Town of Culpeper
Unified Development Ordinance



Approved October 14, 2025
Amended November 13, 2025; July 14, 2026

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27-1.10.1 TITLE

These regulations of this Chapter 27 are officially known as the Unified Development Ordinance (UDO) of the Town of Culpeper. For convenience, it may be referred to herein as the "UDO" or "this ordinance."

27-1.10.2 GENERAL AUTHORITY

This UDO is adopted pursuant to Chapter 22, Title 15.2 of the Code of Virginia, which authorizes local governments in the Commonwealth to enact zoning ordinances and subdivision regulations.

27-1.10.3 EFFECTIVE DATE

The provisions of this UDO become effective on October 14, 2025, except as otherwise expressly stated.

27-1.10.4 APPLICABILITY AND JURISDICTION

The provisions of this UDO apply to the use and development of all public and private lands, buildings, and uses within the incorporated area unless otherwise expressly exempted by a specific provision of this UDO or over which the town has jurisdiction under state and federal law.

27-1.10.5 PURPOSES

This UDO is adopted for the purposes of promoting the public health, safety, and general welfare; accomplishing the objectives set forth in §15.2-2200, §15.2.2240, and §15.2-2283 of the Code of Virginia; and implementing the vision, goals, and strategies of the town's comprehensive plan. Specific purposes to be advanced include:

A. Providing for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
B. Reducing or preventing congestion in the public streets;
C. Facilitating the creation of a convenient, attractive and harmonious community;
D. Facilitating the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
E. Protecting against destruction of or encroachment upon historic areas and working waterfront development areas;
F. Protecting against 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, impounding structure failure, panic or other dangers;
G. Encouraging economic development activities that provide desirable employment and enlarge the tax base;
H. Providing for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
I. Protecting approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
J. Promoting the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the town is situated;
K. Providing reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and
L. Providing reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable;

M. Protecting surface water and groundwater, as defined in §62.1255 of the Code of Virginia, consistent with applicable state water quality standards.

27-1.10.6 COMPREHENSIVE PLAN CONSISTENCY

A. Pursuant to the Code of Virginia, § 15.2-2284, this UDO is intended to implement the vision, goals, strategies, and maps of the town's comprehensive plan and is deemed to be consistent and in accordance with the adopted comprehensive plan.
B. Any amendments to or actions pursuant to this UDO should be consistent with the comprehensive plan.
C. An amendment to the text of this UDO is deemed consistent with and in accordance with the comprehensive plan if it complies with the vision, goals, strategies, and maps set forth in the comprehensive plan. An amendment to the zoning map is consistent with the comprehensive plan if it complies with the vision, goals, strategies, and maps set forth in the comprehensive plan.

27-1.10.7 MINIMUM REQUIREMENTS

A. The regulations of this UDO are the minimum requirements deemed necessary to carry out their stated purpose.
B. In addition to the requirements of this UDO, all uses, buildings and structures must comply with all other applicable codes, laws, and regulations and with decisions made by other governmental or quasi- governmental bodies with jurisdiction.
C. The issuance of any development order pursuant to this UDO does not relieve the recipient of the development order from the responsibility of complying with other town, county, state, or federal laws or regulations.
D. All references in this UDO to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the town to enforce regulations imposed by other authorities.

27-1.10.8 COMPLIANCE REQUIRED

A. All lots created or modified must comply with all applicable provisions of this UDO.
B. Land may not be used for any purpose other than ones that are allowed by the provisions of this UDO.
C. A building or structure may not be erected, located, moved, reconstructed, extended, or structurally altered except as allowed by this UDO.
D. Buildings, structures, and land may be used and occupied only in compliance with the provisions of this UDO.

27-1.10.9 CONFLICTING PROVISIONS

A. Code of Virginia. If the provisions of this UDO conflict with the provisions in the Code of Virginia, the Code of Virginia governs. Nothing in this UDO supersedes the Code of Virginia.
B. Other Town Regulations. If the provisions of this UDO are inconsistent with one another or if they conflict with provisions found in other adopted codes or regulations of the town, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.
C. Private Agreements and Restrictions. The regulations of this UDO are not intended to abrogate or annul any easements, covenants, or other agreements between private parties.
D. Text and Illustrations. In case of any difference of meaning or implication between the text of this UDO and any heading, drawing, table, figure, or illustration, the text governs.

27-1.10.10 DELEGATION OF AUTHORITY

Whenever a provision of this UDO requires the head of a department or another officer or employee to perform an act or duty, that provision is to be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this UDO expressly prohibit such delegation.

27-1.10.11 SEVERABILITY

A. It is the intent of the town council that the provisions of this UDO be liberally construed to carry out its stated purposes and to avoid conflict with the Code of Virginia and any other limitations imposed by law.

B. If one or more provisions of this UDO, or the application of this UDO to specific properties is held by a court of competent jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable provisions of the Code of Virginia or federal law or regulations, such provisions are deemed to be severed from this UDO. Remaining provisions remain in full force and effect.

C. If any requirement or condition attached to an approval given under this UDO is found to be invalid by a court of competent jurisdiction, it will be presumed that the approval would not have been given without the requirement or condition and, therefore, the subject approval will also be deemed invalid.

27-1.20 Zoning Map

27-1.20.1 ESTABLISHMENT

The location and boundaries of the zones established under this UDO are shown on the maps derived from digital source files maintained by the town, which constitutes the official zoning under this UDO. The zoning map may be amended only in accordance with the applicable zoning map amendment procedures of 27-12.40.

27-1.20.2 INCORPORATED BY REFERENCE

The zoning map, including all digital source files, notations, dimensions, designations, and notes shown on the map, is incorporated as an integral part of this UDO by reference and made part of this ordinance.

27-1.20.3 INTERPRETATION

If the street or lot layout actually on the ground, or as recorded, differs from the street or lot lines as shown on the zoning map, the Zoning Administrator is authorized to interpret the map in a way that will best carry out the purposes and intent of this UDO for the subject area or zone.

27-1.20.4 SPLIT-ZONED PARCELS

A. The zoning map should not be amended to classify a single parcel into 2 or more base zones.

B. No new parcel should be created, whether by division or combination of multiple parcels, that would result in a split-zoned parcel. Approval of a zoning map amendment (rezoning) classifying any proposed new parcel or parcels must be approved before the parcel is created.

27-1.20.5 ZONING OF ADDED TERRITORY

Any property coming into the town's territorial jurisdiction by annexation, boundary line adjustment, or other means must immediately be temporarily classified in the town zoning classification corresponding to the subject property's county zoning classification (as shown in Table 27-1.20.5) until a permanent zoning plan for the area has been adopted by the town council. The planning commission must prepare and present to the town council a proposed permanent zoning plan for the added territory within 6 months of the date that the property is added to the town's jurisdiction.

Table 27-1.20.5				
COUNTY ZONING	TEMPORARY TOWN ZONING		COUNTY ZONING	TEMPORARY TOWN ZONING
A-1 Agricultural	RR Residential Rural		CC Convenience Commercial	C Commercial
RA Rural Area	RR Residential Rural		VC Village Center Commercial	C Commercial
RR Rural Residential	RR Residential Rural		CS Commercial Services	C Commercial
R-1 Residential	RS Residential Suburban		LI Light Industrial	I Industrial
R-2 Residential	RS Residential Suburban		HI Heavy Industrial	I Industrial
R-3 Residential	RT Residential Traditional		PUD Planned Unit Development	PUD Planned Unit Development
R-4 Residential	RT Residential Traditional		PBD Planned Business District	PUD Planned Unit Development

27-1.30 Transitional Provisions

27-1.30.1 Vested Rights

Nothing in this UDO is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable laws, provided such rights are lawfully established and remain in effect.

27-1.30.2 Violations Continue

The adoption of this UDO does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning and subdivision regulations that occurred before the effective date specified in 27-1.10.3.

27-1.30.3 Applications in Progress Before Effective Date

Zoning and subdivision applications that were submitted in complete form and are pending approval on the effective date specified in 27-1.10.3 must be reviewed wholly under the terms of the zoning and subdivision regulations in effect immediately before the effective date specified in 27-1.10.3 unless the applicant elects to withdraw the application and resubmit the application for review and approval under this UDO.

27-1.30.4 Permits Issued Before Effective Date

Any building, development or structure for which a zoning permit was issued before the effective date specified in 27-1.10.3 may be completed in conformance with the issued zoning permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this UDO. If development is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then for any subsequent submissions, the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this UDO.

27-1.30.5 Approved Conditional Zoning Districts

Property subject to a zoning classification approved subject to proffers before the effective date specified in 27-1.10.3 will continue to be subject to the approved conditional rezoning and proffers unless the town council amends the zoning classification of the subject property.

27-1.30.6 Nonconformities

If any lawfully established use, structure, lot, sign, or site feature legally does not comply with the regulations of this UDO, the use, structure, lot, sign, or site feature is considered nonconforming and is subject to compliance with the provisions of 27-14.

27-2. Zoning Districts & Building Types

27-2.10	Residential Zones
27-2.20	Mixed Use and Non-Residential Zones
27-2.25	Planned Unit Development
27-2.30	Allowed Building Types
27-2.40	Allowed Uses
27-2.50	Applicable to All Building Types
27-2.60	Other Applicable Articles
27-2.100	Detached House
27-2.110	Semi-Detached House
27-2.120	Two-Unit House (Duplex)
27-2.130	Attached House (Townhouse)
27-2.200	Storefront Building
27-2.210	Commercial House Building
27-2.220	Commercial Center Building
27-2.230	General Building
27-2.240	Row Building
27-2.250	Traditional House Building
27-2.260	Workshop-Warehouse Building
27-2.270	Civic Building

27-2.10 Residential Zones

27-2.10.1 Zones Established

The town's single family residential "R" zones are as follows: Residential Rural (RR); Residential Suburban (RS); and Residential Traditional (RT). When this UDO refers to "residential" zones or "R" zones, it is referring to these zones.

27-2.10.2 Zone Descriptions

A. RR, Rural Residential. The RR zone is primarily intended to accommodate rural, large lots transitioning to suburban or traditional residential.

B. RS, Residential Suburban. The RS zone is primarily intended to accommodate detached and semi- detached houses in a more suburban context.

C. RT, Residential Traditional. The RT zone is primarily intended to accommodate detached houses, semi-detached houses, two-unit houses, and attached houses in a more traditional neighborhood context.

27-2.20 Mixed Use and Non-Residential Zones

27-2.20.1 Zones Established

The town's mixed use and non-residential zones are as follows: Residential Mixed Use (RX); Downtown Mixed Use (MX); Neighborhood Commercial Mixed Use (NX); Commercial (C); Industrial (I); and Parks & Open Space (P). When this UDO refers to "mixed-use" zones or "X" zones, it is referring to all of these zones.

27-2-20.2 Zone Descriptions

A. RX, Residential Mixed Use. Residential neighborhoods with a mix of housing types ranging from detached houses to apartment buildings.

B. MX, Downtown Mixed Use. Mixed residential and commercial intended for walkable storefronts that provide shopping and services with upper story uses that include residences and offices.

C. NX, Neighborhood Commercial Mixed Use. Mixed residential, office, low intensity commercial and production uses.

D. C, Commercial. General commercial operations located mostly on vehicle arteries outside of the downtown.

E. I, Industrial. Industrial or heavy commercial operations that may create some nuisance to surrounding properties and require additional mitigation.

F. P, Parks and Open Space. Parks and other types of open space or natural areas, publicly or privately held.

27-2.25 Planned Unit Development (PUD)

27-2.25.1 Intent

The PUD (Planned Unit Development) zone is intended to accommodate development that (1) would be difficult if not impossible to carry out under otherwise applicable zoning regulations and (2) offer greater public benefits than development carried out in accordance with otherwise applicable UDO regulations. PUDs are also intended to be consistent with the comprehensive plan and compatible with surrounding development. PUD zoning is not intended to be utilized when the proposed development could be accomplished in an existing zone.

27-2.25.2 Unified Control

No application for PUD zoning approval will be accepted or approved unless all the property included in the application is under unified ownership or a single entity's control.

27-2.25.3 Other Regulations

PUDs are subject to all regulations of this UDO as well as the Facilities Standards Manual, unless expressly approved at the time of PUD (development plan) approval.

27-2.25.4 Uses and Building Types

The PUD development plan must designate areas designated for residential, commercial and/or mixed uses. Allowed uses and building types shall be defined for each area of the planned unit development.

27-2.25.4 Density

Densities and intensities for the development as a whole shall be in accordance with the comprehensive plan future land use classification, but the approved PUD development may increase densities and intensities in some areas in order to provide for additional open space, recreational areas, or historic preservation.

27-2.25.5 Site Planning

Site planning within the PUD shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences from within the development. All development within this district shall follow the following design guidelines:

A. The development shall be consistent with the comprehensive plan.
B. The developer may proffer a written design standard which may include provisions for architectural style and features, the appropriate relation of space inside and outside buildings for intended uses and structural features, and for preservation of desirable natural features.
C. The development shall provide for safe and convenient streets to dwelling units and general facilities. Streets shall be laid out in order to encourage safe pedestrian, cycling, and vehicular access.

27-2.30 Allowed Building Types

Unless otherwise expressly stated, all buildings must comply with the building regulations that apply to a building type allowed in the subject zone. All buildings must be of permanent construction without a chassis,

hitch, wheels, or other features that would make the structure mobile, except temporary structures as allowed in 27-7.200. A manufactured home that has been (i) converted to real property in accordance with the Code of Virginia § 46.2-653.1, (ii) constructed so that the certificate of occupancy is issued within five years following the date of manufacturer listed on the home's data plate, and (iii) placed on an individual lot, is permitted as a detached house building type.

Table 27-2.30. Building Types Allowed by Zone

Building Types	RR	RS	RT	RX	MX	NX	C	I	P	Reference
Detached House	P	P	P	P	-	-	-	-	-	27-2.100
Semi-Detached House	-	C	P	P	-	-	-	-	-	27-2.110
Two-Unit House (Duplex)	-	-	P	P	-	P	-	-	-	27-2.120
Attached House (Townhouse)	-	-	C	P	-	P	-	-	-	27.2-130
Storefront Building	-	-	-	-	P	P	P	-	-	27.2-200
Commercial House	-	-	-	-	-	P	-	-	-	27.2-210
Commercial Center	-	-	-	-	-	P	P	P	-	27.2-220
General Building	-	-	-	P	-	P	P	P	-	27.2-230
Row Building	-	-	-	P	-	P	P	P	-	27.2-240
Traditional House Building	-	-	-	P	-	P	-	-	-	27.2-250
Workshop-Warehouse	-	-	-	-	-	-	-	P	-	27.2-260
Civic Building	P	P	P	P	P	P	P	P	P	27.2-270

KEY: P = Permitted C = Conditional Use Permit - = Not Permitted

27-2.30.1 Existing Buildings

See 27-14 for buildings constructed and lots established prior to the adoption of these regulations that do not conform to these regulations.

27-2.30.2 Selecting a Building Type

For expansions and renovations to buildings existing on the effective date of this ordinance, the Zoning Administrator must approve the selection of a building type allowed in the zone within which the building is located. Refer to Table 27-2.30.

27-2.30.3 Accessory Structure Regulations

Except as defined in the building type regulations, accessory structures are subject to the regulations of 27-7.

27-2.30.4 Exemptions

Where the principal use on the lot is primarily outdoors, building type regulations may be exempted as follows:

A. Applicable Uses. Parks and open space uses (defined in 27-6.60.5) are exempted from building type regulations.

B. Principal Buildings. Any principal use buildings must comply with the building regulations that apply to a building type allowed in the subject zone, except any minimum primary street building frontage.

C. Rear Yards without a Principal Building. The rear yard location for parking and accessory structures to the principal use (e.g. a restroom structure is accessory to a principal outdoor recreation use) must be determined by the Zoning Administrator.

D. Side and Rear Setbacks Apply. Side and rear setback regulations of any allowed building type must be used for all structures.

Where there is a utility and service use proposed that is primarily outdoors in a mixed-use or non-residential zone, building type regulations may be exempted as follows:

E. Utility and service uses per 27-6.60.7 are exempted from building type regulations.

Where there is a utility and service use proposed in a residential zone, building type regulations may be exempted as follows:

F. Utility and service uses per 27-6.60.7 must comply with minimum front, side, and rear setbacks and height limits of any house type allowed in the zone. In the event that they are not able to comply with those requirements, a conditional use permit may be requested to allow for deviations from the setbacks and height limitations for these utility and service uses only.

27-2.40 Allowed Uses

Uses are allowed in residential, mixed-use and commercial zones in accordance with the use regulations of 27-6. Some building types have additional limitations on permitted uses as required by the building type regulations.

27-2.50 Applicable to All Building Types

The regulations of this subsection apply to all building types, unless otherwise stated.

27-2-50.1 Primary Frontages

Primary frontages generally establish the fronts of lots and buildings, and determine where to locate the principal entrance to the building. Per the building type regulations, primary frontages require the highest level of facade treatment and may restrict the location of parking, driveways, and garage entrances.

A. Primary frontages are generally defined by the street from which access to the property is gained, and civic or open space. Lots may have multiple primary frontages as designated below or by the Zoning Administrator. For different lot types, the frontage shall be defined as follows:

i. Lots that Front on One or No Streets. All lots must treat at least one frontage as a primary frontage. If no street abuts the lot, the Zoning Administrator will designate the frontage(s) to be treated as primary.

ii. Through-Lots with Two Primary Frontages. Where a parcel extends from one street through the block to another street, two primary frontages exist. In residential zones, the Zoning Administrator will designate one frontage to be treated as primary based upon the location of front entrances on abutting and adjacent lots. In mixed use and non-residential zones, the building's supplemental regulations may permit alternative treatments.

iii. Intersecting Streets. Where two or more streets intersect at a lot, the street with more existing primary frontage treatments, or as determined by the Zoning Administrator, may be treated as the primary frontage of the lot. Primary frontage treatments include such items as front/primary facades and front entrances, not including entrances to parking areas or garages.

iv. Lots with Civic or Open Space Frontage. Lots containing or abutting civic spaces or public open spaces may be required to treat frontages abutting that space as primary frontages as determined by the Zoning Administrator.

B. Non-Primary Frontages. Non-primary frontages, as determined by the Zoning Administrator, allow for a lower level of facade treatment as well as locations of driveways, parking areas, and garage entrances. Non-primary frontages may always be treated at the higher level of a primary frontage.

27-2.50.2 Number of Principal Buildings

Except as defined in the building type regulations, only one principal building is allowed per lot in residential zones. Mixed use and non-residential zones may have multiple principal buildings, however, all principal buildings must comply with the building regulations that apply to a building type permitted in the subject zone.

27-2.50.3 Treatment of Yards

All yards should consist of some combination of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. See 27-4 for landscape regulations.

A. Parking Locations. Paved vehicular areas (parking lots, loading areas, drives) must be sited in accordance with the building type regulations of 27-2.

B. Side Yard Parking Lots. Some zones permit side yard parking lots. Side yard parking lots must not encroach into the front yard and minimum side setback, except as otherwise expressly stated.

C. Driveways Crossing Yards. Paved vehicular areas are limited to specific locations per the applicable zone site and structure regulations. Driveways may cross through yards as follows:
   1) Where permitted as access to the lot, driveways may cross perpendicularly through the primary or non-primary street yards, except as otherwise expressly stated.
   2) In all NX, RX, and MX zones, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.

27-2.50.4 Recycling and Refuse Locations

Unless otherwise defined by the building type, all recycling and refuse storage areas for buildings must comply with the regulations of this subsection, the Facilities Standards Manual, and any other town regulations.

Recycling does not include any donation collections containers for clothing or goods. See 27-7.200 and 27-5.10.3 for donation collection containers.

A. Rear Yard. All recycling and refuse storage areas must be located in the rear yard of the lot.

B. Other Yards. When no rear yard exists or when the rear yard is less than 5 ft. in depth, recycling and refuse storage areas may be located in the rear portion of an interior side yard.

C. Interior Location Access Doors. Recycling and refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may be located off a non-primary street facade if the Zoning Administrator determines no other option exists. Access doors must be opaque, screening a minimum of 80% of the opening.

D. Truck Maneuvering. The design vehicle for picking up and hauling recycling and refuse from any site must be able to safely access and maneuver the containers. The drive path must be shown on all submittals.

E. Screening. See 27-4.130 for required screening of trash, recycling, and other refuse areas.

27-2.60 Other Applicable Articles

The following other articles are applicable.

27-2.60.1 Building Design

See Article 27-3 for design regulations applicable to all building types. These provisions address such features as building materials, windows, roof types, and balcony design.

27-2.60.2 Site Design

See Article 27-4 for site design regulations applicable to all building types. These provisions address such features as landscape, fencing, sight distance at intersections, and other site features.

27-2.60.3 Measurements and Definitions

See Article 27-15 for definitions and how to measure certain building regulations.

27-2.60.4 Accessory Uses and Structures

See Article 27-7.

27-2.60.5 Parking

See Article 27-5.

27-2.60.6 Signs

See Article 27-8.

27-2.60.7 Flood Hazard Areas

See Article 27-10.

27-2.60.8 Watershed Protection Overlay

See Article 27-9.20.

27-2.60.9 Historic District Overlay

See Article 27-9.10.

27-2.60.10 Utilities

See Chapter 24 of the Town Code and the town's Facilities Standards Manuals for all utility requirements.

27-2.100 Detached House

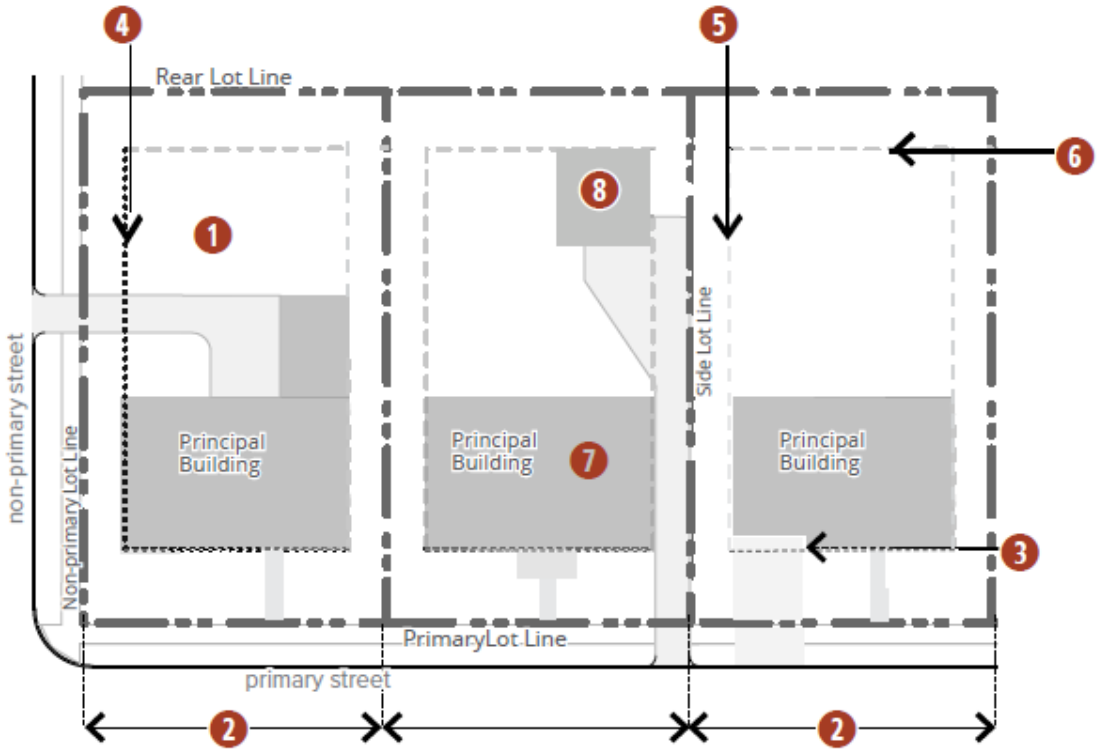
27-2.100.1 Description

A detached house is a residential building, other than a mobile home, that contains only one dwelling unit and is located on a single lot not occupied by other principal buildings.

