space on the same lot with a principal building, open, unoccupied and unobstructed by roofed structures from the ground to the sky except as otherwise provided in this ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang (see article 9). Further defined as follows:

- a) *Yard, front.* The yard area forward of an imaginary line parallel and extending left and right to the side lot lines from the front fascia of the principal building, excluding any porch or staircase. For

determining yard requirements or restrictions, all sides of a lot adjacent to improved streets shall be considered front yard.

- b) *Yard, rear.* The yard area behind an imaginary line parallel to the rear fascia of the principal building and extending left and right to the side lot lines of any lot.
- c) *Yard, side.* The area between the front and rear fascia of the principal building on any lot, excluding the area consisting of the front and rear yard.