27-2.100.2 Regulations

Detached houses are subject to the regulations set forth in 27-2.50 as applicable. See 27-15.20 for rules governing how compliance with building location and height regulation is determined.

Figure 27-2.100.3 Detached House Building Siting



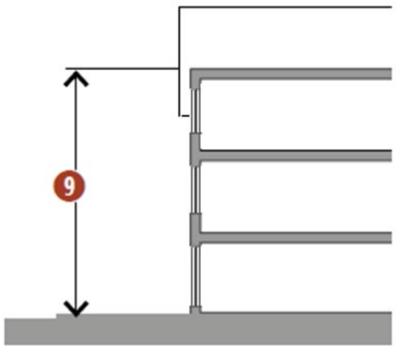


Figure 27-2.100.5 Detached House Building Height

Table 27-2.100.3 Detached House Building Siting						
		Zones				Additional/References
		RR	RS	RT	RX	
1	Lot Area	1 acre min.	10,000 sq. ft. min.	10,000 sq. ft. min.	10,000 sq. ft. min.	
2	Lot Width	150 ft. min.	80 ft. min.	80 ft. min.	80 ft. min.	
3	Primary Street Setback	60 ft.	10 ft.	10 ft.	10 ft.	Contextual setback regulations apply per 27-15.20.7, as well as information governing encroachments and measuring setbacks.
4	Non-Primary Street Setback	60 ft.	15 ft.	15 ft.	15 ft.	
5	Side Setback	25 ft.	10 ft.	10 ft.	10 ft.	
6	Rear Setback	40 ft.	25 ft.	25 ft.	25 ft.	
7	Lot Coverage	65% max.	65% max.	65% max.	65% max.	See 27-15.20.8 for measuring lot coverage

Table 27-2.100.4 Accessory Structures						
		Zones				Additional/References
		RR	RS	RT	RX	
	Backyard Cottage	Permitted	Permitted	Permitted	Permitted	See 27-7 for additional regulations governing accessory uses and structures
8	Backyard Cottage Location	Rear yard	Rear yard	Rear yard	Rear yard	
	Backyard Cottage Street-Side Setback	Same as principal building				
	Backyard Cottage Non-Street Setback	25 ft.	10 ft.	10 ft.	10 ft.	
	Outbuildings	Permitted	Permitted	Permitted	Permitted	
8	Outbuilding Location	Not in front yard				
	Outbuilding Street-Side Setback	Same as principal building				

	Outbuilding Non-Street Setback	2 ft.	2 ft.	2 ft.	2 ft.	

Table 27-2.100.5 Height						
		Zones				Additional/References
		RR	RS	RT	RX	
9	Height	3 stories	3 stories	3 stories	3 stories	See 27-15.20.10 for measuring heights

27-2.110 Semi-Detached House

27-2.110.1 Description

A semi-detached house is a residential building occupied by 2 dwelling units, each of which is located on its own lot with a common or abutting living space wall along the dwelling units' shared lot line. Each dwelling unit has its own external entrance.

27-2.110.2 Regulations

Semi-detached houses are subject to the regulations set forth in 27-2.50 as applicable. See 27-15.20 for rules governing how compliance with building location and height regulation is determined. Semi-detached houses in the Residential Suburban (RS) District require a Conditional Use Permit.

Figure 27-2.110.3 Semi-Detached House Building Siting

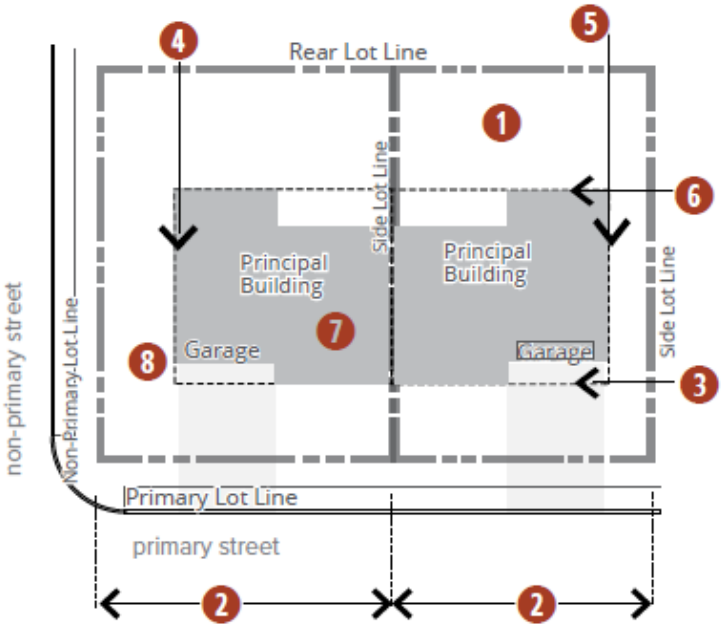


Figure 27-2.110.5 Semi-Detached Building Height

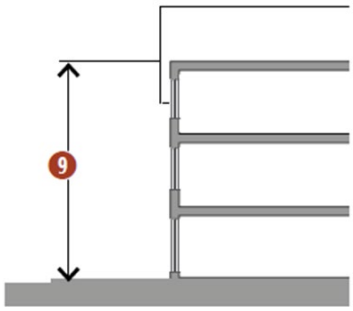


Table 27-2.110.3 Semi-Detached House Building Siting					
		Zones			Additional/References
		RS	RT	RX	
1	Lot Area	10,000 sq. ft. min.	10,000 sq. ft. min.	10,000 sq. ft. min.	
2	Lot Width	80 ft. min.	80 ft. min.	80 ft. min.	
3	Primary Street Setback	10 ft.	10 ft.	10 ft.	Contextual setback regulations apply per 27-15.20.7. as well as information governing encroachments and measuring setbacks.
4	Non-Primary Street Setback	15 ft.	15 ft.	15 ft.	
5	Side Setback	10 ft.	10 ft.	10 ft.	
6	Rear Setback	25 ft.	25 ft.	25 ft.	
7	Lot Coverage	65% max.	65% max.	65% max.	See 27-15.20.8 for measuring lot coverage
8	Garage on Front Facade	Max. 50% of front façade; located a min. of 5 ft. behind front door; may not be located next to another garage door on the façade unless utilizing a shared driveway			

Table 27-2.110.4 Accessory Structures					
		Zones			Additional/References
		RS	RT	RX	
	Backyard Cottage	Permitted	Permitted	Permitted	See 27-7 for additional regulations governing accessory uses and structures
	Backyard Cottage Location	Rear yard	Rear yard	Rear yard	
	Backyard Cottage Street-Side Setback	Same as principal building			
	Backyard Cottage Non-Street Setback	10 ft.	10 ft.	10 ft.	
	Outbuildings	Permitted	Permitted	Permitted	
	Outbuilding Location	Not in front yard	Not in front yard	Not in front yard	
	Outbuilding Street-Side Setback	Same as principal building			
	Outbuilding Non-Street Setback	2 ft.	2 ft.	2 ft.	

Table 27-2.110.5 Height					
		Zones			Additional/References
		RS	RT	RX	
9	Height	3 stories	3 stories	3 stories	See 27-15.20.10 for measuring heights

27-2.120 Two-Unit House (Duplex)

27-2.120.1 Description

A two-unit house is a residential building with two (2) dwelling units within the building and the building located on a single lot. The units may be side-by-side, front and back, or stacked, one above the other.

27-2.120.2 Regulations

Two-unit houses are subject to the regulations set forth in 27-2.50 as applicable. See 27-15.20 for rules governing how compliance with building location and height regulation is determined. Two-unit houses may not have multiple driveways or curbcuts.

Figure 27-2.120.3 Two-Unit House Building Siting

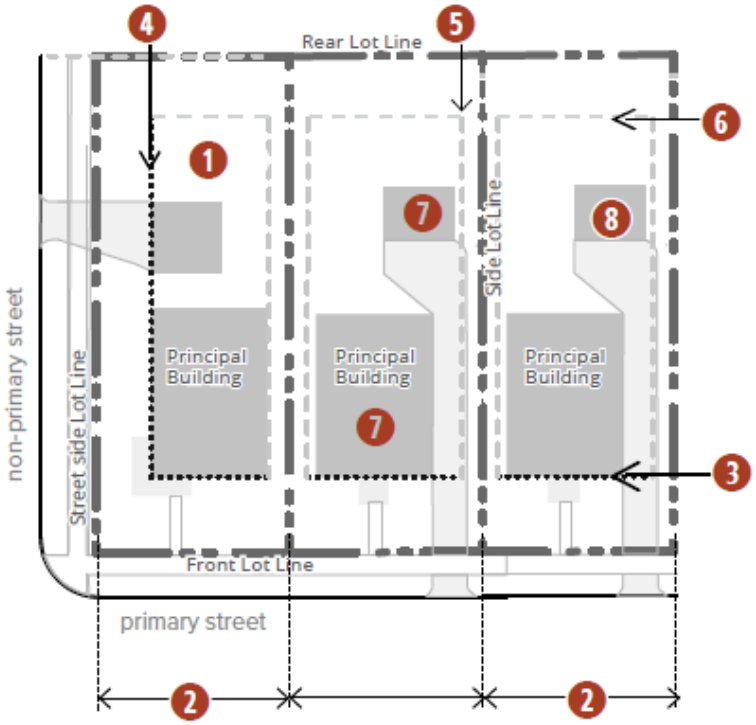


Figure 27-2.120.5 Two-Unit House Building Height

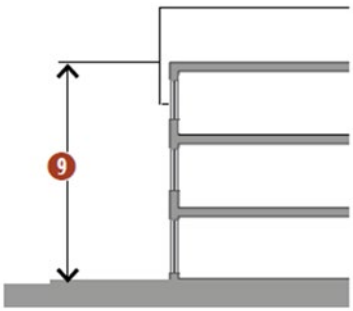


Table 27-2.120.3 Two-Unit House Building Siting					
		Zones			Additional/References
		RT	RX	NX	
1	Lot Area	10,000 sq. ft. min.	10,000 sq. ft. min.	10,000 sq. ft. min.	
2	Lot Width	80 ft. min.	80 ft. min.	80 ft. min.	
3	Primary Street Setback	10 ft.	10 ft.	10 ft.	Contextual setback regulations apply per 27-15.20.7. as well as information governing encroachments and measuring setbacks.
4	Non-Primary Street Setback	15 ft.	15 ft.	15 ft.	
5	Side Setback	10 ft.	10 ft.	10 ft.	
6	Rear Setback	25 ft.	25 ft.	25 ft.	
7	Lot Coverage	65% max.	65% max.	65% max.	See 27-15.20.8 for measuring lot coverage

Table 27-2.120.4 Accessory Structures					
		Zones			Additional/References
		RT	RX	NX	
	Backyard Cottage	Permitted	Permitted	Permitted	See 27-7 for additional regulations governing accessory uses and structures
8	Backyard Cottage Location	Rear yard	Rear yard	Rear yard	
	Backyard Cottage Street-Side Setback	Same as principal building	Same as principal building	Same as principal building	
	Backyard Cottage Non-Street Setback	10 ft.	10 ft.	10 ft.	
	Outbuildings	Permitted	Permitted	Permitted	
8	Outbuilding Location	Not in front yard	Not in front yard	Not in front yard	
	Outbuilding Street-Side Setback	Same as principal building	Same as principal building	Same as principal building	
	Outbuilding Non-Street Setback	2 ft.	2 ft.	2 ft.	

Table 27-2.120.5 Height					
		Zones			Additional/References
		RT	RX	NX	
9	Height	3 stories	3 stories	3 stories	See 27-15.20.10 for measuring heights

27-2.130 Attached House (Townhouse)

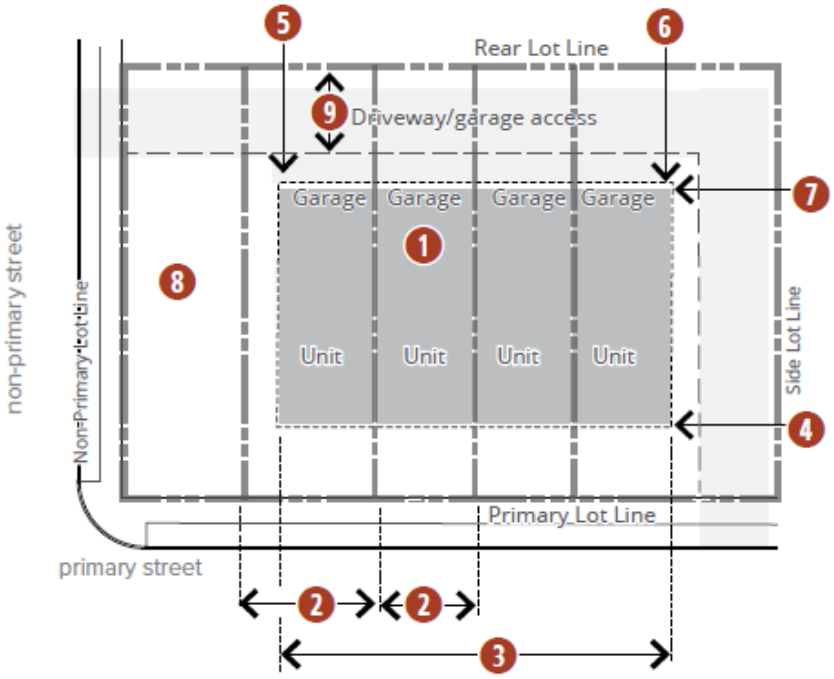
27-2.130.1 Description

An attached house is a residential building occupied by multiple dwelling units, each of which is located on its own lot with a common or abutting wall along the dwelling units' shared lot line. Each dwelling unit has its own external entrance.

27-2.130.2 Regulations

Attached houses are subject to the regulations set forth in 27-2.50 as applicable. See 27-15.20 for rules governing how compliance with building location and height regulation is determined. Attached houses in the Residential Traditional (RT) District require a Conditional Use Permit.

Figure 27-2.130.3 Attached House Building Siting



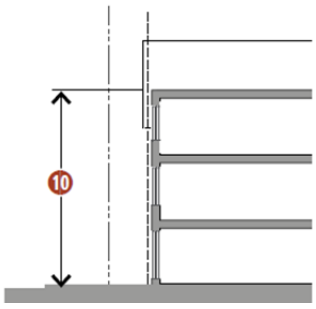


Figure 27-2.130.5 Attached House Building Height

Table 27-2.130.3 Attached House Building Siting					
		Zones			Additional/References
		RT	RX	NX	
1	Lot Area	2,000 sq. ft. min.	2,000 sq. ft. min.	2,000 sq. ft. min.	
2	Lot Width	20 ft. min., 30 ft. min. for end unit lots	20 ft. min., 30 ft. min. for end unit lots	20 ft. min., 30 ft. min. for end unit lots	
3	Façade Width per Frontage (# of units)	3 units min., 8 units max.	3 units min., 8 units max.	3 units min., 8 units max.	
4	Primary Street Setback	10 ft.	10 ft.	10 ft.	Contextual setback regulations apply per 27-15.20.7. as well as information governing encroachments and measuring setbacks.
5	Non-Primary Street Setback	10 ft.	10 ft.	10 ft.	
6	Side Setback	0 ft. between units, 10 ft. for end unit lots	0 ft. between units, 10 ft. for end unit lots	0 ft. between units, 10 ft. for end unit lots	
7	Rear Setback	20 ft.	20 ft.	20 ft.	
8	Common Usable Open Space	1,000 sq. ft. min. per unit or 20% of entire development lot, connected via pedestrian access within 500 ft. of each unit			See 27-4 for landscape regulations

Table 27-2.130.4 Access & Accessory Structures					
		Zones			Additional/References
		RT	RX	NX	
9	Individual Driveway Access	Not permitted on public street	Not permitted on public street	Not permitted on public street	Driveway access easement required between units when garage access located on the rear
	Backyard Cottage	Not Permitted	Not Permitted	Not Permitted	See 27-7 for additional regulations governing accessory uses and structures
	Outbuildings	Permitted	Permitted	Permitted	
	Outbuilding Location	Rear yard	Rear yard	Rear yard	
	Outbuilding Street-Side Setback	Same as principal building	Same as principal building	Same as principal building	
	Outbuilding Non-Street Setback	2 ft.	2 ft.	2 ft.	

Table 27-2.130.5 Height					
		Zones			Additional/References
		RT	RX	NX	
10	Height	3 stories	3 stories	3 stories	See 27-15.20.10 for measuring heights

27-2.200 Storefront Building

27-2.200.1 Description

The Storefront building type is intended for use in the downtown, along corridors, and at neighborhood nodes, accommodating shopping, services, and eating establishments in a mixed-use building. Oriented to the street with narrow or no side setbacks, this building type is highly accessible to the pedestrian. Ground story storefront glass, entrances along the sidewalk, and windows in upper stories facing the street make these buildings interesting and inviting to pedestrians. Parking, where provided, is located in the rear yard.

27-2.200.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.200.3 Storefront Building Siting

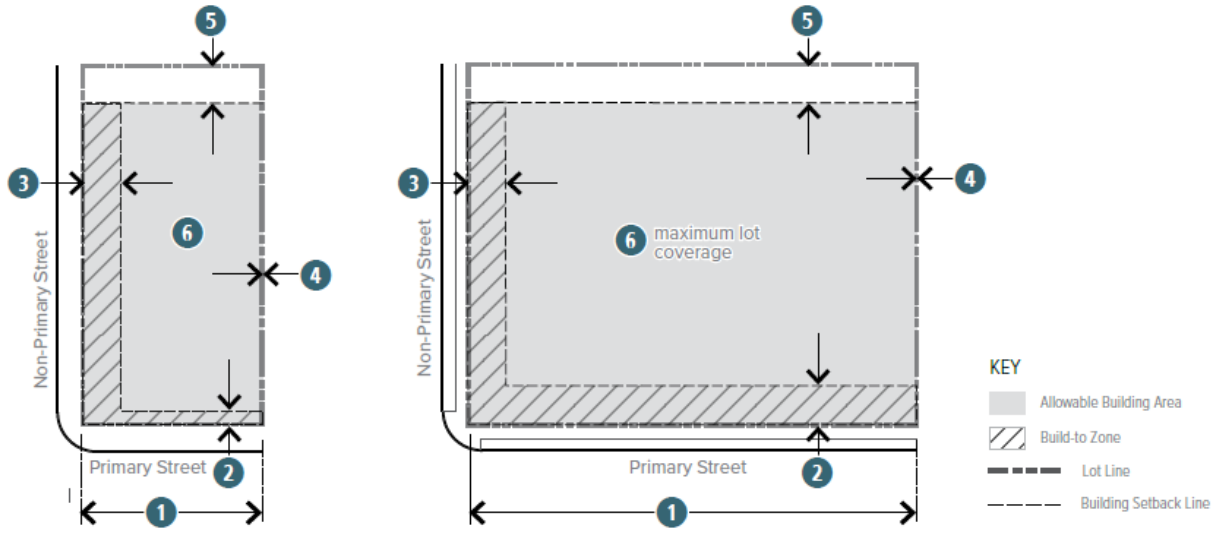


Table 27-2.200.3 Storefront Building Siting

		Zones			Additional/References
		MX	NX	C	
1	Primary Street Building Frontage	90% min.	75% min.	60% min.	See courtyard, outdoor dining allowances per 27-2.200.8.A. Minimum pedestrian area required per 27-2.200.8.B.
2	Primary Street Build-to Zone	0-5 ft.	7.5-30 ft.	7.5-30 ft.	
3	Non-Primary Street Build-to Zone	0-15 ft.	7.5-30 ft.	7.5-30 ft.	
4	Side Setback (Non-Street)	0 ft.	10 ft., 25 ft. abutting residential zone	10 ft., 25 ft. abutting residential zone	Buffer required adjacent to residential zones per 27-2.200.8.G.
5	Rear Setback	0 ft. if alley, 10 ft.	25 ft.	25 ft.	
6	Lot Coverage	No max.	90% max.	75% max.	See 27-15.20.8 for measuring lot coverage

Figure 27-2.200.4 Storefront Building Parking Siting

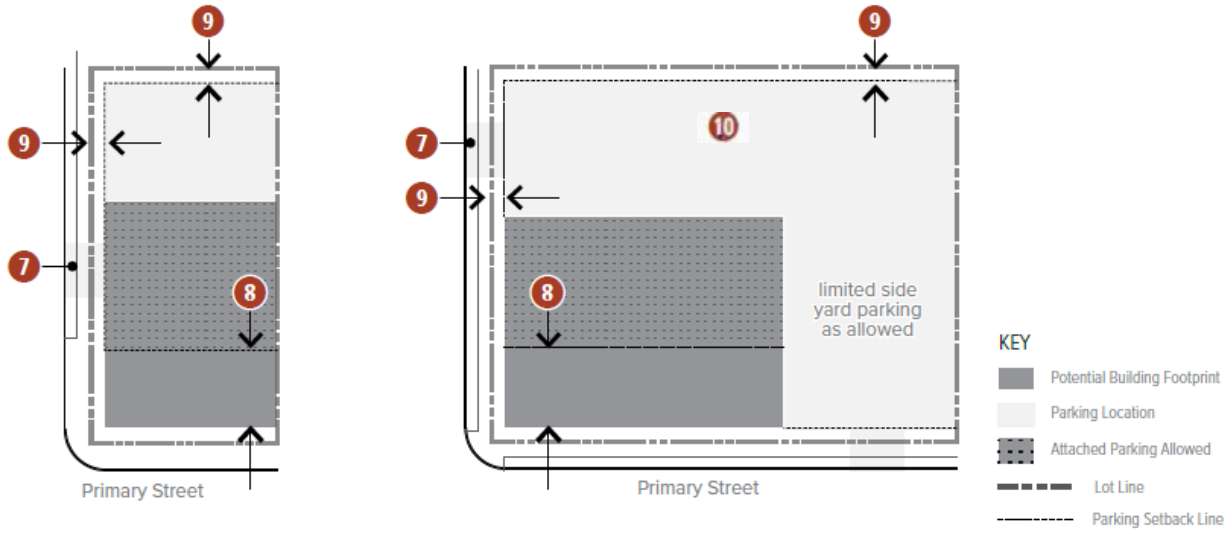


Table 27-2.200.4 Parking & Accessory Structures					
		Zones			Additional/References
		MX	NX	C	
7	Parking & Driveway Access Location	Off alley or non-primary street; if no alley or non-primary street exists or is planned, off primary street is allowed with max. 22 ft. width at sidewalk without median; max. 1 access per development per street – should be shared where possible			
8	Attached Garage Setback	30 ft. behind primary façade for ground floor and above			
	Attached Garage Door Location	Rear, side, non-primary street façade			
9	Surface Parking Location	Rear yard	Rear yard, limited side yard	Rear yard, limited side yard	See 27-4.100 & 27-4.110 for required landscaping and buffers. Limited side yard parking per 27-2.200.8.E.
	Street Setback	No closer to lot line than principal building			
	Non-Street Setback	3 ft.	3 ft.	3 ft.	
10	Accessory Structure Location	Rear yard, see accessory structure regulations			
	Street Setback	No closer to lot line than principal building			
	Non-Street Setback	2 ft.	2 ft.	2 ft.	
Key Accessory Structures & Uses		MX	NX	C	
	Backyard Cottage	-	-	-	See 27-7 for additional regulations governing accessory uses and structures.
	Outbuilding	P	P	P	
	Drive-Through Facilities	-	C	P	
	Fuel Pumps	-	C	P	
	Parking Structure	P	P	P	
	Outdoor Storage	-	-	C	
KEY: P = Permitted C = Conditional Use Permit - = Not Permitted					

Figure 27-2.200.5 Storefront Building Height

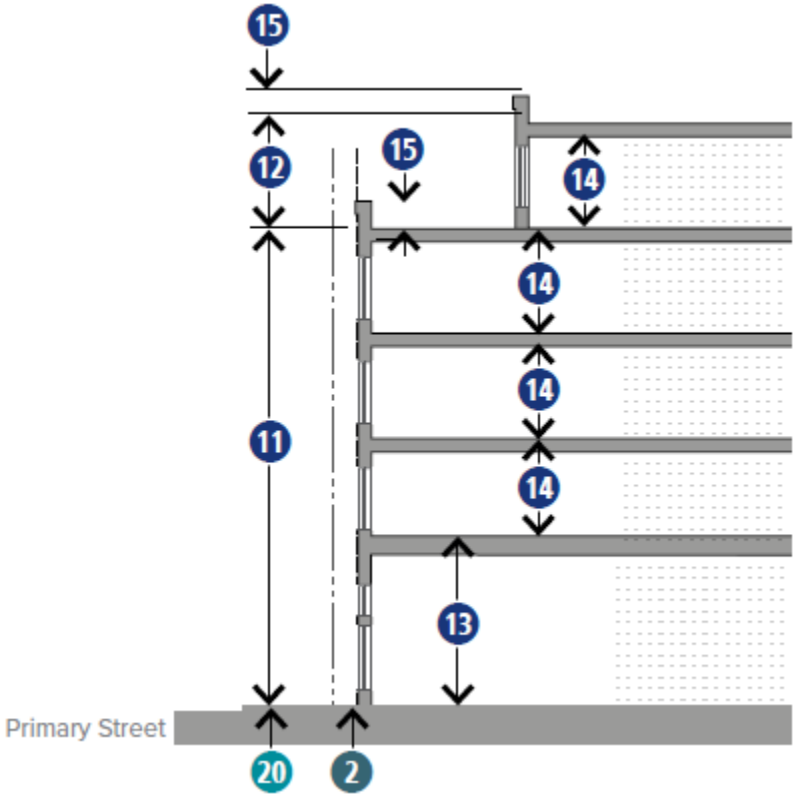


Table 27-2.200.5 Height					
		Zones			Additional/References
		MX	NX	C	
11	Height	2 stories min. 4 stories max.	1 stories min. 3 stories max.	1 stories min. 3 stories max.	Additional height setbacks and setbacks required adjacent to residential zones per 27-2.200.8.G
12	Additional Height with Setback	1 additional story	1 additional story	1 additional story	Measured floor-to-floor. See 27-15.20.10 for measuring heights.
13	Ground Story Height	14ft. min. 16 ft. max.	12 ft. min. 16 ft. max.	12 ft. min. 16 ft. max.	
		-	14 ft. height for single story building with max. 6 ft. height parapet		
14	Upper Story Height	10 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	
Table 27-2.200.6 Roofs					
15	Roof Types	Flat, Parapet	Flat, Parapet	Flat, Parapet	See 27-3.10 for roof types
	Tower	Not Allowed			

Figure 27-2.200.7 Storefront Building Facade

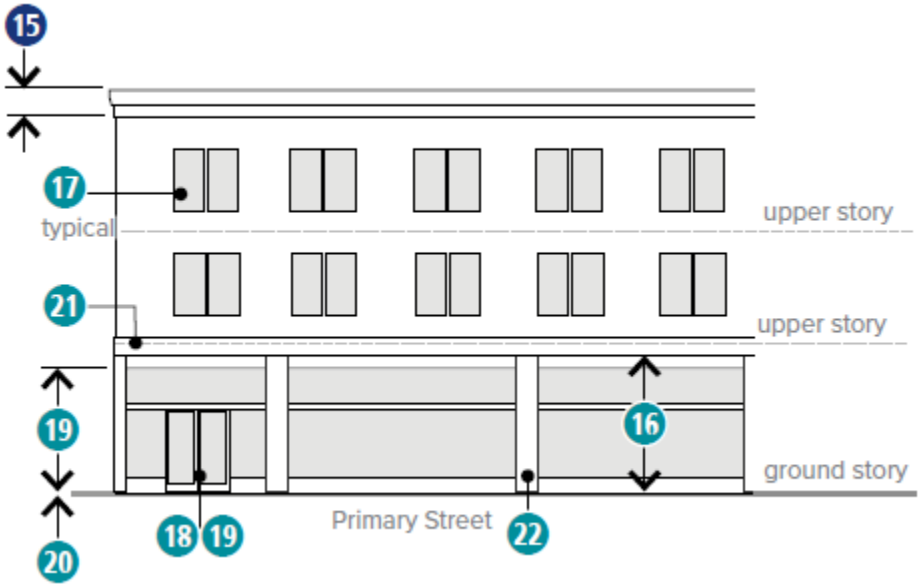


Table 27-2.200.7 Primary and Non-Primary Facades					
		Zones			Additional/References
		MX	NX	C	
16	Ground Story Transparency on Primary Facades	65% min.	60% min.	60% min.	See 27-15.20.11 for measuring transparency.
		No bays or 15 ft. wide sections of any story on a primary façade may be without transparency			
		Ground story transparency must extend min. 20 ft. around the corner down any street-side facades.			
	Ground Story Transparency on Non-Primary Facades	20% min.	18% min.	18% min.	
17	Upper Story Transparency on Primary Facades	20% min.	18% min.	18% min.	Measured per story, includes any half stories, or visible basements. See 27-15.20.11 for measuring transparency.
	Upper Story Transparency on Non-Primary Facades	12% min.	15% min.	15% min.	
		No 15 ft. wide sections of any story on a primary façade may be without transparency.			
18	Building Entrance Location	At least once every 60 feet of primary facade			See 27-15.20.12 for measuring
19	Entrance Type	Storefront			See 27-3.20 for entrance types
20	Ground Story Elevation	Within 24 inches of sidewalk elevation			
21	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of any story between the basement and 3rd story			Horizontal shadow lines to run a min. 80% of length of facade. See 27-15.30 for definition and measuring shadow lines.
22	Vertical Divisions with Shadow Lines	One per every 60 ft. of ground story street façade			

27-2.200.8 Supplemental Storefront Building Regulations

A. Primary Frontage Exceptions.

(1) Courtyards. In NX Zoning Districts, one courtyard may count towards Primary Street Building Frontage when abutting the build-to zone or line per 27-15.20.6. Courtyard facades must be treated as primary frontage per facade regulations for the building type and any design regulations in 27-3. See definition of courtyard in 27-15.30.

(2) Seating and Dining. The build-to zone may be expanded up to 20 feet for a maximum of 20% of the facade to allow for permanent outdoor seating or outdoor dining area.

B. Minimum Pedestrian Area. Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the build-to zone/setback shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

C. Through-Lots. Lots extending between two primary streets shall treat each as a primary frontage facade.

D. Treatment Turning Corners. At all intersections of primary and non-primary streets, primary frontage facade regulations must be met along the first 20 feet of facade on the non-primary street from the corner.

E. Limited Side Yard Parking. Where allowed, limited side yard parking is located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.

F. Additional Story Setback. See Figure 27-2.200.8 for an illustration of the upper story setback. An additional story is allowed per 27-2.200.5 when the following is met:

(1) Street Facade Setback. The additional story is set back from any street facade a minimum of 15 feet.

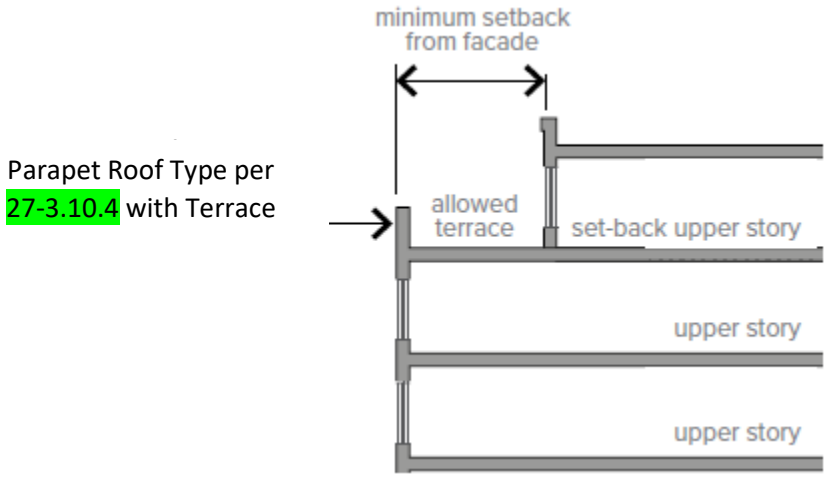
(2) Side Facade Setback. The additional story is set back from any side facade a minimum of 10 feet.

(3) Roof Type. The story below the additional story must be capped with an allowable roof type within the setback. Where the setback accommodates a terrace outside the additional story, a parapet roof type must be applied to the lower story.

G. Story Setbacks at residential or RX Zones. Facades abutting a residential or RX zone above the third story must be stepped back a minimum of 12 feet from the lower facades. Fencing required per side and rear buffers in 27-4.110.

H. Visible Basements. Where the grade at the base of a street facade slopes resulting in any portion of a basement wall being located more than 3 ft. above grade, that portion of the basement wall must meet the transparency regulations. See Figure 27-15.10 F.

Figure 27-2.200.8 Additional Upper Story with Setback



27-2.210 Commercial House Building

27-2.210.1 Description

The Commercial House is a single building or collection of buildings with characteristics of a house that includes commercial uses. Many examples were once houses converted to offices, but newly constructed Commercial Houses may also occur. Characteristics include small yards or patios surrounding the building, entrances on the front, and pitched roofs. Parking is located mainly in the rear, though some side yard parking is allowed.

27-2.210.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.210.3 Commercial House Building Siting

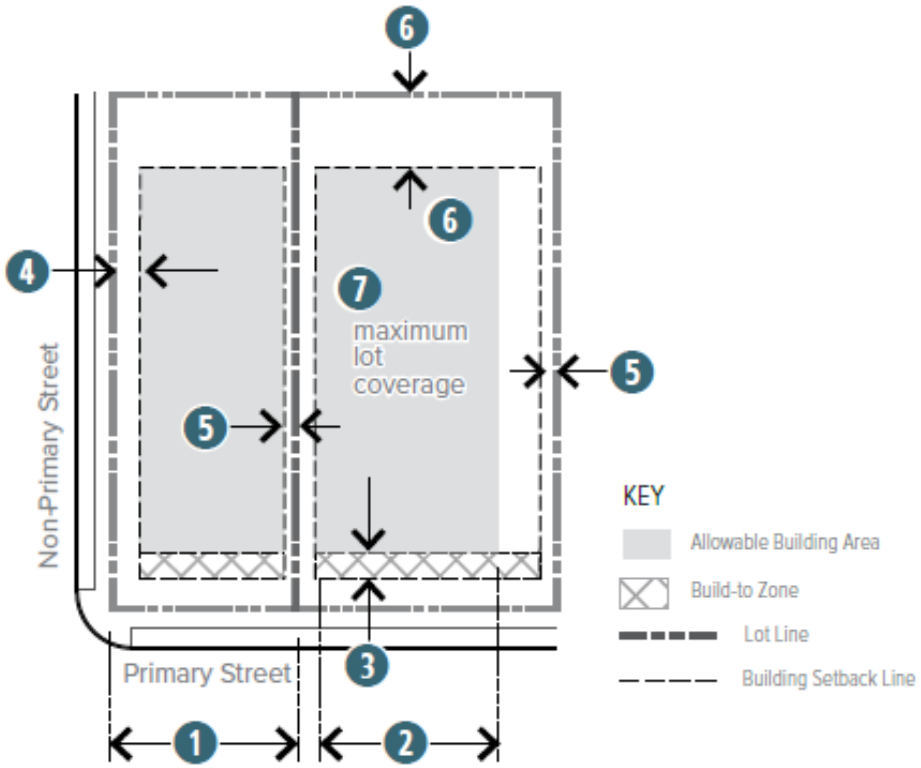


Table 27-2.210.3 Commercial House Building Siting			
		Zones	Additional/References
		NX	
	Multiple Principal Buildings	Allowed per 27-2.210.8.A	
1	Lot Width	45 ft. min. per principal building	
2	Primary Street Building Frontage	75 ft. max. per principal building	See 27-2.210.8 for multiple buildings on a lot and allowed connections between buildings
3	Primary Street Build-to Zone	7.5 ft. min. 25 ft. max.	Contextual setbacks apply. See 27-15.20.6 for measuring contextual setbacks. Minimum pedestrian area required per 27-2.210.8.B.
4	Non-Primary Street Setback	8 ft.	
5	Side Setback	10 ft.	See 27-15.20.6 for measuring and allowed encroachments into setbacks. Buffer required adjacent to R zones per 27-4.110
6	Rear Setback	45 ft.	
7	Lot Coverage	75% max.	See 27-15.20.8 for measuring lot coverage.

Figure 27-2.210.4 Commercial House Building Parking Siting

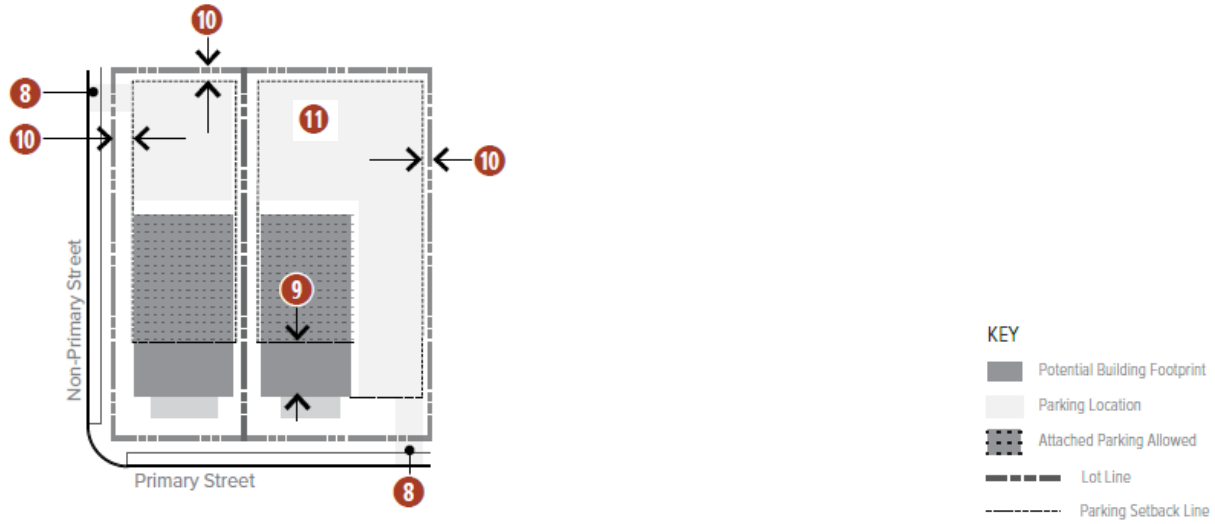


Table 27-2.210.4 Parking & Accessory Structures			
		Zones	Additional/References
		NX	
8	Parking & Driveway Access Location	Off alley or non-primary street; if no alley or non-primary street exists or is planned, off primary street is allowed with max. 22 ft. width at sidewalk without median; max. 1 access per development per street	
9	Attached Garage Setback	30 ft. behind primary façade for ground floor and above	
	Attached Garage Door Location	Rear, side, non-primary street façade	
10	Surface Parking Location	Rear yard, limited side yard	See 27-4.100 & 27-4.110 for required landscaping and buffers. Limited side yard parking per 27-2.210.8.D.
	Street Setback	No closer to lot line than principal building	
	Non-Street Setback	3 ft.	
11	Accessory Structure Location	Rear yard, see accessory structure regulations	
	Street Setback	No closer to lot line than principal building	
	Non-Street Setback	2 ft.	
Key Accessory Structures & Uses		NX	See 27-7 for additional regulations governing accessory uses and structures.
Backyard Cottage		-	
Outbuilding		P	
Drive-Through Facilities		C	
Fuel Pumps		-	
Parking Structure		-	
Outdoor Storage		-	
KEY: P = Permitted C = Conditional Use Permit - = Not Permitted			

Figure 27-2.210.5 Commercial House Building Height

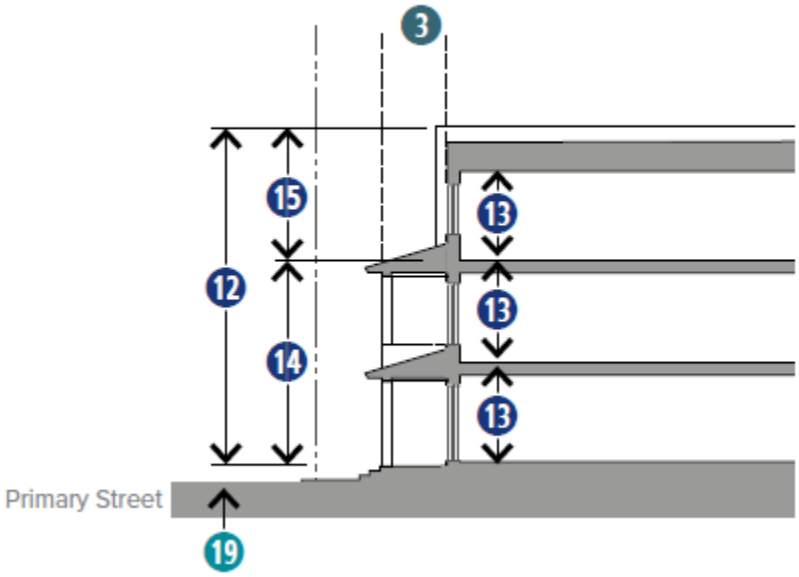


Table 27-2.210.5 Height			
		Zones	Additional/References
		NX	
12	Height	1 stories min. 3 stories max.	
13	Story Height	8.5 ft. min. 12 ft. max.	Measured floor-to-floor. See 27-15.20.10 for measuring heights.
14	Height to Eaves	20 ft. max.	
Table 27-2.210.6 Roofs			
15	Roof Types	Pitched	See 27-3.10 for roof types
	Tower	Not allowed	

Figure 27-2.210.7 Commercial House Building Facade

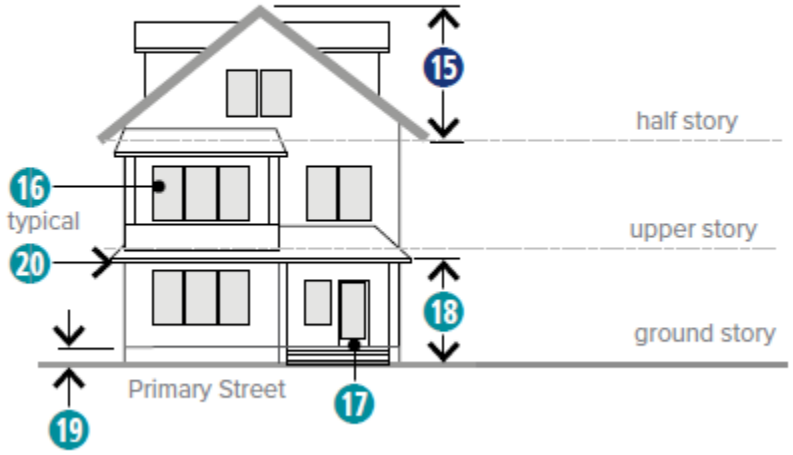


Table 27-2.210.7 Primary and Non-Primary Facades			
		Zones	Additional/References
		NX	
16	Transparency on Primary Facades	18% min.	Measured per story, includes any half stories or visible basements. See 27-15.20.11 for measuring transparency.
	Transparency on Non-Primary Facades	12% min.	
		No bays or 10 ft. wide sections of any story may be without transparency	
17	Building Entrance Location	Primary façade or bay, max. 2 doors	
18	Entrance Type	Porch or Stoop	See 27-3.20 for entrance types
19	Ground Story Elevation	Between 12 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement	See 27-15.20.10 for definition of visible basement
20	Horizontal Divisions with Shadow Lines	None required	

27-2.210.8 Supplemental Commercial House Building Regulations

A. **Multiple Commercial Houses on a Lot.** See Figure 3.70-F for one layout of the following requirements. When multiple principal buildings are located on a development site, the following applies:

(1) Multiple abutting lots may be aggregated to be considered a single development site. All lots must be submitted and developed at the same time.

(2) For every Commercial House fronting the street and located within 5 feet of the primary setback, one building may be located on the interior of the lot.

(3) The primary frontage on the lot shall have a minimum 60% total building coverage, utilizing multiple Commercial House buildings without exceeding the maximum building width for each building.

(4) Parking along any street frontage is limited to one limited side yard parking lot per building located along the frontage. Limited side yard parking lots may not be located next to each other.

(5) Any Commercial House buildings located fully on the interior of the lot must meet primary street façade requirements for one facade most visible from the street.

(6) The interior side setback shall apply to spaces between buildings.

(7) Connections. Multiple Commercial House buildings may be connected by an enclosed building segment, set back from the primary facade a minimum of 12 feet. See Figure 27-2.210.8 for illustrations.

(a) The maximum height of the connection is 2 stories or the height of the adjacent Commercial House buildings, whichever is less.

(b) The maximum width of the connection, measured between buildings, is 25 feet.

B. **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the build-to zone/setback shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

C. **Through-Lots.** Lots extending between two primary streets shall treat each as a primary frontage facade. Along any primary frontage facing a residential or RX zone across a street, the facade and a minimum 20 feet deep behind the facade must meet the following:

(1) Allowed uses permitted in any building type in the NX zone apply, except retail uses require a conditional use permit.

D. **Limited Side Yard Parking.** Where allowed, limited side yard parking is located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.

E. **Visible Basements.** For basement levels located more than 3 feet above grade, street facades must meet the transparency regulations.

F. **Half Stories in Roof.** The footprint in half stories of a Commercial House is limited to no more than 65% of the footprint below. Dormers are limited to no more than 12 feet in width.

Figure 27-2.210.8 Multiple Commercial Houses on a Lot



27-2.220 Commercial Center Building

27-2.220.1 Description

The Commercial Center is a single building or collection of buildings accommodating both vehicular and pedestrian access comfortably. Some buildings must be built up to the sidewalk to some degree; however, additional buildings may be located set back from the front lot line. Vehicular uses, such as fueling stations and service stations, may be located within this building type, along with shopping centers and larger grocery stores.

27-2.220.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.220.3 Commercial Center Building Siting

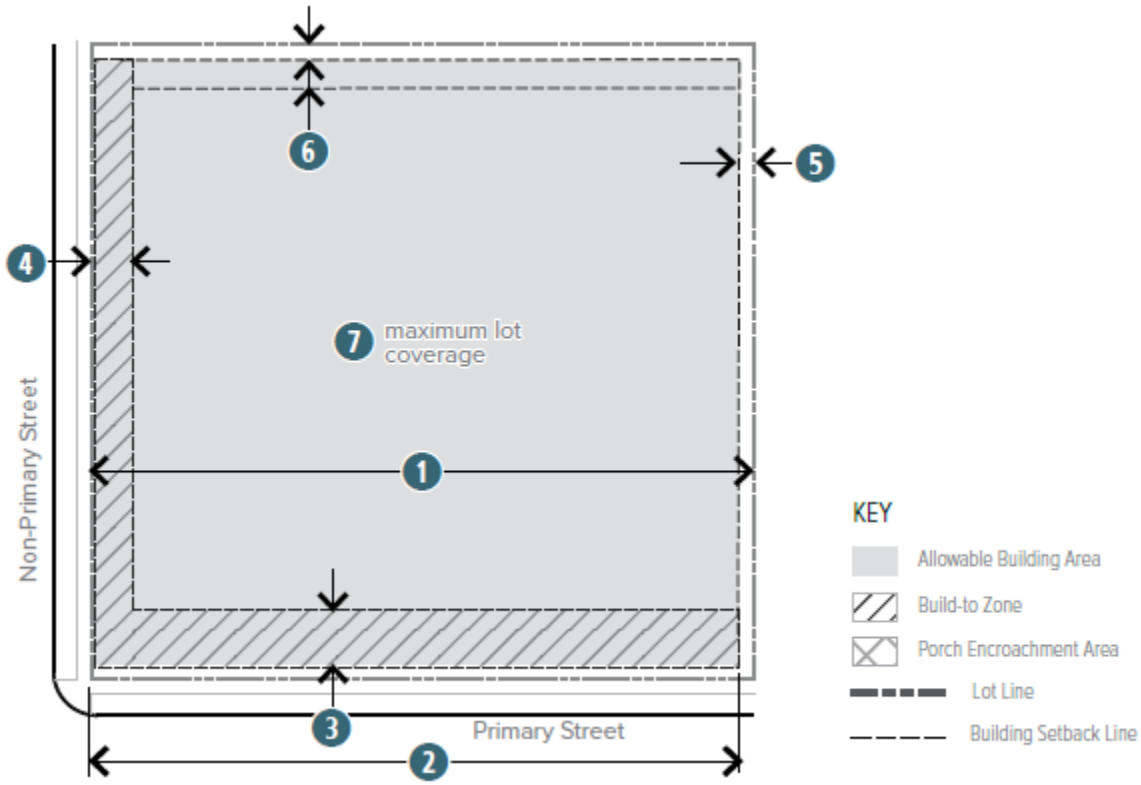


Table 27-2.220.3 Commercial Center Building Siting					
		Zones			Additional/References
		NX	C	I	
	Multiple Principal Buildings	Not Allowed	Allowed	Allowed	
1	Lot Width	60 ft. min.	60 ft. min.	60 ft. min.	
2	Primary Street Building Frontage	65% min.	No min.	No min.	Minimum pedestrian area required per 27-2.220.8.B. See 27-15.20.7 for measuring and allowed encroachments into setbacks. See definition of principal arterial 27-15.30.
3	Primary Street Build-to Zone	10 ft. min. 30 ft. max.; 50 ft. max. on principal arterial	10 ft. min. 30 ft. max.; 50 ft. max. on principal arterial	10 ft. min. No max.	
4	Non-Primary Street Build-to Zone	10 ft. min. 30 ft. max.	10 ft. min. 30 ft. max.	10 ft. min. No max.	
5	Side Setback	8 ft.; 30 ft. abutting R zone	8 ft..; 30 ft. abutting R zone	8 ft.; 30 ft. abutting R zone	See 27-15.20.7 for measuring and allowed encroachments in setbacks. Buffers required abutting R zones per 27-4.110.
6	Rear Setback	20 ft.; 30 ft. abutting R zone; 5 ft. min. at alley	20 ft.; 30 ft. abutting R zone; 5 ft. min. at alley	20 ft.; 30 ft. abutting R zone	
7	Lot Coverage	85% max.	85% max.	75% max.	See 27-15.20.8 for measuring lot coverage.

Figure 27-2.220.4 Commercial Center Building Parking Siting

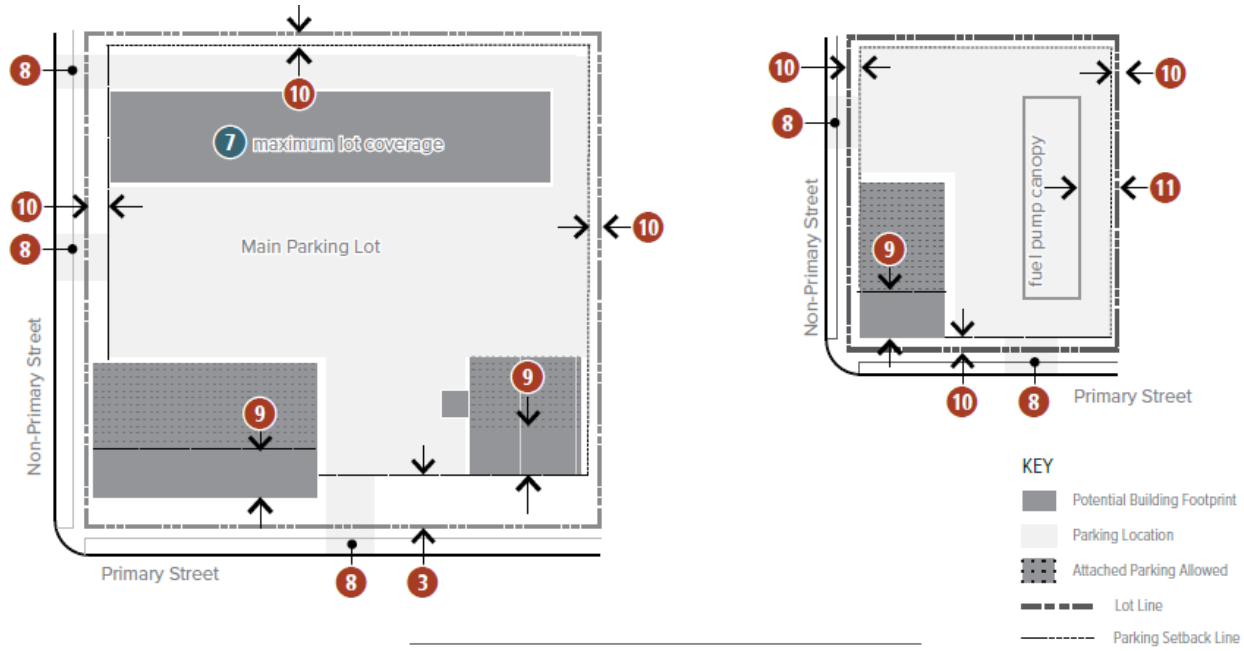


Table 27-2.220.4 Parking & Accessory Structures					
		Zones			Additional/References
		NX	C	I	
8	Parking & Driveway Access Location	1 plus 1 per every 300 feet of street frontage; max. 22 ft. width at sidewalk			
9	Attached Garage Setback	30 ft. behind primary façade for ground floor and above			
	Attached Garage Door Location	Rear, side, non-primary street façade			
10	Surface Parking Location	Rear yard, internal yard, side yard			See 27-4.100 & 27-4.110 for required landscaping and buffers.
	Street Setback	No closer to lot line than principal building			
	Non-Street Setback	5 ft.	5 ft.	5 ft.	
11	Accessory Structure Location	Rear yard, see accessory structure regulations			
	Street Setback	No closer to lot line than principal building			
	Non-Street Setback	5 ft.	5 ft.	5 ft.	
Key Accessory Structures & Uses		NX	C	I	See 27-7 for additional regulations governing accessory uses and structures.
Backyard Cottage		-	-	-	
Outbuilding		P	P	P	
Drive-Through Facilities		-	P	P	
Fuel Pumps		-	P	P	
Parking Structure		P	P	P	
Outdoor Storage		-	C	P	
KEY: P = Permitted C = Conditional Use Permit - = Not Permitted					

Figure 27-2.220.5 Commercial Center Building Height

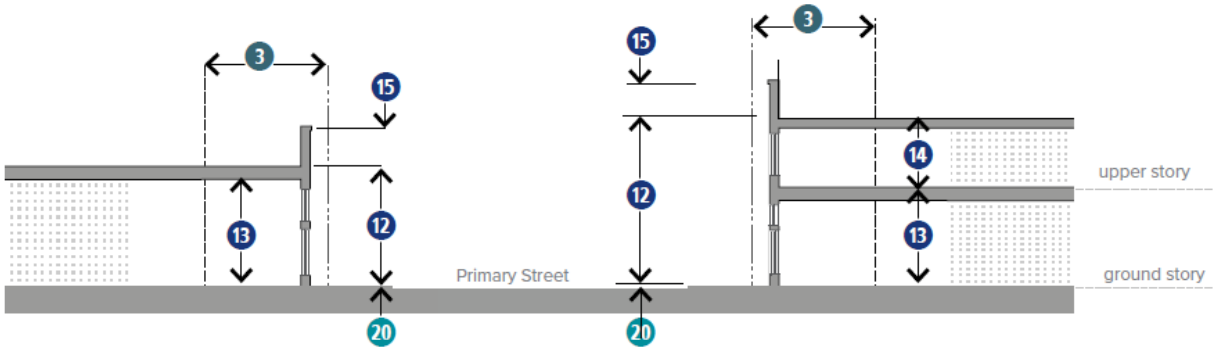


Table 27-2.220.5 Height					
		Zones			Additional/References
		NX	C	I	
12	Height	1 story min. 4 stories max.	1 story min. 4 stories max.	1 story min. 4 stories max.	See 27-2.220.8.E for additional height for taller spaces.
13	Ground Story Height	12 ft. min. 16 ft. max.	12 ft. min. 16 ft. max.	12 ft. min. 16 ft. max.	Measured floor-to-floor. See 27-15.20.10 for measuring heights.
	Single Story Building Height	14 ft. min., 20 ft. max. height for single story plus 6 ft. min. height roof			
14	Upper Story Height	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	

Table 27-2.220.6 Roofs					
		Zones			Additional/References
		NX	C	I	
15	Roof Types	Flat, Parapet, Pitched			See 27-3.10 for roof types. See 27-2.220.8.F for pitched roof on single story building.
	Tower	Not Allowed			

Figure 27-2.220.7 Commercial Center Building Facade

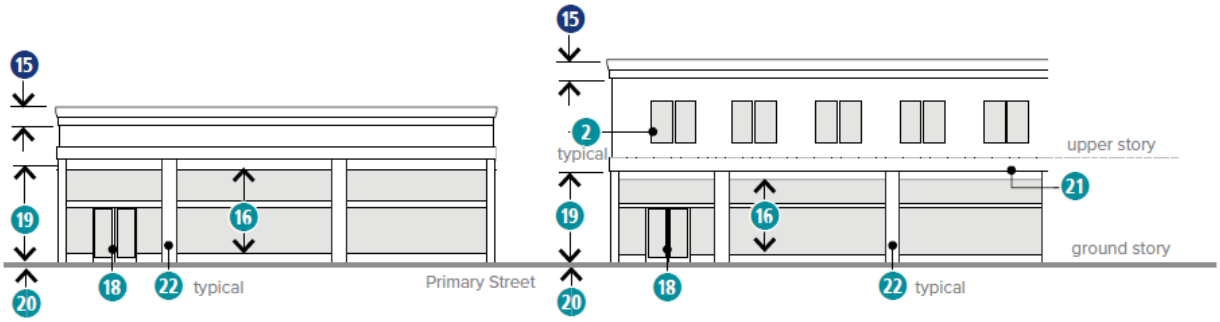


Table 27-2.220.7 Primary and Non-Primary Facades					
		Zones			Additional/References
		NX	C	I	
16	Ground Story Transparency on Primary Facades	75% min.	75% min.	60% min.	Ground story transparency measured between 2 ft. and 10 ft. from sidewalk grade. See 27-15.20.11 for measuring transparency.
		No bays or 15 ft. wide sections of any story on a primary façade may be without transparency			
		Ground story transparency must extend min. 30 ft. around the corner down any street-side facades.			
17	Transparency: Primary Facades Non-Primary Facades	18% min. 15% min.	18% min. 15% min.	18% min. 15% min.	Measured per story, includes any half stories or visible basements. See 27-15.20.11 for measuring transparency.
		No bays or 15 ft. wide sections of any story on a primary façade may be without transparency.			
18	Building Entrance Location	At least once every 60 feet of primary and main parking lot facade			See 27-15.20.12 for measuring
19	Entrance Type	Storefront			See 27-3.20 for entrance types
20	Ground Story Elevation	Within 24 inches of sidewalk elevation			
21	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of the ground story and any basement			Horizontal shadow lines to run a min. 80% of length of facade. See 27-15.30 for definition and measuring shadow lines.
22	Vertical Divisions with Shadow Lines	One per every 60 ft. of ground story street façade			

27-2.220.8 Supplemental Commercial Center Building Regulations

A. **Through-Lots.** Lots extending between two primary streets must treat each as a primary street facade. Along any primary frontage facing an R or RX zone across a street, the facade and a minimum 20 feet deep behind the facade must meet the following:
    (1) The regulations of any building in the NX zone apply including building siting, parking and accessory structures, heights, roof types, and street facades.
    (2) (Allowed uses permitted in any building type in the NX zone apply, except retail category uses require conditional use approval.
    (3) The Commercial House regulations must be met on the other primary frontage for a minimum depth of 20 feet into the building.

B. **Minimum Pedestrian Area.** For developments occupying a full block face where the area from the back of curb/edge of pavement to the lot line is less than nine feet, the build-to zone/setback shall be measured from nine feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

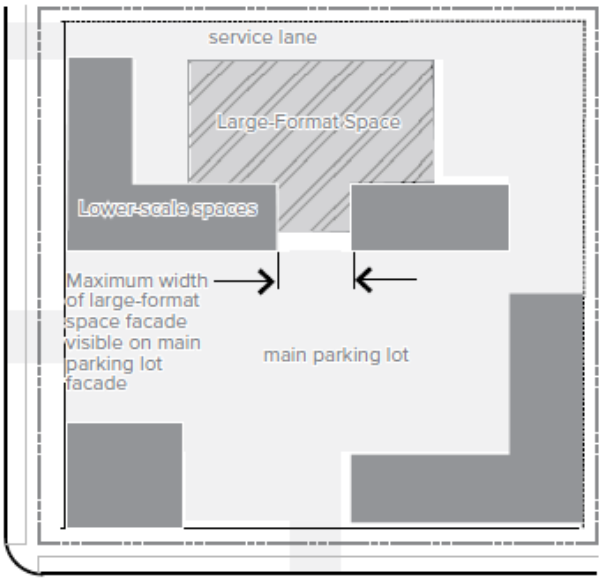
C. **Main Parking Lot Frontage.** The main parking lot is the largest rectangular area of parking drawn between the majority of the buildings on the lot. Facades along the main parking lot must be treated as primary frontages. Build-to zones must be measured from the back of the parking lot curb, including minimum pedestrian area.

D. **Treatment Turning Corners.** At all intersections of primary and non-primary streets, primary frontage facade treatments shall extend along the facade of the non-primary street from the corner a minimum of 20 feet along the non-primary facade.

E. **Large-Format Spaces.** Large-format spaces have taller floor-to-floor heights, large building footprints, and few or no windows. Examples include such stores as grocery stores, department stores, warehouse retail stores, movie theaters. A large-format space is allowed in a Commercial Center with the following conditions:
    (1) Up to 30 feet in ground story height.
    (2) Any heights above 18 feet are limited to a maximum horizontal distance along any primary street or main parking lot frontage of 60 feet. See Figure 27-2.220.8 E.
    (3) Lower scaled commercial spaces may front the large-format space to achieve the maximum frontage and number of entrances required along the frontage.
    (4) Any heights over 18 feet and located on the primary facade, main parking lot facade, or nonprimary street facade must apply transparency regulations as if the building is 2 stories.

F. **Pitched Roof on Single-Story Building.** A pitched roof on a single story building must have a minimum pitch of 1:4. Where the ridge is parallel to a street, dormer windows must be provided, one, minimum 6 feet wide, for every 30 feet of roof length. See Figure 27-2.220.8 F.

Figure 27-2.220.8 E Large-Format Space



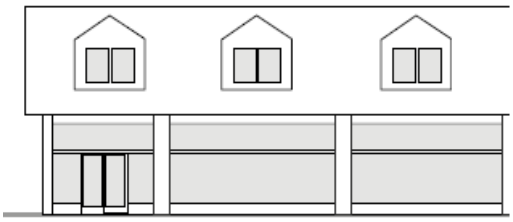


Figure 27-2.220.8 F Pitched Roof on Single Story Commercial Center

27-2.230 General Building

27-2.230.1 Description

The General building is a basic urban building, typically housing multiple residential units, offices, laboratory spaces, classrooms, or similar spaces. The building is oriented to the street with an entrance off the public sidewalk and windows along the street facades on each story. Parking is located in the rear yard. Buildings vary in length and height depending on the zone.

27-2.230.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.230.3 General Building Siting

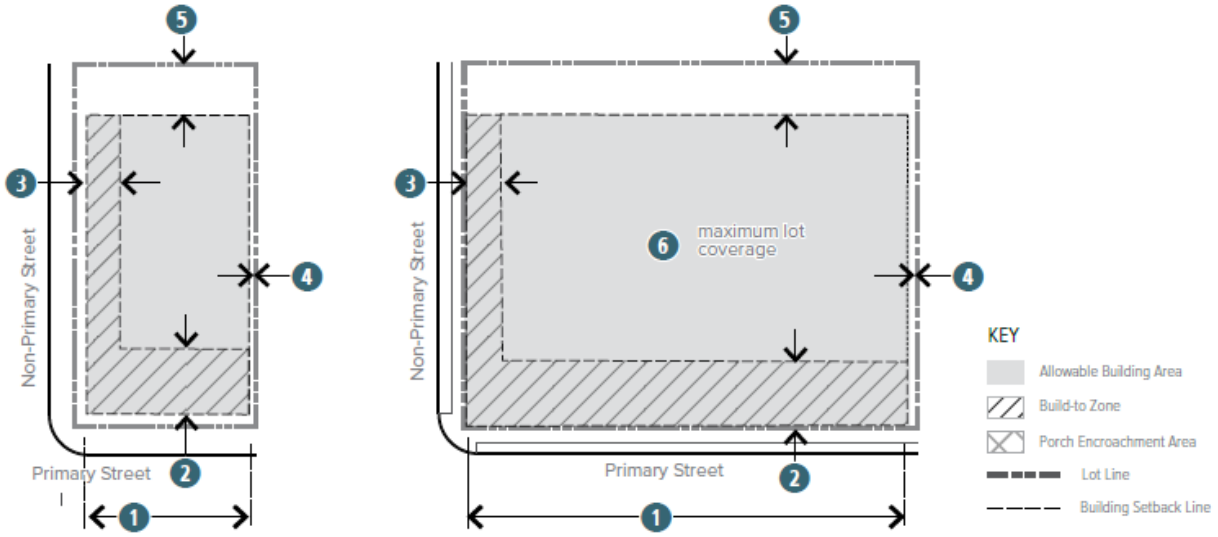


Table 27-2.230.3 General Building Siting

		Zones				Additional/References
		RX	NX	C	I	
	Multiple Principal Buildings	Allowed	Allowed	Allowed	Allowed	
1	Primary Street Building Frontage	65% min.	65% min.	-	-	See 27-2.230.8 for courtyard allowance and double frontage lots.
2	Primary Street Build-to Zone	10 ft. min. 30 ft. max.	10 ft. min. 30 ft. max.	5 ft. min. 30 ft. max.	5 ft. min. 30 ft. max.	See 27-2.230.8 minimum pedestrian area. See 27-15.20.7 for measuring and allowed encroachments in setbacks.
3	Non-Primary Street Build-to Zone	10 ft. min. 25 ft. max.	10 ft. min. 30 ft. max.	10 ft. min. 25 ft. max.	10 ft. min. 25 ft. max.	
4	Side Setback	2 ft.; 10 ft. min. total both sides	10 ft.; 25 ft. min. abutting R zone	5 ft.; 25 ft. min. abutting R zone	5 ft.; 25 ft. min. abutting R zone	
5	Rear Setback	30 ft.	25 ft.	20 ft. min.; 35 ft. abutting R zone	20 ft. min.; 35 ft. abutting R zone	
6	Lot Coverage	75% max.	85% max.	75% max.	75% max.	See 27-15.20.8 for measuring lot coverage.

Figure 27-2.230.4 General Building Parking Siting

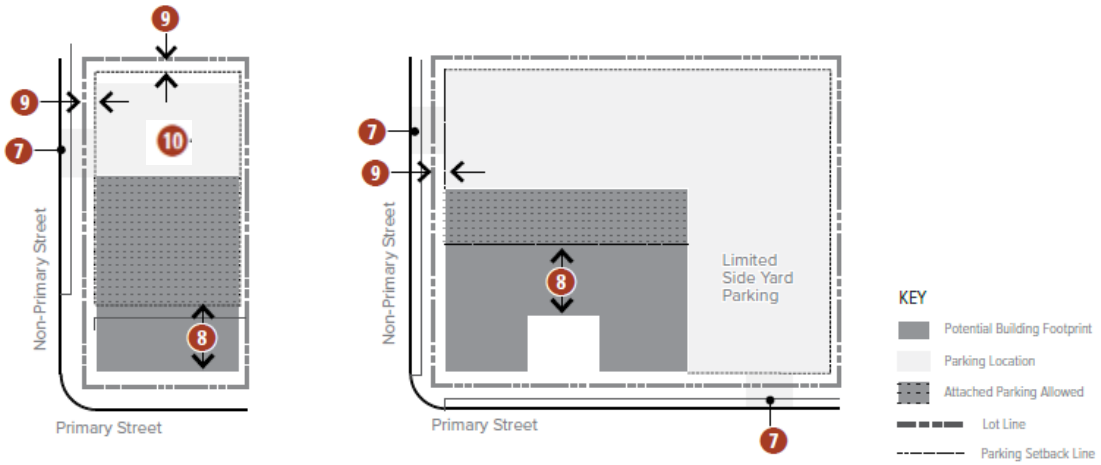


Table 27-2.230.4 Parking & Accessory Structures

		Zones				Additional/References
		RX	NX	C	I	
7	Parking & Driveway Access Location	Off alley or non-primary street; if no alley or non-primary street exists or is planned, off primary street is allowed				
	Size	Max. 22 ft. width at sidewalk without median				
	Number	Max. 1 access per development per street				
8	Attached Garage Setback	20 ft. behind primary façade in rear of building				
	Attached Garage Door Location	Rear, interior side, and side facades				
9	Surface Parking Location	Rear yard, limited side yard per 27-2-230.8				See 27-15.30 for definition of yards. See 27-4.100 and 27-4.110 for required landscaping and buffers.
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	5ft.	5 ft.	5 ft.	5 ft.	
10	Accessory Structure Location	Rear yard, see accessory structure regulations				See 27-7 for accessory structure regulations.
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	2 ft.	2 ft.	2 ft.	2 ft.	
Key Accessory Structures & Uses		RX	NX	C	I	See 27-7 for additional regulations governing accessory uses and structures.
	Backyard Cottage	C	C	-	-	
	Outbuilding	P	P	P	P	
	Drive-Through Facilities	-	-	P	P	
	Fuel Pumps	-	-	P	P	
	Parking Structure	C	P	P	P	
	Outdoor Storage	-	-	C	P	
	KEY:	P = Permitted		C = Conditional Use Permit		- = Not Permitted

Figure 27-2.230.5 General Building Height and Roofs

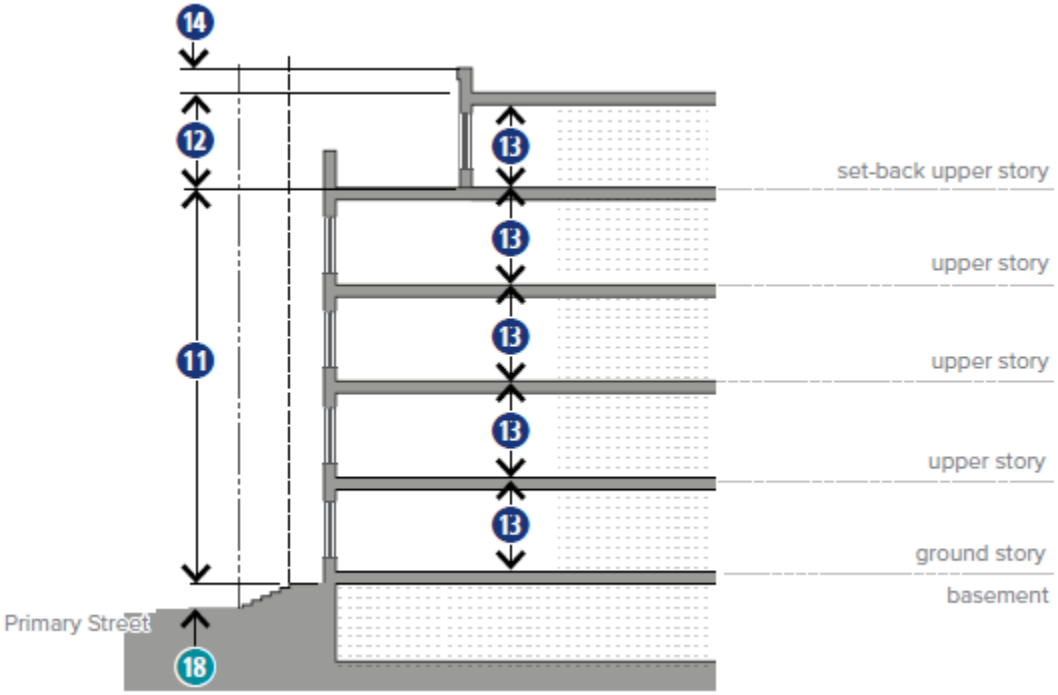


Table 27-2.230.5 Height						
		Zones				Additional/References
		RX	NX	C	I	
11	Height	2 stories min. 3 stories max.	1 story min. 3 stories max.	1 story min. 3 stories max.	1 story min. 4 stories max.	See 27-2.230.8.E for setback upper story regulations. See 27-15.20.10 for measuring height.
12	Additional Height with Setback	1 additional story	1 additional story	1 additional story	1 additional story	
13	All Stories Height	9 ft. min. 12 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 16 ft. max.	Measured floor-to-floor. See 27-15.20.10 for measuring heights.
Table 27-2.230.6 Roofs						
14	Roof Types	Flat, Parapet, Pitched				See 27-3.10 for roof types
	Tower	Not allowed				

Figure 27-2.230.7 General Building Facades



Table 27-2.230.7 Primary and Non-Primary Facades

		Zones				Additional/References
		RX	NX	C	I	
15	Transparency: Primary Facades Non-Primary Facades	18% min. 18% min.	20% min. 18% min.	20% min. 18% min.	20% min. 18% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See 27-15.20.11 for measuring transparency.
		No bays or 15 ft. wide sections of any story on a primary façade may be without transparency.				
16	Building Entrance Location	At least once every 120 feet of primary facade				See 27-15.20.12 for measuring
17	Entrance Type	Porch or stoop	Stoop			See 27-3.20 for entrance types
18	Ground Story Elevation	Between 18 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement.				See 27-15.20.10 for definition of visible basement
19	Horizontal Divisions with Shadow Lines	One within 3 ft. of the top of any story between the basement and 3rd floor				Horizontal shadow lines to run a min. 80% of length of facade. See 27-15.30 for definition and measuring shadow lines.
20	Vertical Divisions with Shadow Lines	One per every 90 ft. of street façade	One per every 120 ft. of ground story street façade			

27-2.230.8 SUPPLEMENTAL GENERAL BUILDING REGULATIONS

A. **Primary Frontage Exceptions.**

(1) **Courtyards.** One courtyard may count towards Primary Street Building Frontage when abutting the build-to zone or line per 27-15.20.6. Courtyard facades must be treated as primary frontage per facade regulations for the building type and any design regulations in 27-3. See definition of courtyard in 27-15.30.

B. **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the build-to zone/setback shall be measured from 12 feet off the back of

curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

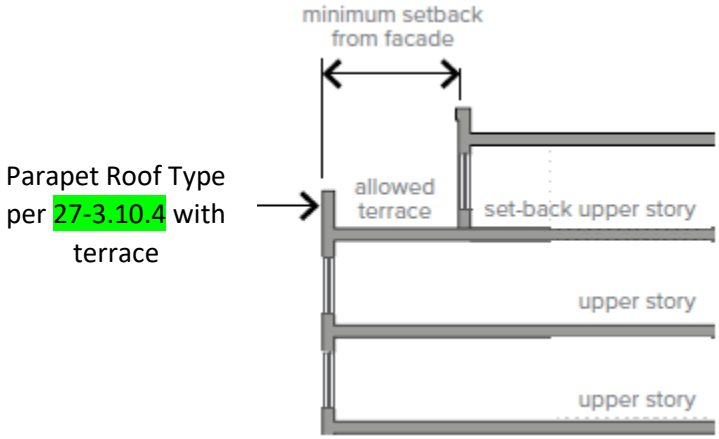
C. **Through-Lots.** Lots extending between two primary streets must treat each as a primary street facade.

D. **Limited Side Yard Parking.** Where allowed, limited side yard parking is located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.

E. **Additional Story Setback.** See Figure 27-2.230.8 for an illustration of the upper story setback. An additional story is allowed per Table 27-2.230.5 when the following is met:
   (1) **Street Façade Setback.** The additional story is set back from any street facade a minimum of 15 feet.
   (2) **Side Façade Setback.** The additional story is set back from any side facade a minimum of 10 feet.
   (3) **Roof Type.** The story below the additional story must be capped with an allowable roof type within the setback. Where the setback accommodates a terrace outside the additional story, a parapet roof type must be applied to the lower story.

F. **Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.

Figure 27-2.230.8 Additional Upper Story with Setback



27-2.240 Row Building

27-2.240.1 Description

The Row Building is comprised of multiple vertical units with shared side walls. Each unit is typically oriented to the street with an entrance off the public sidewalk. Parking is located in the rear yard with attached garages entered from the rear of the building. Buildings vary in length depending on the zone and are two, two-and-a-half, or three stories in height with the half story located within a pitched roof.

27-2.240.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.240.3 Row Building Siting

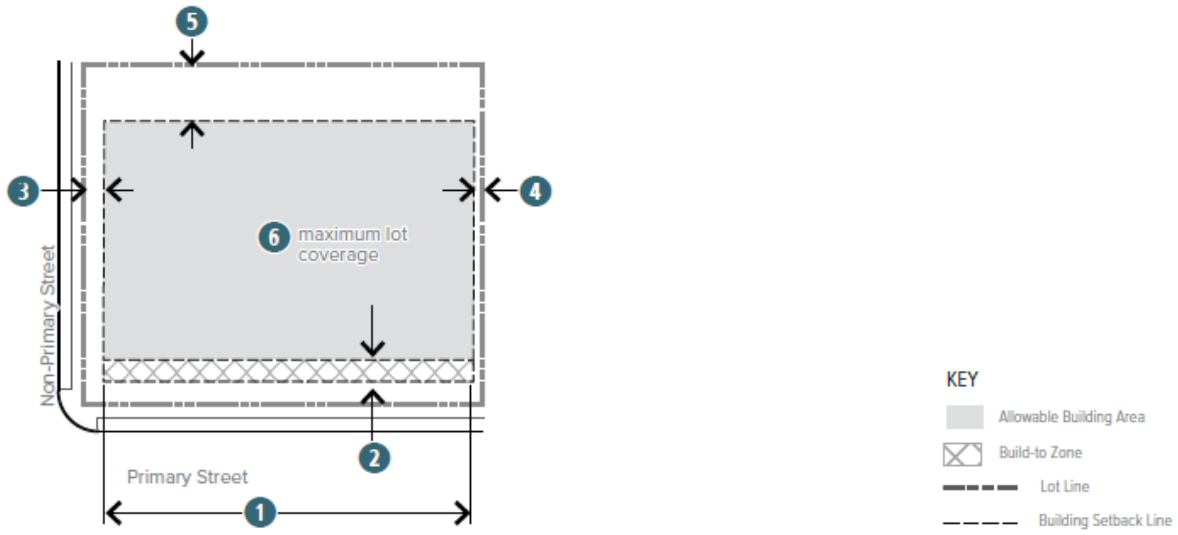


Table 27-2.240.3 Row Building Siting

		Zones				Additional/References
		RX	NX	C	I	
	Configuration	Multiple side-by-side units sharing common side walls; Multiple buildings allowed on a lot per 27-2.240.8 A				
1	Primary Street Building Frontage	65% min.	70% min.	70% min.	70% min.	See 27-2.240.8 for courtyards. Measured in build-to zone along any street frontage.
	Façade Width per Frontage	3 units min. 8 units max.	3 units min. 8 units max.	3 units min. 8 units max.	3 units min. No max.	
2	Primary Street Build-to Zone	10 ft. min. 20 ft. max.	10 ft. min. 20 ft. max.	10 ft. min. 20 ft. max.	10 ft. min. 30 ft. max.	Contextual setbacks apply. See 27-15.20.7 for measuring contextual setbacks.
3	Non-Primary Setback	10 ft.	10 ft.	10 ft.	10 ft. min.	
4	Side Setback & Space Between Buildings	15 ft. min.	12 ft. min.	10 ft. min.	10 ft. min.	See 27-15.20.7 for measuring allowed encroachments into setbacks.
5	Rear Setback	20 ft.	20 ft.	20 ft.	20 ft.	
6	Lot Coverage	75% max.	75% max.	75% max.	80% max.	See 27-15.20.8 for measuring lot coverage.

Figure 27-2.240.4 Row Building Parking Siting

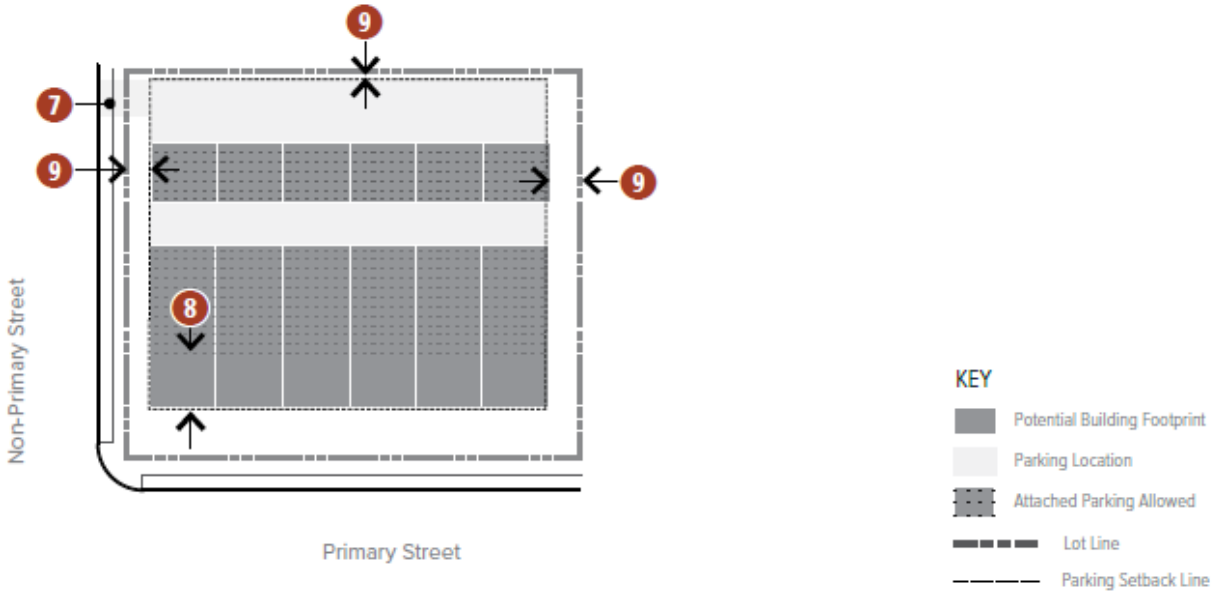


Table 27-2.240.4 Parking & Accessory Structures

		Zones				Additional/References
		RX	NX	C	I	
7	Parking & Driveway Access Location	Off alley or non-primary street; if no alley or non-primary street exists or is planned, off primary street is allowed				
	Size	Max. 12 ft. width at sidewalk without median				
	Number	Max. 1 access per development per street				
8	Attached Garage Setback	Min. 15 ft. behind primary façade in rear of building				See supplemental regulations in 27-2.240.8.C for garage door screening.
	Attached Garage Door Location (façade)	Rear; not visible from a primary street and screened from non-primary streets				
9	Surface Parking Location	Rear yard				See 27-15.30 for definition of yards. See 27-4.100 and 27-4.110 for required landscaping and buffers.
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	5ft.	5 ft.	5 ft.	5 ft.	
	Accessory Structure Location	Rear yard, see accessory structure regulations				See 27-7 for accessory structure regulations.
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	2 ft.	2 ft.	2 ft.	2 ft.	
Key Accessory Structures & Uses		RX	NX	C	I	See 27-7 for additional regulations governing accessory uses and structures.
	Backyard Cottage	-	-	-	-	
	Outbuilding	P	P	P	P	
	Drive-Through Facilities	-	-	-	-	
	Fuel Pumps	-	-	-	-	
	Parking Structure	-	-	-	-	
	Outdoor Storage	-	-	-	-	
	KEY:	P = Permitted	C = Conditional Use Permit		- = Not Permitted	

Figure 27-2.240.5 Row Building Height

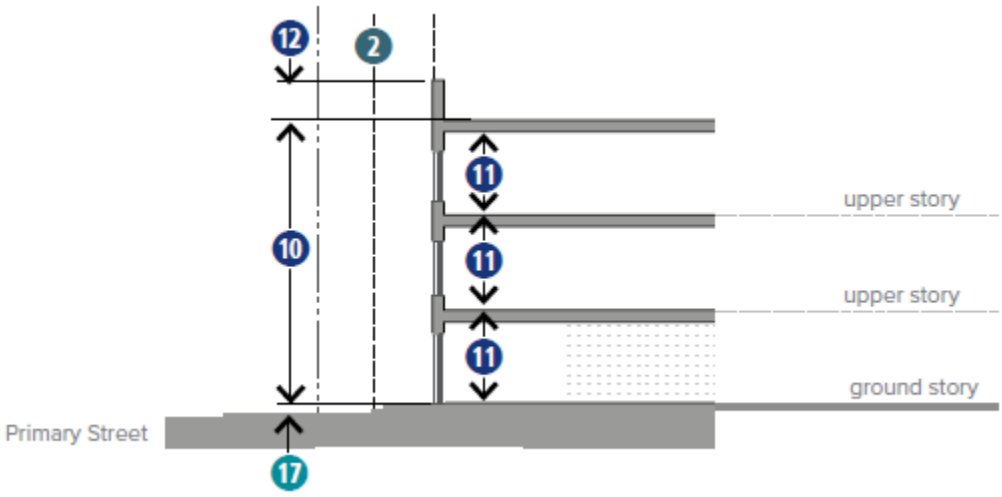


Table 27-2.240.5 Height						
		Zones				Additional/References
		RX	NX	C	I	
10	Height	2 stories min. 3 stories max. An additional story may be approved through a Conditional Use Permit.			2 story min. 4 stories max.	See 27-15.20.10 for measuring height.
11	All Stories Height	9 ft. min. 12 ft. max.	9 ft. min. 12 ft. max.	9 ft. min. 12 ft. max.	9 ft. min. 14 ft. max.	Measured floor-to-floor. See 27-15.20.10 for measuring heights.
Table 27-2.240.6 Roofs						
12	Roof Types	Flat, Parapet, Pitched				See 27-3.10 for roof types
	Tower	Not allowed				

Figure 27-2.240.6 Row Building Facades and Roofs



Table 27-2.240.7 Primary and Non-Primary Facades						
Façade regulations do not apply to single-family residences (Townhouses)						
		Zones				Additional/References
		RX	NX	C	I	
14	Transparency: Primary Facades Non-Primary Facades	15% min. 10% min.	20% min. 10% min.	20% min. 10% min.	20% min. 10% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See 27-15.20.11 for measuring transparency.
		No bays or 10 ft. wide sections of any story on a primary façade may be without transparency.				
15	Building Entrance Location	One per unit on primary façade except 1 per every 3 units may be located off a courtyard.				See 27-2.240.8.A for courtyards
16	Entrance Type	Porch or stoop				See 27-3.20 for entrance types
17	Ground Story Elevation	Between 18 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement.				See 27-15.20.10 for definition of visible basement
18	Horizontal Divisions with Shadow Lines	One between any basement, ground story, and the top of the ground story				Horizontal shadow lines to run a min. 80% of length of facade. See 27-15.30 for definition and measuring shadow lines.
19	Vertical Divisions with Shadow Lines	One per every 60 ft. of ground story street façade				

27-2.240.8 SUPPLEMENTAL ROW BUILDING REGULATIONS

A. **Multiple Buildings on a Lot.** Multiple buildings may be located on a lot with the following regulations:

(1) The minimum space between buildings is met.

(2) Each building must fulfill all of the requirements of the building type unless otherwise expressly stated.

(3) Each building must be located in a build-to zone, contributing to the Primary Street Building Frontage requirements, except one of every two units may front a courtyard. See Figure 27-2.240.8.

(a) The courtyard counts as Primary Street Building Frontage as long as 3 sides are enclosed at the minimum Primary Street Building Frontage percentage per 27-15.20.6. See definition of courtyard in 27-15.30.

(b) Courtyard facades must be treated as primary frontage per façade regulations for the building type and any design regulations in 27-3. If a unit is located on the corner of the courtyard and the street, the entrance must be located on the street.

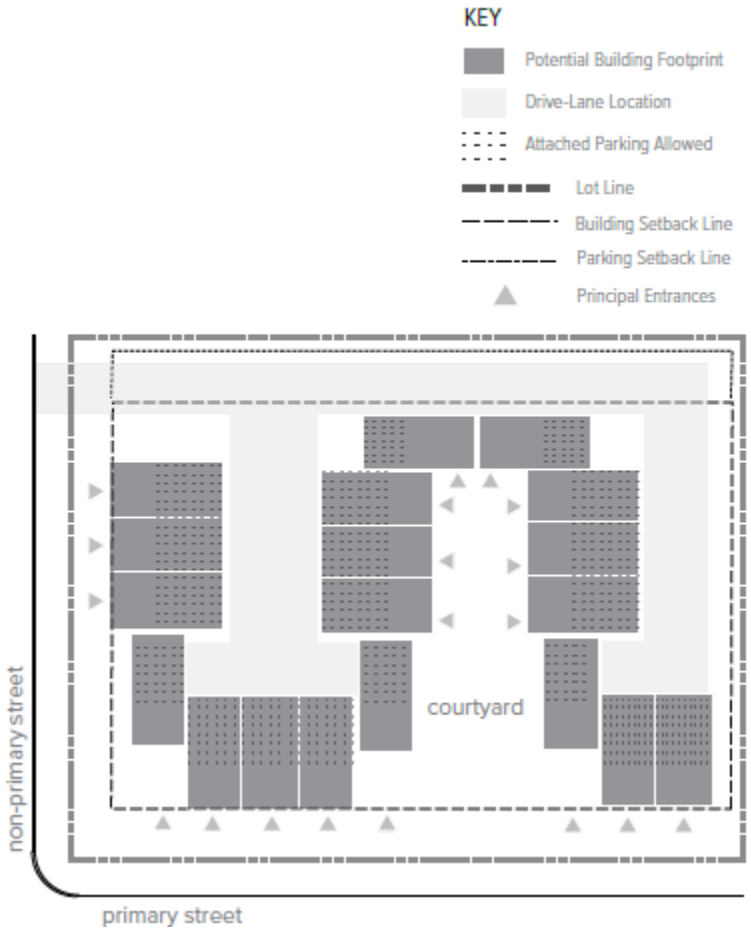
B. **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the build-to zone/setback shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

C. **Garage Door Visibility.** Garage doors must be screened from any street by building or by a wing wall.

D. **Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.

E. **Fee Simple.** Each vertically oriented unit may be located on a separate lot with the lot line located along the common wall between units, provided the multi-unit building must meet the regulations for the Row Building.

Figure 27-2.240.8 Courtyard Layout for Row Buildings



27-2.250 Traditional House Building

27-2.250.1 Description

The Traditional House building incorporates characteristics typical of houses of those built prior to World War II. Parking, when provided, is located in the rear yard and accessed off an alley or a narrow, side driveway. The Traditional House building includes characteristics similar to a single-unit home, such as windows and doors on the front, a small yard, and a pitched roof; but the Traditional House building can accommodate multiple units as well.

27-2.250.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.250.3 Traditional House Building Siting

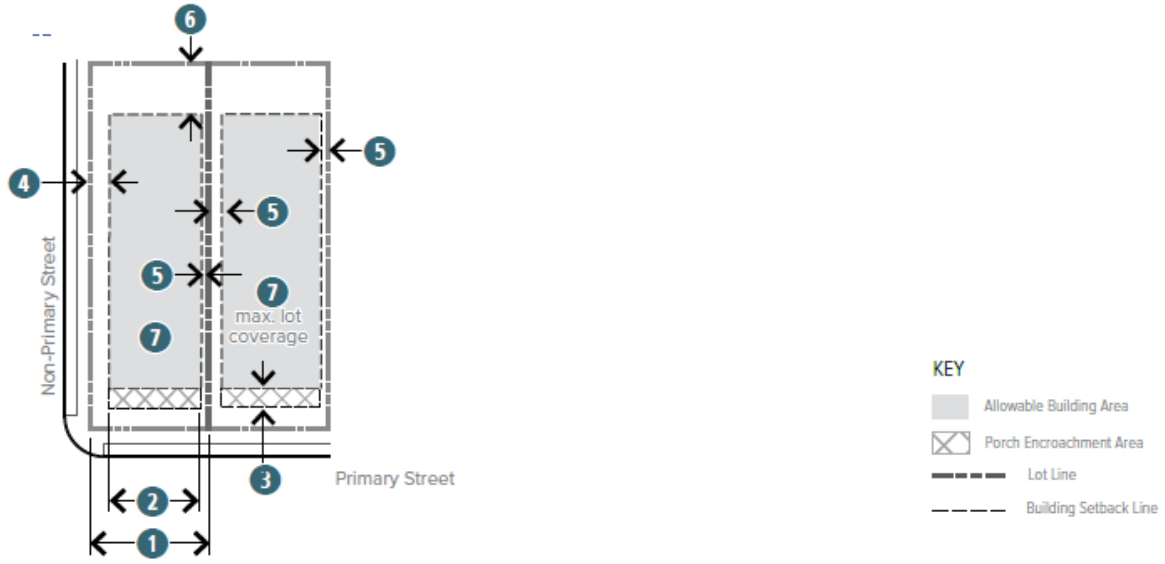


Table 27-2.250.3 Traditional House Building Siting

		Zones		Additional/References
		RX	NX	
	Multiple Principal Buildings	Not allowed	Not allowed	
1	Lot Width	80 ft. min.	80 ft. min.	
2	Primary Street Building Frontage	65 ft. max.	65 ft. max.	Measured at build-to line along any primary street.
3	Primary Street Setback	10ft.; contextual setbacks apply		Contextual setbacks apply. See 27-15.20.7 for measuring contextual setbacks.
4	Non-Primary Street Setback	10ft.; contextual setbacks apply		
5	Side Setback	5 ft.	5 ft.	See 27-15.20.7 for measuring and allowed encroachments into setbacks.
6	Rear Setback	25 ft.	25 ft.	
7	Lot Coverage	75% max.	75% max.	See 27-15.20.8 for measuring lot coverage.

Figure 27-2.250.4 Traditional House Building Parking Siting

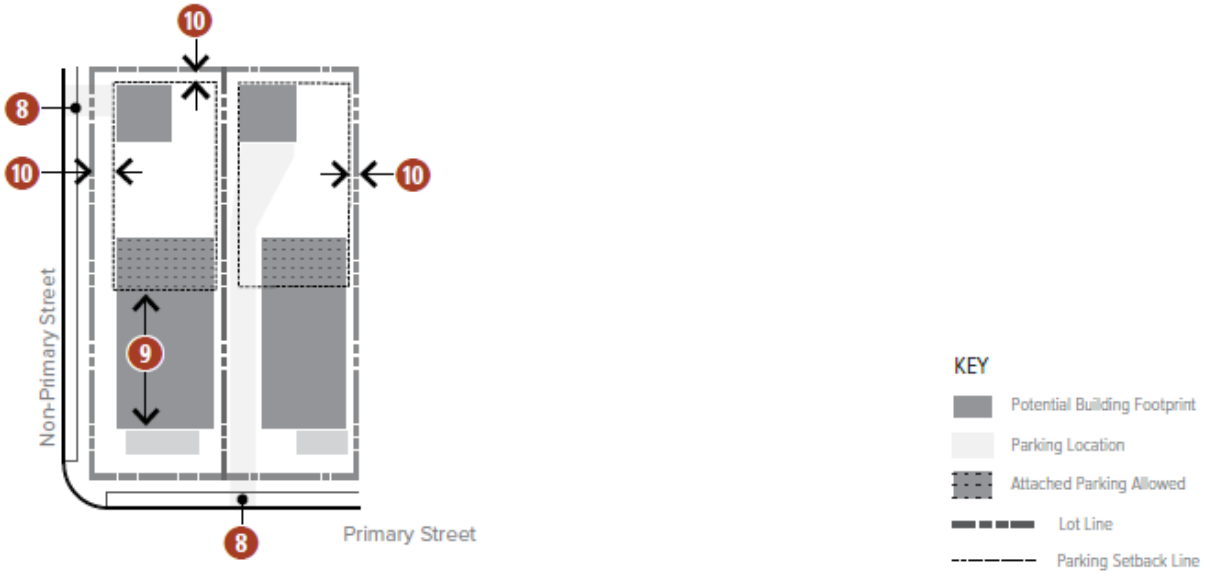


Table 27-2.250.4 Parking & Accessory Structures				
		Zones		Additional/References
		RX	NX	
8	Parking & Driveway Access Location	Off alley or non-primary street; if no alley or non-primary street exists or is planned, off primary street is allowed with max. 22 ft. width at sidewalk without median; max. 1 access per development per street		
9	Attached Garage Setback	30 ft. behind primary façade in rear of building		
	Attached Garage Door Location	Rear or non-primary facade		
10	Surface Parking Location	Rear yard		
	Street Setback	No closer to lot line than principal building		
	Non-Street Setback	2 ft.		
10	Accessory Structure Location	Rear yard, see accessory structure regulations		
	Street Setback	No closer to lot line than principal building		
	Non-Street Setback	2 ft.; 10 ft. for backyard cottage		
Key Accessory Structures & Uses		RX	NX	See 27-7 for additional regulations governing accessory uses and structures.
	Backyard Cottage	P	P	
	Outbuilding	P	P	
	Drive-Through Facilities	-	-	
	Fuel Pumps	-	-	
	Parking Structure	-	-	
	Outdoor Storage	-	-	
KEY: P = Permitted C = Conditional Use Permit - = Not Permitted				

Figure 27-2.250.5 Traditional House Building Height

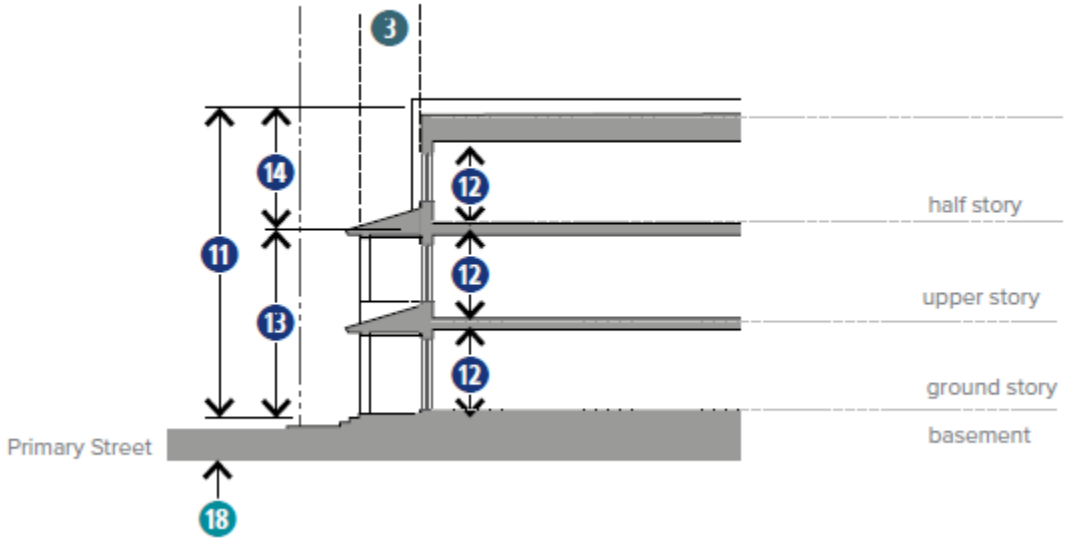


Table 27-2.250.5 Height				
		Zones		Additional/References
		RX	NX	
11	Height	1.5 stories min. 3 stories max.	1.5 stories min. 3 stories max.	See 27-2.250.8 for half story regulations.
12	Story Height	9 ft. min. 11 ft. max.	9 ft. min. 11 ft. max.	Measured floor-to-floor. See 27-15.20.10 for measuring heights.
13	Height to Eaves	20 ft. max.	20 ft. max.	
Table 27-2.250.6 Roofs				
14	Roof Types	Pitched	Pitched	See 27-3.10 for roof types
	Tower	Not allowed	Not allowed	

Figure 27-2.250.7 Traditional House Building Facade

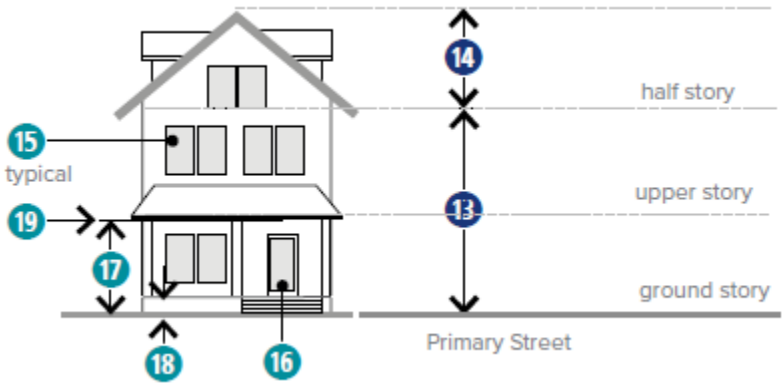


Table 27-2.250.7 Primary and Non-Primary Facades				
Façade regulations do not apply to single-family residences				
		Zones		Additional/References
		RX	NX	
15	Transparency on Primary Facades	18% min.	18% min.	Measured per story, includes any half stories or visible basements. See 27-15.20.11 for measuring transparency.
	Transparency on Non-Primary Facades	12% min.	12% min.	
		No bays or 10 ft. wide sections of any story may be without transparency		
16	Building Entrance Location	Primary façade or bay, max. 2 doors		
17	Entrance Type	Porch or Stoop		See 27-3.20 for entrance types
18	Ground Story Elevation	Between 12 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement		See 27-15.20.10 for definition of visible basement
19	Horizontal Divisions with Shadow Lines	At ground story elevation; and between 2nd and half story		Horizontal shadow lines to run a min. 80% of length of façade. See 27-15.30 for definition and measuring shadow lines.

27-2.250.8 Supplemental Traditional House Building Regulations

A. **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than nine feet, the build-to zone/setback shall be measured from nine feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

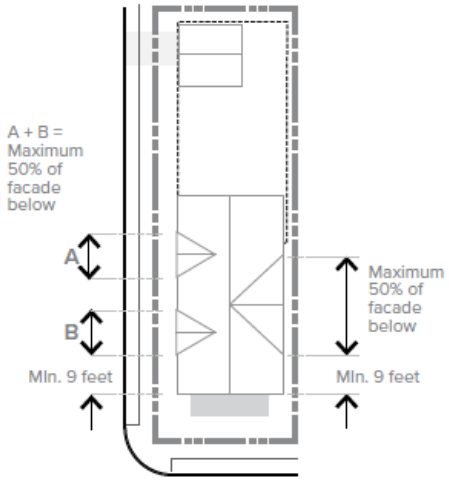
B. **Visible Basements.** For basement levels located more than three feet above grade, street facades must meet the transparency regulations on primary facades. Visible basements count as a half story.

C. **Half Stories.**

(1) Dormers or gabled ends of roofs on half stories are limited to no more than 50% of the façade length of the story below, and must be set back from the front façade a minimum of nine feet. See Figure 27-2.250.8.

(2) The occupiable footprint in half stories under the roof of the House building is limited to no more than 65% of the footprint of the story below.

Figure 27-2.250.8 Dormers and Gable Ends on Half Stories



27-2.260 Workshop-Warehouse Building

27-2.260.1 Description

The Workshop-Warehouse building is a modified General building with a minimum level of orientation to the sidewalk and pedestrians, while allowing loading or garage bays on the front facade.

27-2.260.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.260.3 Workshop-Warehouse Building Siting

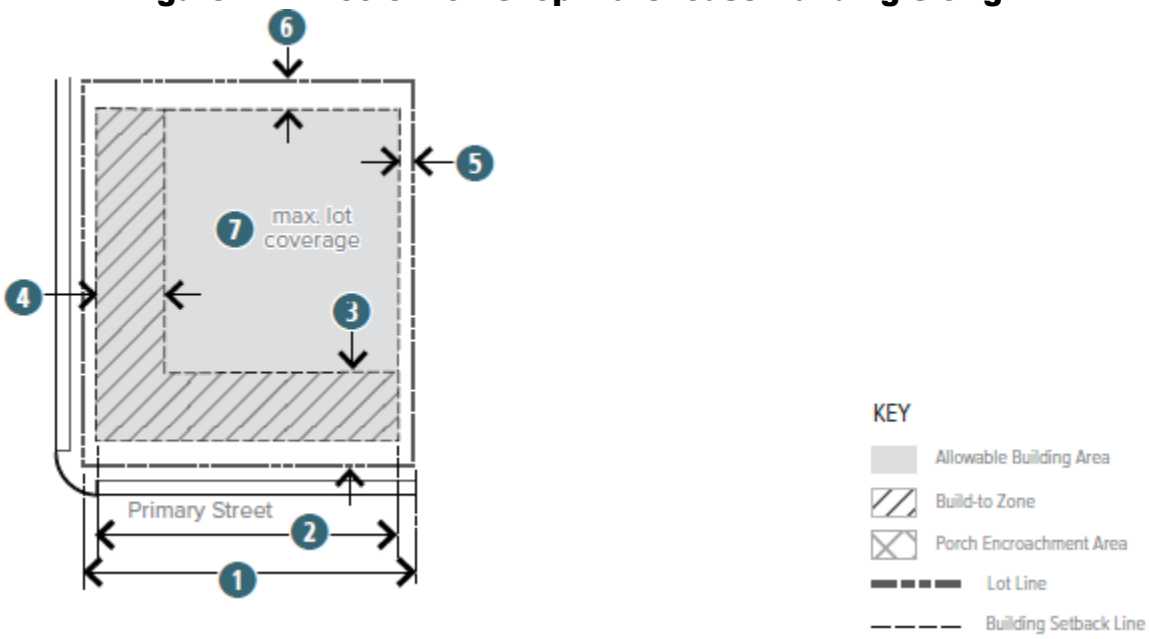


Table 27-2.260.3 Workshop-Warehouse Building Siting

		Zones	Additional/References
		I	
	Multiple Principal Buildings	Allowed	
1	Lot Width	100 ft. min.	
2	Primary Street Building Frontage	-	
3	Primary Street Build-to Zone	10 ft. min. 35 ft. max.	See 27-2.260.8 minimum pedestrian area.
4	Non-Primary Street Setback	10 ft. min 35 ft. max.	
5	Side Setback Side Setback Adjacent to Residential Space Between Buildings	10 ft. 30 ft. 10 ft.	See 27-15.20.7 for measuring and allowed encroachments into setbacks. See 27-2.260.8.C for landscape buffer adjacent to R and RX zones.
6	Rear Setback Rear Setback Adjacent to Residential	10 ft. 30 ft.	
7	Lot Coverage	75% max.	See 27-15.20.8 for measuring lot coverage.

Figure 27-2.260.4 Workshop-Warehouse Building Parking Siting

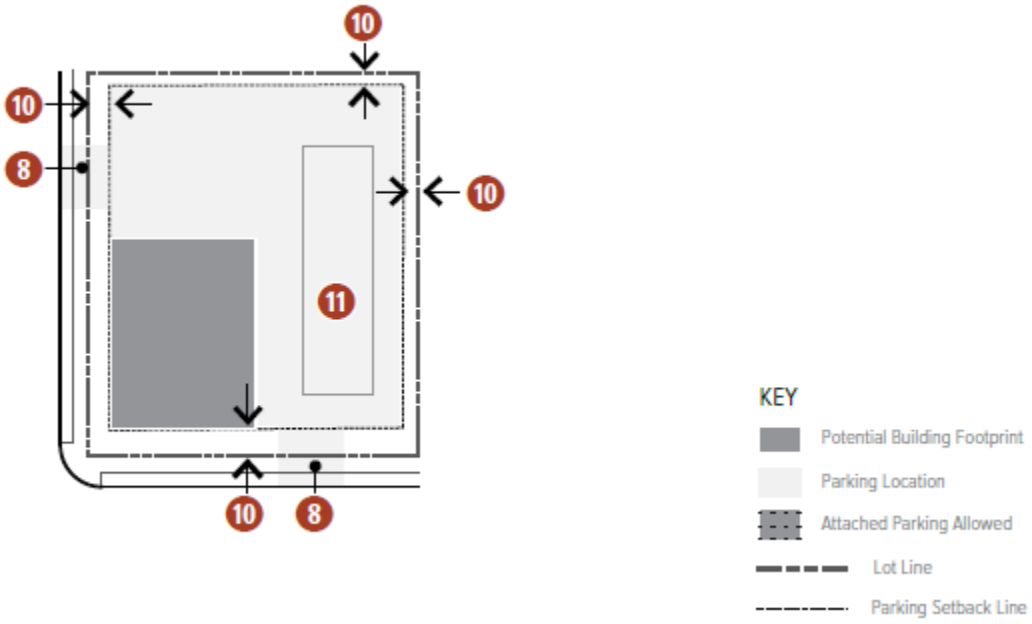


Table 27-2.260.4 Parking & Accessory Structures			
		Zones	Additional/References
		I	
8	Parking & Driveway Access	Per development, one allowed per every 300 feet of street frontage	
9	Attached Garage Setback	-	
	Attached Garage Door Location	Any façade; no more than one 30-foot wide bay per 120 ft. of front facade	
10	Surface Parking Location	Rear yard, side yard	
	Street Setback	No closer to lot line than principal building	
	Non-Street Setback	Same as building setback	
11	Accessory Structure Location	Rear yard, side yard	See 27-7 for accessory structures
	Street Setback	No closer to lot line than principal building	
	Non-Street Setback	Same as building setback.	
Key Accessory Structures & Uses		I	See 27-7 for additional regulations governing accessory uses and structures.
	Backyard Cottage	-	
	Outbuilding	P	
	Drive-Through Facilities	P	
	Fuel Pumps	P	
	Parking Structure	P	
	Outdoor Storage	P	
KEY: P = Permitted C = Conditional Use Permit - = Not Permitted			

Figure 27-2.260.5 Workshop-Warehouse Building Height

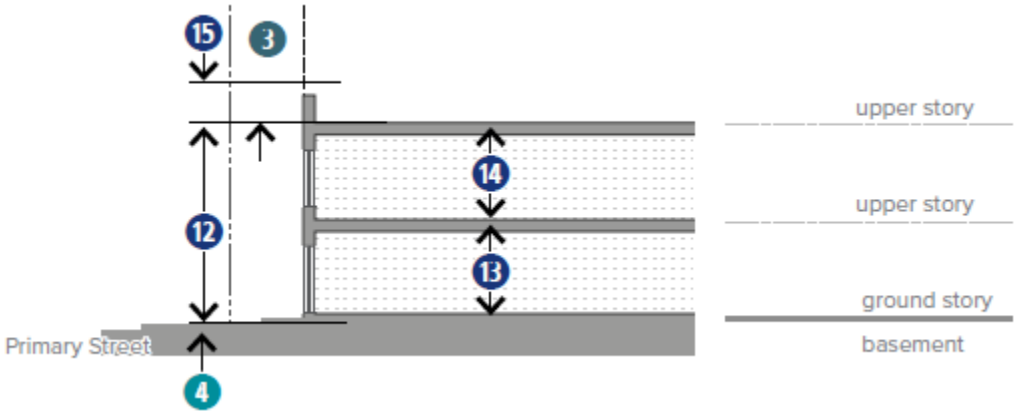


Table 27-2.260.5 Height			
		Zones	Additional/References
		I	
12	Height	4 stories	See 27-15.20.10 for measuring height
	Additional Height with Setback	1 additional story	
13	Ground Story Height	10 ft. min. 16 ft. max.; up to 24 ft. counts as 2 stories	Measured floor-to-floor. Mezzanine transparency regulations apply. Tall story transparency regulations apply per 27-15.20.11.
14	All Other Stories Height	9 ft. min. 14 ft. max.	
Table 27-2.260.6 Roofs			
15	Roof Types	Flat, parapet, pitched	See 27-3.10 for roof types and tower regulations
	Tower	Not allowed	

Figure 27-2.260.7 Workshop-Warehouse Building Facade

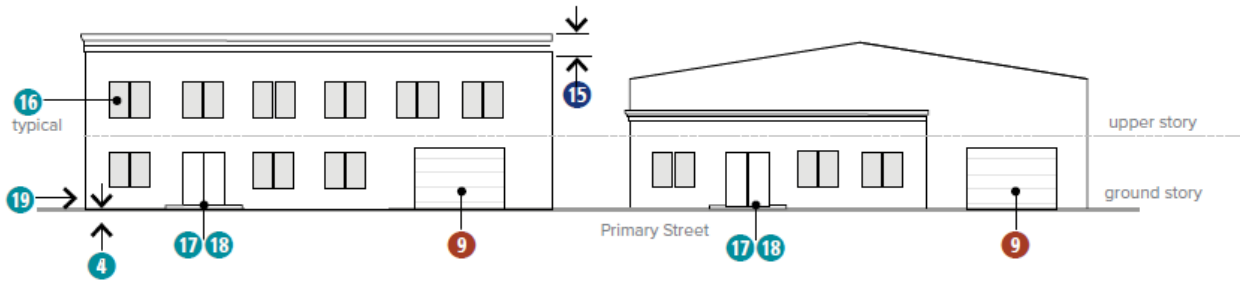


Table 27-2.260.7 Primary and Non-Primary Facades			
		Zones	Additional/References
		I	
16	Transparency on Primary Facades	12% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See 27-15.20.11 for measuring transparency.
	Transparency on Non-Primary Facades	5% min.	
		No bays or 15 ft. wide sections of any story on the primary facade may be without transparency.	
17	Building Entrance Location	One per every 150 ft. of primary facade	See 27-15.20.12 for measuring.
18	Entrance Type	Stoop	See 27-3.20 for entrance types
19	Ground Story Elevation	Less than 30 in. above grade or between 30 in. and 4 ft. with a visible basement	See 27-15.20.10 for definition of visible basement
20	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of any story between the basement and 3rd story.	Horizontal shadow lines to run a min. 80% of length of façade. See 27-15.30 for definition and measuring shadow lines.
21	Vertical Divisions with Shadow Lines	One per every 120 ft. of street façade.	

27-2.260.8 Supplemental Workshop-Warehouse Building Regulations

A. **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the build-to zone/setback shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

B. **Through-Lots.** Lots extending between two primary streets shall treat each as a primary frontage facade.

C. **Transition at R or RX Zones.** Facades abutting an R or RX zone above the 3rd story must be stepped back a minimum of 50 feet from the lower facades.

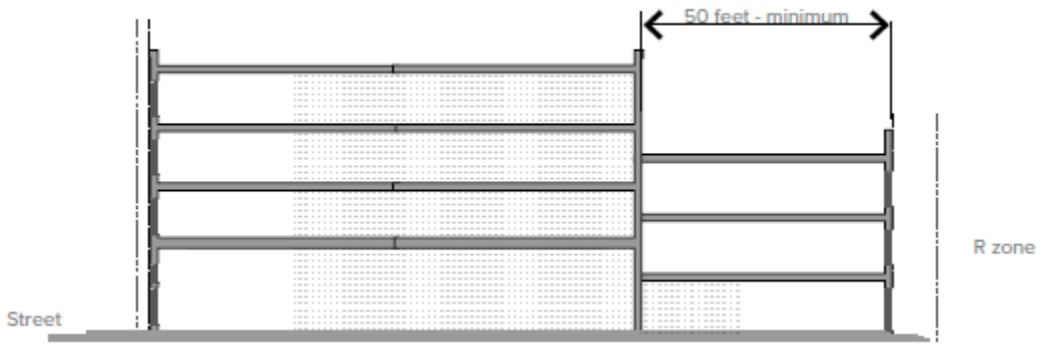
D. Additional Story Setback. See Figure 27-2.230.8 for an illustration of the upper story setback. An additional story is allowed per Table 27-2.260.5 when the following is met:

(1) Street Façade Setback. The additional story is set back from any street facade a minimum of 15 feet.

(2) Side Façade Setback. The additional story is set back from any side facade a minimum of 10 feet.

(3) Roof Type. The story below the additional story must be capped with an allowable roof type within the setback. Where the setback accommodates a terrace outside the additional story, a parapet roof type must be applied to the lower story.

Figure 27-2.210.8 Through Lot Illustration (section)



27-2.270 Civic Building

27-2.260.1 Description

The Civic building is the most flexible building type, but is limited to buildings with civic and institutional uses. This building type is intended to allow distinctive buildings within the urban fabric, set back within a landscape setting or designed as unique, iconic structures.

27-2.260.2 Regulations

The following tables and illustrations regulate this specific building type. See 27-2.50 for general regulations for all building types. See 27-15 for definitions and measuring table regulations.

Figure 27-2.270.3 Civic Building Siting

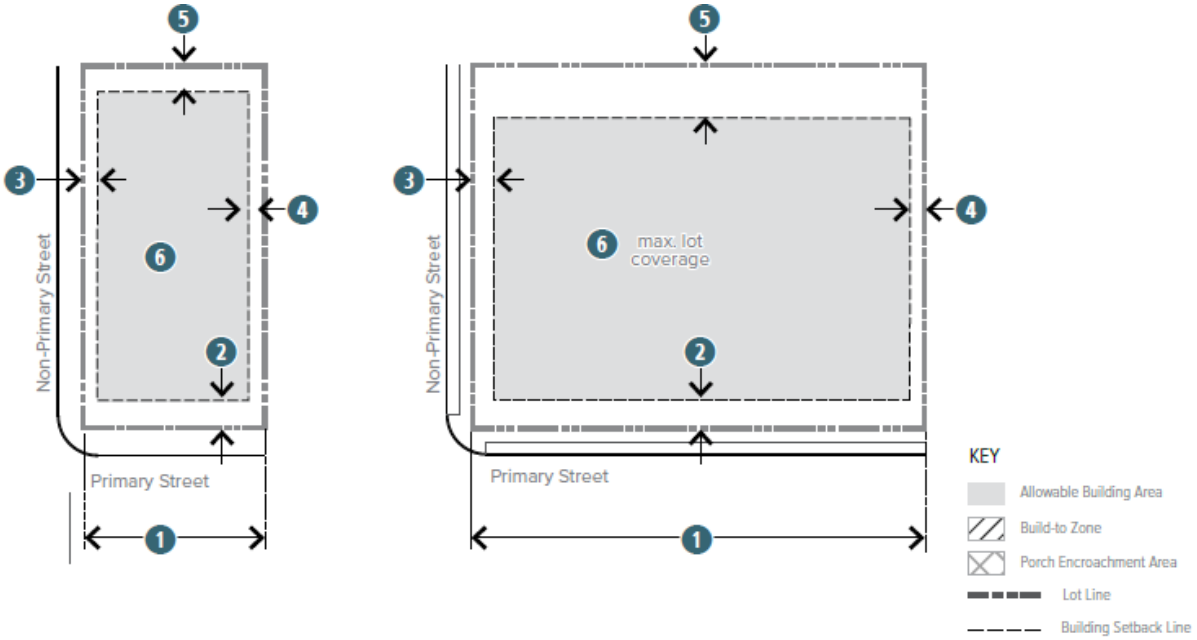


Table 27-2.270.3 Civic Building Siting			
		Zones	Additional/References
		All	
	Multiple Principal Buildings	Allowed	
1	Lot Width	No min.	
2	Primary Street Setback	10 ft.	See 27-2.270.8 minimum pedestrian area.
3	Non-Primary Street Setback	5 ft.	
4	Side Setback Space Between Buildings	10 ft. 12 ft.	See 27-15.20.7 for measuring and allowed encroachments into setbacks.
5	Rear Setback Rear Setback Adjacent to Residential	10 ft. 15 ft.	See 27-4.110 for landscape buffer adjacent to R and RX zones.
6	Lot Coverage	80% max.	See 27-15.20.8 for measuring lot coverage.

Figure 27-2.270.4 Civic Building Parking Siting

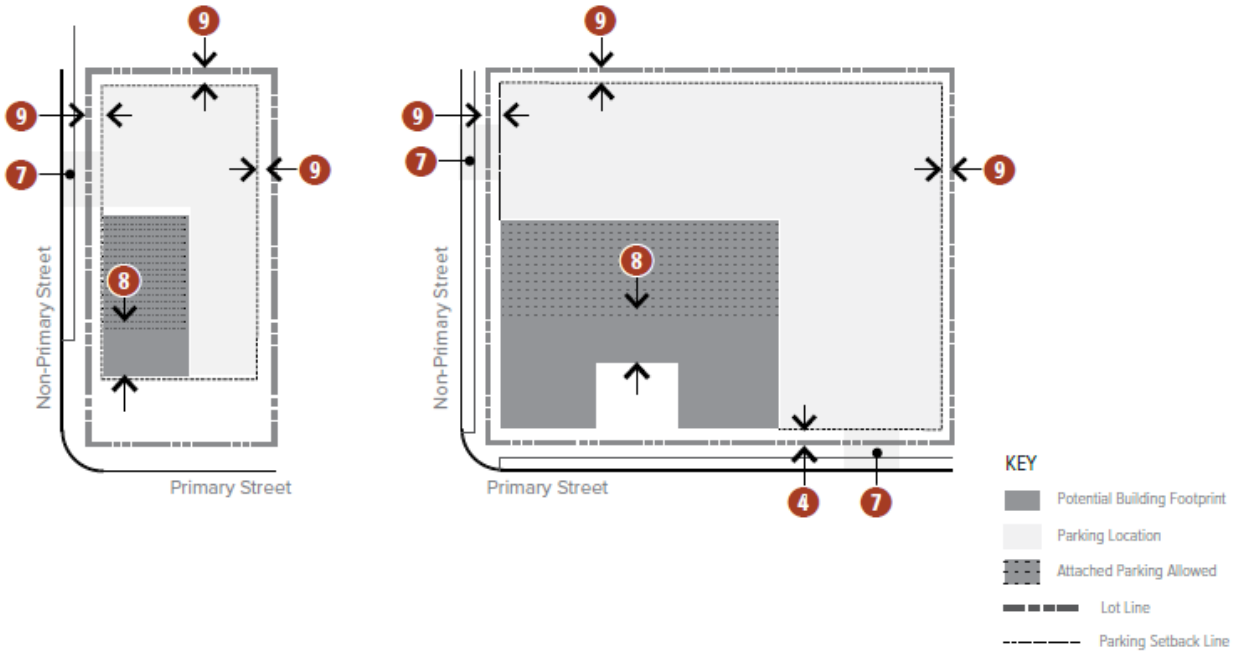


Table 27-2.270.4 Parking & Accessory Structures			
		Zones	Additional/References
		All	
7	Parking & Driveway Access	1 per every 300 feet of street frontage	See 27-5 for parking.
8	Attached Garage Setback	Rear of building; minimum 20 feet from primary facade	
	Attached Garage Door Location	Side, rear, interior side facade	
9	Surface Parking Location	Rear yard, limited side yard, internal	See 27-2.270.8 for limited street yard parking.
	Street Setback	No closer to lot line than principal building	
	Side and Rear Setback	5 ft.	
10	Accessory Structure Location	Rear yard, side yard	See 27-7 for accessory structures
	Street Setback	No closer to lot line than principal building	
	Non-Street Setback	3 ft.	
Key Accessory Structures & Uses		All	See 27-7 for additional regulations governing accessory uses and structures.
	Backyard Cottage	-	
	Outbuilding	P	
	Drive-Through Facilities	-	
	Fuel Pumps	-	
	Parking Structure	P	
	Outdoor Storage	-	
KEY: P = Permitted C = Conditional Use Permit - = Not Permitted			

Figure 27-2.270.5 Civic Building Height

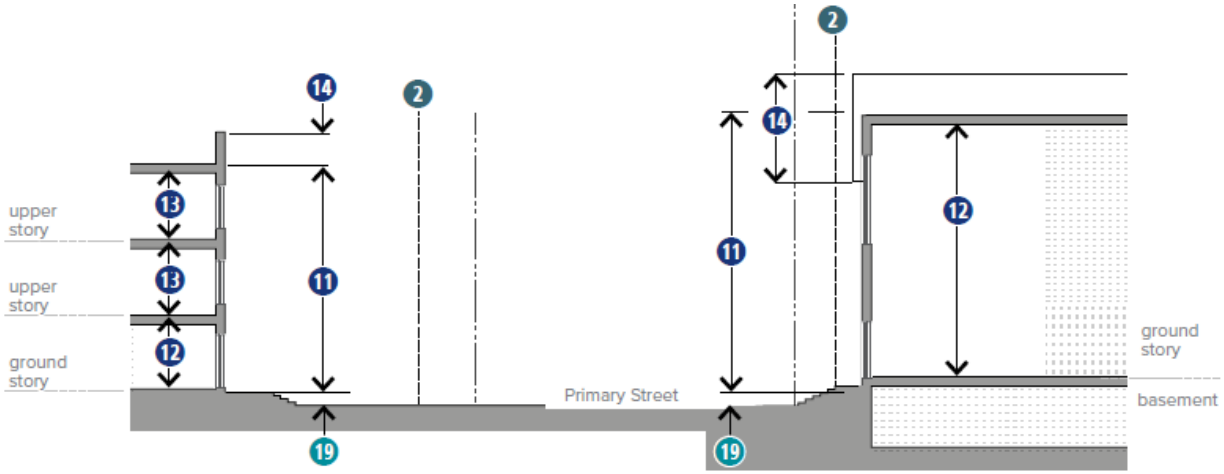


Table 27-2.270.5 Height			
		Zones	Additional/References
		All	
11	Height	3 stories max. Additional stories may be permitted with a Conditional Use Permit	See 27-15.20.10 for measuring height
12	Ground Story Height	10 ft. min. 24 ft. max.	Measured floor-to-floor.
13	All Other Stories Height	9 ft. min. 14 ft. max.	
Table 27-2.270.6 Roofs			
14	Roof Types	Flat, parapet, pitched	See 27-3.10 for roof types and tower regulations
15	Tower	Allowed	

Figure 27-2.270.7 Civic Building Facades

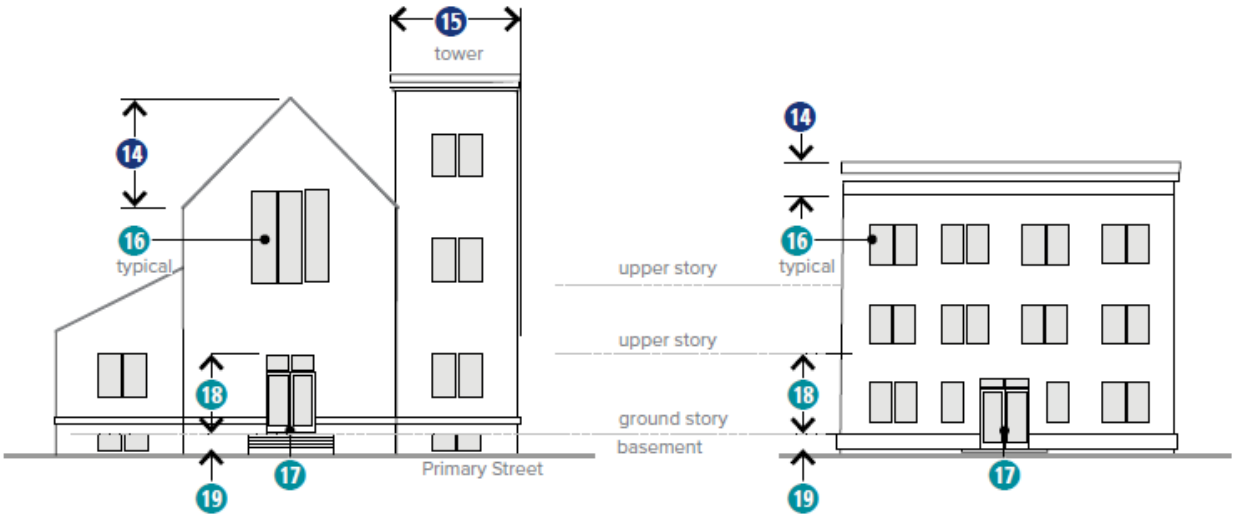


Table 27-2.270.7 Primary and Non-Primary Facades			
		Zones	Additional/References
		All	
16	Transparency on Primary Facades	10% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See 27-15.20.11 for measuring transparency.
	Transparency on Non-Primary Facades	-	
		No bays or 15 ft. wide sections of any story on the primary facade may be without transparency.	
17	Building Entrance Location	One per every 100 ft. of primary facade	See 27-15.20.12 for measuring.
18	Entrance Type	Stoop, porch	See 27-3.20 for entrance types
19	Ground Story Elevation	Less than 30 in. above grade or between 30 in. and 4 ft. with a visible basement	See 27-15.20.10 for definition of visible basement
	Horizontal Divisions with Shadow Lines	-	
	Vertical Divisions with Shadow Lines	-	

27-2.270.8 Supplemental Civic Building Regulations

A. **Minimum Pedestrian Area.** Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the build-to zone/setback shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per 27-4.70.

B. **Limited Side Yard Parking.** Where allowed, limited side yard parking is located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.

27-3. Building Design

27-3.10 Roof Types

27-3.20 Entrance Types

27-3.30 Façade Materials

27-3.40 Façade Elements

27-3.50 Mechanical Equipment

27-3.10 Roof Types

27-3.10.1 Applicability

A. The roof type regulations in this section apply to all buildings with the exception of detached, semi-detached, two-unit and attached houses.
B. Roofs, except minor roofs for bay or bow windows and dormers, must meet one of the roof types allowed by the building type per 27-2 and regulated by this section 27-3.10. Multiple roof types may be used on any one building.

27-3.10.2 Rooftop Outdoor Facilities & Structures

Terraces, green roofs, rooftop gardens, and other outdoor facilities are allowed on any roof and are not considered a roof type, provided the following regulations are met:

A. Any permanently covered, rooftop structure, such as a pergola, arbor, pavilion, canopy, is considered a story.
B. Where a permanently covered, rooftop structure is visible from any public way, civic space, or open space, the structure must comply with a roof type.

27-3.10.3 Other Roof Types

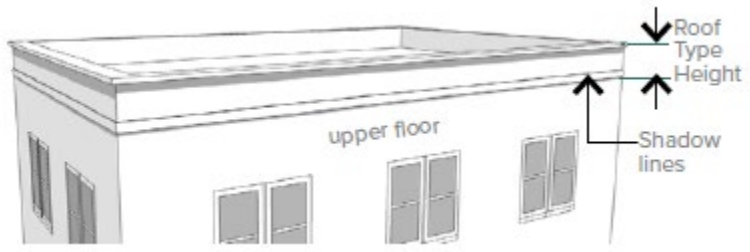
Other roof designs not defined in this section may be approved through an administrative modification during the review process with the following requirements:

A. **Special Building.** The building or portion of building receiving the roof type must warrant a separate status from the majority of buildings in the zone, with a correspondence between the form of the roof and the building use, such as a dome for a planetarium, a dome for a place of worship, or a unique, iconic roof for a more distinctive performing arts venue.
B. **Occupied Building Space.** Any occupiable building space within the approved roof must count as a half story towards the building's overall allowed height. See 27-15.20.10 for measuring building height. See 27-13.30 for definition of occupied building space.
C. **Other Design.** The shape of the roof must be a different form from those defined in this section, 27-3.10, such as a dome, spire, or vault and not a gabled roof, hipped roof, parapet roof, or flat roof.

27-3.10.4 Parapet Roof Type

A parapet is a low wall projecting above a building's roof along the perimeter of the building on all street facades and other primary facades.

Figure 27-3.10.4 Example of a Parapet Roof Type



A. **Parapet Height:** Height is measured from the top of the upper story to the top of the parapet.
   (1) Minimum height is 1.5 feet.

(2) Maximum height is 6 feet.

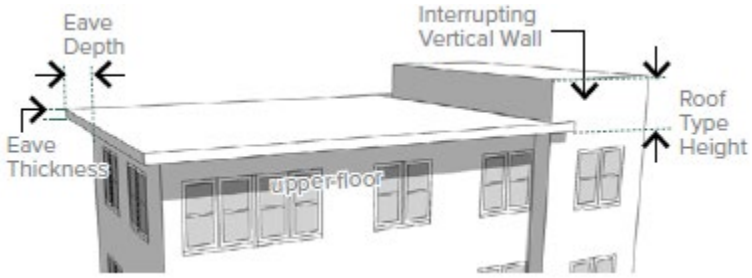
B. **Shadow Lines.** A shadow line must be located within 2 feet of the top of the uppermost story and at the top of the parapet. See 27-15.30 for a definition of a shadow line.

C. **Rooftop Appurtenances.** With the exception of solar panels and antennas, any rooftop appurtenances must be located towards the rear or interior of the parapet roof. Rooftop appurtenances should be located such that the parapet blocks their view from the sidewalk across the street or may be located within a tower (see 27-3.10.7). See also 27-3.50 for additional regulations governing mechanical equipment.

27-3.10.5 Flat Roof Type

This roof type is a visibly flat roof with overhanging eaves.

Figure 27-3.10.5 Example of a Flat Roof Type



A. **Maximum Slope.** The maximum slope is 2:12, however, the roof must not appear to be visibly sloped from the street or other primary frontage.

B. **Eaves.** Eaves are required on all street and other primary frontages.
   (1) **Eave Depth.** Eaves must have a depth of at least 14 inches. Eave depth is measured from the building façade to the outside edge of the eave.
   (2) **Eave Thickness.** Eaves must be a minimum of 6 inches thick. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave.

C. **Interrupting Vertical Walls.** Vertical walls may interrupt the flat roof and extend above the top of the eave with no discernable roof type.
   (1) No more than one-third or 30 feet, whichever is less, of any primary façade may consist of an interrupting vertical wall.
   (2) Vertical walls shall extend no more than 8 feet above the top of the eave.

D. **Occupied Building Space.** Occupied building space may not be incorporated behind this roof type, including the flat roof and vertical wall. See 27-15.30 for definition of occupied building space.

E. **Rooftop Appurtenances.** With the exception of solar panels and antennas, rooftop appurtenances may not be located on the flat portion of this roof type. Any rooftop appurtenances may be located behind the interrupting vertical wall with no visibility from the sidewalk across the street or may be located within a tower (See 27-3.10.7). See also 27-3.50 for additional regulations governing mechanical equipment.

27-3.10.6 Pitched Roof Type

This roof type is a sloped or pitched roof, where the slope appears on all street and other primary facades. Slope is measured with the vertical rise divided by the horizontal span or run.

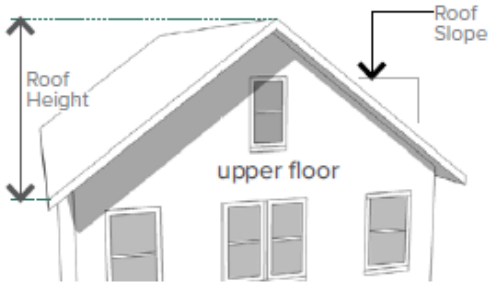
Figure 27-3.10.6 Examples of Pitched Roof Types



Low Pitched Roof Roof type (Hip Roof)



Parallel Pitched



Pitched Roof type (Gable Roof)

A. **Pitch Measure.** The roof may not be sloped less than a 4:12 (rise:run) or more than 14:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

B. **Hipped and Gable Configurations.** Hipped, gabled and combination of hips and gables with and without dormers are allowed as follows:
   (1) When the ridge line runs parallel to any primary frontage, one of the following must occur:
      (a) A gabled end or perpendicular ridge line must occur at least every 100 feet of roof ridge; or
      (b) One dormer must be provided for every 30 feet of ridge line on any street or primary frontage with at least one dormer per frontage.
   (2) Occupied building space (See 27-15.30) within the roof is allowed and counts as a half or full story in accordance with the definition of half story in 27-15.30 and any half story limitations that apply to the subject building type.

C. **Butterfly and Shed Configurations.** Butterfly (or inverted gable or V-shaped roof) and shed roofs are allowed as follows:
   (1) The butterfly or shed roof must not exceed 8 feet in total height, inclusive of eave or overhang.
   (2) Occupied building space (See 27-15.30) within the roof is allowed and counts as a half or full story in accordance with the definition of half story in 27-15.30 and any half story limitations that apply to the subject building type.

D. **Gambrel and Mansard Configurations.** Gambrel and mansard roofs are allowed as follows:
   (1) Gambrel roofs with the ridge line perpendicular to the street are allowed.
   (2) Gambrel roofs with the ridge parallel to the street and mansard roofs are allowed where one dormer is provided for every 15 feet of ridge line on any street or primary frontage with at least one dormer per frontage.
   (3) The steepest portion of the roof must be no greater than the tallest permitted height of one upper story.
   (4) Occupied building space is required beneath the roof and counts as a half or full story, based upon the percentage of footprint allowed for a half story within the building type

regulations. See 27-15.20.10 for definition of and measuring a half story. See 27-15.30 for definition of occupied space.

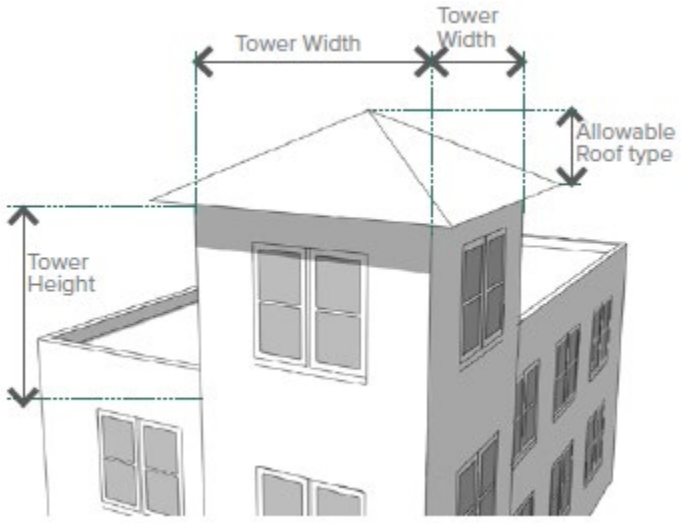
E. **Maximum Roof Height.** Roofs without occupied building space and/or dormers must have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the upper story floor to floor height utilized on the building.

F. **Rooftop Appurtenances.** With the exception of solar panels and antennas, any rooftop appurtenances must be recessed within the pitched roof with no visibility from the sidewalk across the street, or be located within a tower (see 27-3.10.7). See also 27-3.50 for additional regulations governing mechanical equipment.

27-3.10.7 Towers

A tower is a vertical element allowed in addition to the building's roof type.

Figure 27-3.10.7 Example of a Tower



A. **Quantity.** Unless otherwise defined in the building type regulations, the following is allowed:
   (1) **Street Façade Towers.** A maximum of 2 towers with any tower façade located within 15 feet of any street façade is permitted on any building.
   (2) **Interior Building Towers.** Two additional towers are permitted, provided the towers are located a minimum of 30 feet from any street façade. Interior towers are typically functional, providing enclosed space for utilities or access to the roof.

B. **Degree of Enclosure.** A street façade tower must be fully enclosed. Any interior tower may be partially or fully enclosed. A fully open structure, such as a rooftop gazebo, is not a tower (see 27-3.10.2).

C. **Tower Height.**
   (1) Maximum height, measured from the top of the uppermost floor of the building to the top of the tower shaft, not including the tower roof, is the equivalent of the height of one upper floor of the building to which the tower is applied.
   (2) A tower allows for up to one additional story of height within the tower footprint to any building type where permitted.

D. **Tower Footprint.**
   (1) A tower footprint may be polygonal (simple, e.g. hexagonal or octagonal), rectilinear, or cylindrical in plan.

(2) The maximum width in any direction of the footprint of any tower is 1/3 the width of any street or primary facade or 30 feet, whichever is less.

E. **Tower Spacing.** Street facade towers, within 15 feet of any street facade, must be spaced a minimum of 120 feet from other street facade towers. Interior building towers must be located a minimum of 60 feet from any other tower.

F. **Transparency.** Towers that meet the minimum floor-to-floor to height of the building type and are located within 30 feet of a street facade shall meet the minimum primary street facade transparency requirements of an upper story of the building type to which the tower is applied.

G. **Horizontal Shadow Lines.** If the tower extends the building up to a 5th or higher story, a shadow line is required between the 4th and 5th stories on any tower. Shadow lines required by the roof type used on the tower also apply.

H. **Occupied Building Space.** Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied. See 27-15.30 for definition of occupied building space.

I. **Rooftop Appurtenances.** No rooftop appurtenances are permitted on tower roofs. Roof appurtenances may be housed within a tower.

J. **Tower Roof.** The tower may be roofed by the parapet, pitched, or flat roof types.

27-3.20 Entrance Types

27-3.20.1 Applicability

The following entrance type regulations apply to all buildings with the exception of detached, semi-detached, two-unit and attached houses. The facade regulations for each building type establish allowed entrance types each building type. See 27-2 for building types.

27-3.20.2 Storefront Entrance Type

A. **Recessed Entrance.** Where the sidewalk outside the storefront is less than 7 feet in width, measured perpendicular to the facade, entrances must be recessed as follows:

(1) The door must be recessed a minimum of 3 feet and a maximum of 8 feet deep, measured from the main building facade, and may exceed the build-to zone regulation.

(2) The maximum width of the recess is 10 feet.

B. **Transparency.** A minimum amount of ground story storefront glass is required per the building type regulations.

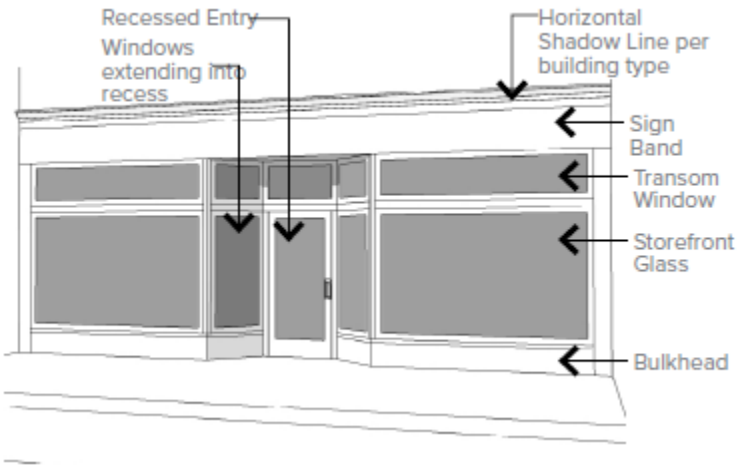
(1) The storefront glass must turn the corner of any recessed entry as shown in Figure 27-6.20.2.

(2) Transom windows above doors are encouraged. Transom windows are encouraged to extend along all storefront windows.

C. **Clear Windows.** Windows must be unobstructed during the daytime and evening hours. Displays inside the building, viewable from outside the window, may be included, but the area on the other side of the window display must be occupied building space. See 27-8.20 for window signs.

D. **Bulkhead.** Where a bulkhead is incorporated, the maximum height is 24 inches. A bulkhead is the lower set of panels or low wall upon which the storefront windows rest. See Figure 27-6.20.2. The bulkhead may be constructed of wood, metal, stained concrete, spandrel glass, or masonry. Concrete masonry units may not be exposed.

Figure 27-3.20.2 Example of a Storefront Entrance

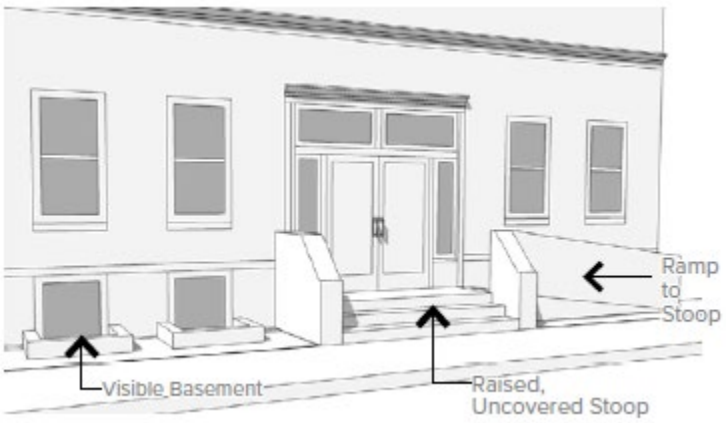


27-3.20.3 Stoop Entrance Type

A stoop is a small, open platform that may include a canopy or roof cantilevered off the building and may or may not be elevated above the sidewalk.

A. **Stoop Size.** Stoops must be a minimum of 4 feet wide and 3 feet deep.
B. **Ramps.** Where feasible, ramps should be incorporated at the principal building entrance and designed as an integrated part of the stoop, with rails matching any provided on steps.

Figure 27-3.20.3 Example of a Stoop Entrance



27-3.20.4 Porch Entrance Type

A porch is a raised, roofed platform that may or may not be enclosed on all sides and may or may not be elevated above the sidewalk.

A. **Transparency.** If a porch is enclosed, refer to the building type for minimum transparency requirements.
B. **Porch Size.** The porch shall be a minimum of 5 feet deep and 8 feet wide.

C. **Height.** Porch may be 2 stories to provide a balcony on the second floor.
D. **Ramps.** Where feasible, ramps should be incorporated at the principal building entrance and designed as an integrated part of the stoop, with rails matching any provided on steps.

Figure 27-3.20.4 Example of a Porch Entrance



27-3.30 Façade Materials

27-3.30.1 Applicability

All primary and non-primary facades of buildings with the exception of detached, semi-detached, two-unit and attached houses, must comply with the following regulations.

27-3.30.2 Other Materials

Materials not listed in this section as allowed major, minor, accent/detail, or roof materials may not be installed on any facade or roof unless approved as an administrative modification as follows:

A. **Intent.** Other materials may be allowed if the applicant demonstrates the material in its proposed application meets the intent of the façade material standards.
B. **Examples.** Samples and examples of successful high quality local installation and the manufacturer's warranty and industry ratings shall be provided by the applicant.
C. **Prohibited Materials.** Materials listed on Table 27-3.30.2 may not be submitted for use with a modification.

Table 27-3.30.2 Prohibited Materials

P	**Concrete, Unfinished (except as allowed in Table 27-3.30.4)** Untreated, unstained, unpainted
	Fiberglass and Acrylic Panels All
Q	**Plastic Panels** All, including high density polyethylene and polycarbonate panels
R	**Stucco Mouldings or Synthetic Stucco Mouldings** Trim, sills, cornices, banding, columns, pilasters or other 3 dimensional details

	Wood Unfinished, untreated plywood siding or panels



27-3.30.3 Major Façade Materials

Allowed major façade materials are listed in Table 27-3.30.3.

A. **Street Facades.** Major facade materials are required on all street facades and facades facing civic and open space, unless otherwise stated, and are intended to serve as the primary surface material of those facades. For the Industrial zone, street facades located more than 100 feet from the street are exempt from the major façade material requirements.

B. **Side and Rear Facades.** When a building is more than 5 feet from an adjacent building, the major materials must be applied to the side or rear façade perpendicular to the street for a depth equal to the distance between the buildings.

C. **Original Façade Materials.** Where brick or stone is an existing building's original facade material, the following applies:
   (1) The original brick or stone may be maintained if in good condition or repaired, or if the brick or stone may be replaced by new brick or stone.
   (2) A different material may not be installed over the original brick or stone.

Figure 27-3.30.3 Major vs Minor Materials



27-3.30.4 Minor Façade Materials

A. **Maximum Minor Materials for Surface Areas.** A maximum of 35 percent of each street or other primary façade surface, not including window and door areas, may be composed of minor façade materials per Table 27-3.30.4.
B. **Side and Rear Façades.** Interior side and rear facades must be faced in a major façade material or a minor façade material as allowed in Table 27-3.30.4.
C. **Accents and Details.** Additional materials are allowed for trim, accents, and details per Table 27-3.30.4a, not included in the maximum surface area.

27-3.30.5 Pitched Roof Materials

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, ceramic tile, engineered wood or slate.

27-3.30.6 Appropriate Grade of Materials

All doors, windows, and hardware must be of commercial grade quality with the exception of those on Row and House buildings.

27-3.30.7 Materials Installation

The following materials installation requirements are intended to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

A. **Changes in Façade Materials.** Changes in façade materials, whether major materials or minor materials, should occur mainly at concave corners or changes in façade planes.
B. **Materials Hierarchy.** A hierarchy of materials must be maintained on the building façade, where "heavier", articulated unit materials (brick, concrete masonry units, stone) are located at the base of the façade and "lighter", constant surface materials with fewer seams (stucco, panels) are located above those on the façade.
C. **Shadow Lines on Surfaces.** Shadow lines must delineate changes in materials with solid materials of a thickness that is greater than 1.5 inches, such as cast stone, masonry, or stone. For example, cast stone elements or brick may be offset to create a shadow.

Table 27-3.30.3 Allowed Major Façade Materials

		Building Types					
	Major Façade Material (alphabetical)	**Storefront**	**General**	**Commercial Center**	**Commercial House**	**Row & Traditional House**	**Workshop-Warehouse**
A	**Brick** Full dimensional, economy, unit, face brick	P	P	P	P	P	P
B	**Concrete Masonry Units** Architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equivalent), "stone" face, "hewn stone", rock cut	-	P	P	-	-	P
C	**Fiber Cement Board** Panels, finished lap siding or shingles	-	-	-	P	P	P
D	**Glass** Curtain wall	-	-	P	-	-	P
E	**Metal, Architectural** Architectural panel, cladding system (steel, titanium, zinc)	-	-	P	-	-	P
F	**Stone**	P	P	P	P	P	P

	Natural, units						
G	**Vinyl & PVC Siding** Minimum .040 inches thick	-	-	-	-	P	-
H	**Wood or Composite Wood** Painted, stained, charred, or treated lap siding, shingles, board & batten, rainscreen	-	-	-	P	P	-

P = permitted, - = not permitted

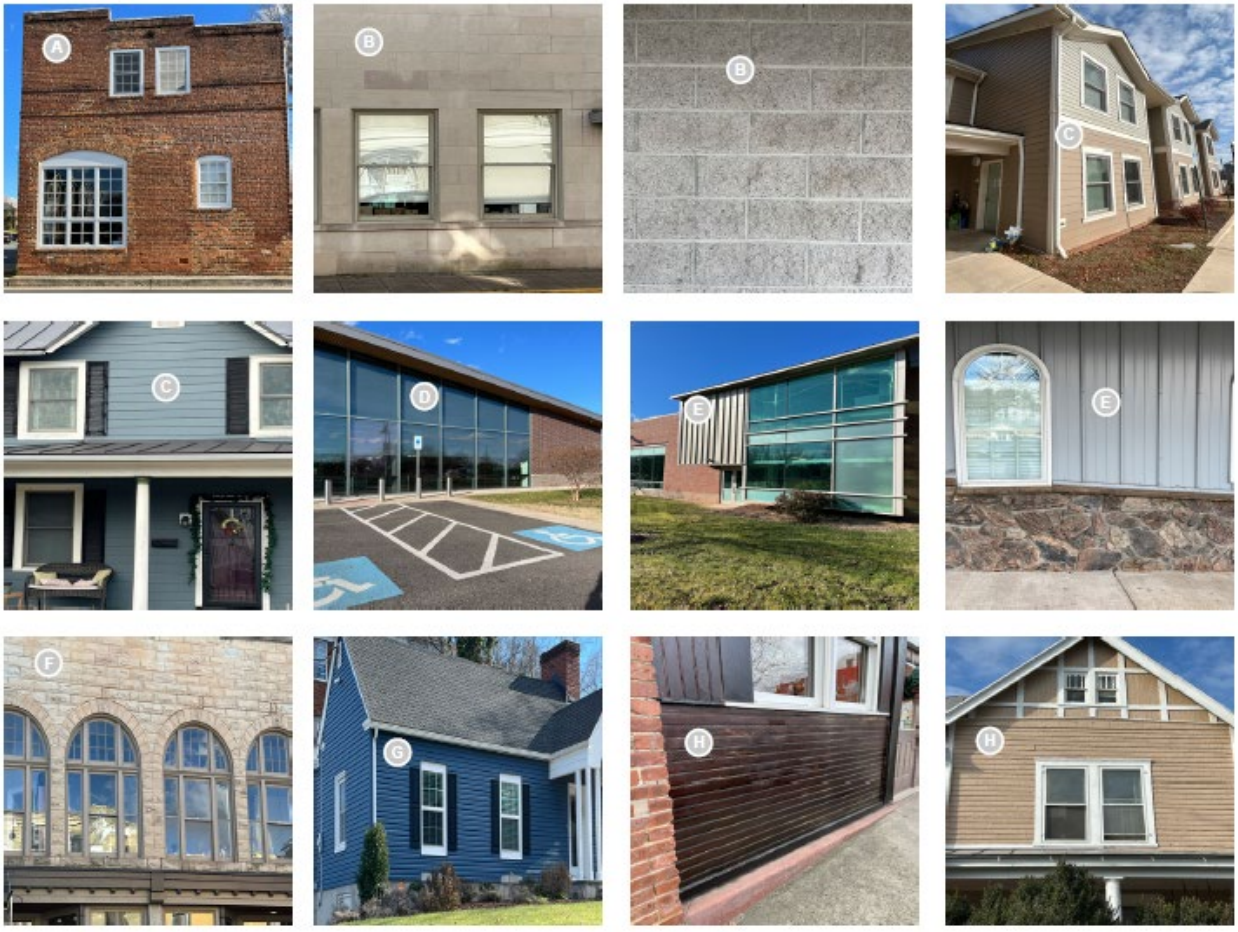


Table 27-3.30.4 Allowed Minor Façade Materials

All allowed major façade materials may be used for minor façade materials, unless otherwise listed as prohibited in Table 27-3.30.2				
	Minor Façade Material (alphabetical)	**Allowed on Building Types**	**Allowed Facades**	**Maximum Amount Allowed on Facades**
	Brick thin, veneer	All	Non-street facades only	100%
	Concrete Surfaces finished, stained, painted, treated	General and Workshop-Warehouse buildings in Industrial zone only	Non-street facades and any facades located more than 100 feet from any street	100%
	Concrete Surfaces unfinished, untreated, unstained, unpainted	All	All, below ground floor	20%
B	**Concrete Masonry Units** architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equivalent), "stone" face, "hewn stone", rock cut	All	All	30% on street facades, 100% other facades
I	**Concrete Masonry Units** minimum 3" depth, split-faced, burnished/groundface, glazed, or honed	All except Commercial and Traditional House	Non-street facades only	100%
		Workshop-Warehouse	Street facades	30%
C	**Fiber Cement Board** finished panels	All	All, except a major material is required at grade up to 2 feet and adjacent to entrances	30%
D	**Glass** curtain wall	All except Commercial and Traditional House	All facades	30%
J	**Glass Block** clear or patterned units without color	All	All non-street facades	20%
E	**Metal, Architectural** architectural panel, cladding system (steel, titanium, zinc)	All except Commercial and Traditional House and in MX, NX and RX Districts	All, except a major material is required at grade up to 2 feet and adjacent to entrances	30%
K	**Metal, Aluminum Composite** aluminum composite materials (ACM) or panels (ACP)	All except Commercial and Traditional House	All non-street facades	30%
	Metal, Corrugated, Other Ribbed, corrugated, sheet	Workshop-Warehouse	All non-street facades	100%
L	**Stucco** cement-based, 2-3 layer hard coat	All	All	30%
	Stucco synthetic or with elastomeric finishes	All	Only 3rd or higher stories of all facades	30%
	Terra Cotta or Ceramic tiles or panels	All	All	20%
G	**Vinyl & PVC Siding** minimum .040 inch thick	Row, Commercial and Traditional House	All, above ground floor on street facades and visible street facades	30% on street facades, 100% other facades
H	**Wood** painted, stained, treated, natural, or aged lap siding, shingles, board & batten	All	All	20%
H	**Wood, Composite**	All	All	40%

	lap siding, shingles, board & batten, rainscreen system			









Table 27-3.30.4a Allowed Detail & Accent Materials

All permitted major and minor facade materials may be used for details, trim, and accents.	
M	**Concrete Details** precast stone ornamentation, lintels, sills, banding, columns, beams
	Fiber Cement Details trim, soffits
N	**Metal Details** trim, ornamentation, lintels, beams, columns
	Wood and Wood Composite Details painted/treated trim, soffits, other approved details
O	**Vinyl Details** limited to soffits, window trim, minimum .04 inches thick







27-3.40 Façade Elements

27-3.40.1 Applicability

The facade element regulations in this section apply to buildings in mixed-use zones except they do not apply to single-family residences.

27-3.40.2 Windows

Windows on street and other primary facades shall be constructed consistent with the following requirements:

A. **Amount.** Each building shall meet the transparency requirements per the building type regulations. See 27-2.
B. **Recessed.** All windows, with the exception of ground story storefront systems and glass curtain wall systems, must be recessed with the glass a minimum of 1.5 inches from the façade surface material or adjacent trim.
C. **Vertically Oriented.** A minimum of 70% of street façade windows must be vertically oriented.
D. **Visibility Through Glass.** Reflective glass and glass block are prohibited on street and other primary facades. Windows shall meet the transmittance and reflectance factors established in the transparency definition(see 27-15.20.11).
E. **Operable Windows.** With the exception of ground story storefront glass and glass curtain wall system, a minimum of 70% of all street facade upper story windows on all buildings except the Workshop-Warehouse building must be operable.
F. **Expressed Lintels.** For masonry construction, the expression of lintels shall be included above all windows and doors by a change in brick coursing or by a separate detail or element. See Figure 27-3.40.2 for illustrations of expressed lintels.
G. **Garage Doors.** Garage doors utilized for patio access, open air dining, or display and not utilized for vehicular access, may be used for storefronts or other window requirements on any building type, provided the doors meet the transparency requirements.
H. **Security Grills.** Exterior bars and security grills are prohibited on any street facade opening. Security grills must be fully retractable and completely located within the interior of the building. When retracted, the grills must not be visible from the exterior of the building.

Figure 27-3.40.2 Vertically Oriented Windows with Expressed Lintels



27-3.40.3 Awnings and Canopies

Removable awnings and canopies attached to buildings shall be constructed consistent with the requirements of this section. See Figure 27-3.40.3 for examples of awnings.

A. **Material.** All awnings and canopies shall appear to be canvas or metal. Hard plastic awnings are prohibited.
B. **Lighting.** Backlighting is allowed only on metal awnings.

C. **Structures.** Frames must be metal and wall mounted. Support poles from the ground are prohibited except where the awning is over 8 feet in depth and utilized for outdoor eating areas or entrances.
D. **Canopies & Light Shelves.** Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are allowed and not intended to be regulated by this subsection 27-3.40.3.
E. **Clearance.** All portions of any awning or canopy shall provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.
F. **Signs.** Refer to 27-11.20 for signs on awnings and canopies.

Figure 27-3.40.3 Examples of Awnings



Metal Awning


Canvas Awning

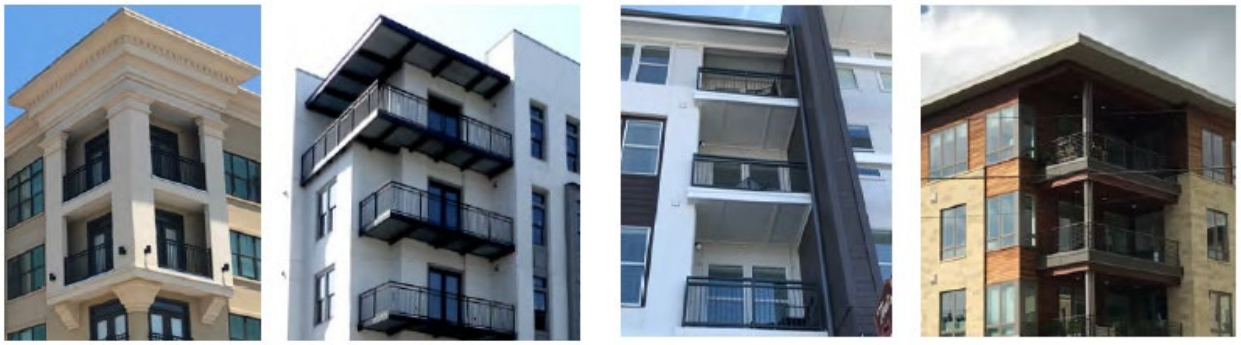
27-3.40.4 Balconies

Balconies on a facade facing any street, courtyard, open space, or public way must be consistent with the requirements of this subsection. See Figure 7.50-I for examples of balconies.

A. **Definition.** For the purpose of this subsection, balconies shall include any roofed or unroofed platform that projects from the wall of a building above grade and is enclosed only by a parapet or railing. This definition does not include false balconies, Juliet balconies, or balconettes.
B. **Balconettes.** Sometimes referred to as Juliet balconies, balconettes are false balconies consisting of a rail and door, either without an outdoor platform or with an outdoor platform less than 18 inches in depth. Balconettes are exempt from these balcony regulations and do not count towards the maximum permitted amount of balcony on a street facade.
C. **Size.** Balconies must be a minimum of 4 feet deep and 5 feet wide.
D. **Facade Coverage.** A maximum of 35 percent of street facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle on the facade elevation around the following: the platform or floor of the balcony; any rails, walls, columns or indentations; and any ceiling, roof, or upper balcony.
E. **Integrated Design.** Balconies are intended to be integrated with the design of the facade, avoiding tacking the balconies onto the facade after the elevation has been designed.
    (1) A minimum of 50 percent of the perimeter of each balcony must abut an exterior wall of the building, partially enclosing the balcony.
    (2) The balcony support structure must be integrated with the building facade; separate columns or posts supporting any balcony from the ground are not allowed.
F. **Platform.** The balcony platform must be at least 3 inches thick and any underside of a balcony that is visible from any street or public way shall be finished.

G. **Build-to Zone Requirement.** When the balcony is in the build-to zone, the portion of the facade behind it is exempt from meeting the build-to zone requirement.

Figure 27-3.40.4 Examples of Balconies



Balconies Appropriately Attached or Incorporated into Façade.



Balconies: Covers More than 35 Percent of Facade



Balconies: Extending Off Facade

27-3.40.5 Shutters

When shutters, whether functional or not, are utilized on a street or other primary facade of any building type, the shutters must meet the following requirements. See Figure 27-3.40.5.

A. **Size.** All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.
B. **Materials.** Shutters must be wood, metal, or fiber cement. Other synthetic and engineered woods may be approved by the Zoning Administrator provided the applicant submits a sample and examples of high quality, local installations of the material.

Figure 27-3.40.5 Examples of Shutters





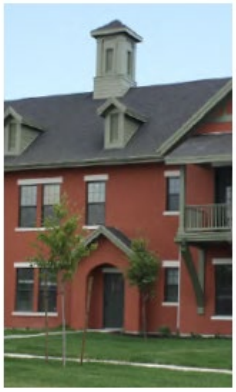
27-3.40.6 Principal Entryway

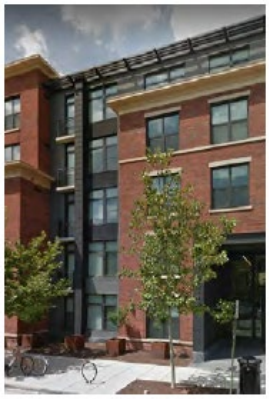
See Figure 27-3.40.6 for examples of defined principal entryways. Principal entrances to all buildings or units, except storefronts, must be clearly delineated through one or more of the following design features:

A. **Roof or Canopy.** The entryway is covered by a roof or canopy differentiating it from the overall building roof type.
B. **Porch.** The entryway is through a porch.
C. **Sidelights and Transom.** Sidelights or transom windows are included around the entryway.
D. **Extended Articulation.** The entryway is included in a separate bay of the building that extends up at least 2 stories.

Figure 27-3.40.6 Examples of Defined Principal Entryways







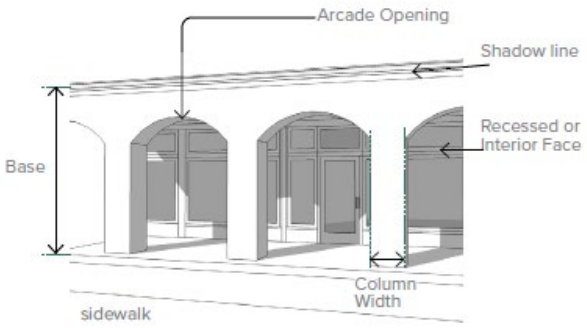
27-3.40.7 Arcade Design

The following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground story. See Figure 27-3.40.6. The storefront entrance must be applied to the interior facade wall of the arcade.

A. **Depth.** An open-air public walkway shall be recessed from the principal façade of the building a minimum of 8 feet and a maximum of 16 feet.

B. **Height.** The height of the interior space of the arcade, measured floor to ceiling, must not exceed 16 feet.
C. **Build-to Zone.** When the arcade is utilized, the outside face of the arcade shall be considered the primary façade, located within the required build-to zone.
D. **Column Spacing.** Columns must be spaced between 10 and 12 feet on center.
E. **Column Width.** Columns must be a minimum of 1 foot 8 inches and a maximum of 2 foot 4 inches in width.
F. **Arcade Openings.** Openings must not be flush with interior arcade ceiling and may be arched or straight.
G. **Horizontal Façade Division.** A horizontal shadow line shall define the ground story façade from the upper stories.
H. **Visible Basement.** A visible basement is not permitted.

Figure 27-3.40.7 Example of an Arcade



27-3.40.8 Ground Story at Sloping Facades

Grade transitions on any building along a significantly slope sidewalk or street should be designed to minimize blank walls and maximize pedestrian-scale frontages between waist and eye level. See Figure 27-3.40.8 for examples of positive facades along slopes.

A. **Storefronts.** The following regulations apply to storefront facades along sloping streets:
   (1) The interior floor level shall step to match the exterior grade within three feet.
   (2) Knee wall and retaining walls shall not exceed 30 inches in height except one maximum nine foot section of length may exceed 30 inches.
   (3) If grade change is more than nine feet along a single block face, building entrances adjacent to the street shall be within three feet of the elevation of the adjacent sidewalk.
B. **Non-Storefronts.** The following regulations apply to all non-storefront facades along sloping streets:
   (1) Grade transitions at the building along the sidewalk shall be designed to minimize blank walls. Multiple front entrances along the street activate each segment of building section at each grade.
   (2) The interior floor level shall step to match the changes in exterior grade within a three-foot range.
   (3) Changes can be accommodated by terraced planters and retaining walls. Retaining walls shall not exceed 30 inches in height except along a maximum 15-foot section of frontage.
   (4) When the elevation of the first floor is more than three feet above grade, windows should be provided into the basement or lower floor elevation.

Figure 27-3.40.8 Examples Ground Story Along Slopes







27-3.40.9 Building Articulation

See Figure 27-3.40.9 for examples of building façade variety. Buildings 120 feet in length or greater, as measured along any street frontage, must fulfill the following requirements:

A. **Building Variety.** Each street and other primary façade shall be varied in segments less than or equal to 90 feet. Each facade segment must vary by at least 2 of the following:
   (1) The type of dominant facade material or by color, scale, or orientation of that material;
   (2) The proportion of recesses and projections within the build-to zone;
   (3) The location of the entrance and window placement, unless storefronts are utilized;
   (4) Roof type, plane, or material, unless otherwise stated in the building requirements;
   (5) Building height.

B. **Articulation of Stories.** Stories shall be articulated on street and other primary facades.
   (1) **Fenestration.** Fenestration or window placement on street facades shall be organized by stories per the building type facade transparency regulations.
   (2) **Shadow Lines.** Horizontal shadow lines and lintels over openings may be used to delineate stories with minimum shadow lines required per building type.
   (3) **Mezzanines.** Mezzanines that fall within the range of floor to floor heights of the building type shall be articulated on the facade and require separate calculation for transparency per 27-15.20.11.F Tall Stories.
   (4) **Taller Spaces**. Spaces exceeding the allowable floor to floor heights of the building type shall be articulated as multiple stories on the street facade.

Figure 27-3.40.9 Examples of Building Articulation





27-3.40.10 Vistas

Views down streets must be considered when designing building layout and facades. See Figure 27-3.40.10

A. **Rears of Buildings.** The rear service areas of buildings or parking behind buildings must not be visible from primary streets or open space.
B. **Parking.** Parking structures, service areas, and surface parking lots are not permitted at the termination of a street vista.
C. **Street Termini.** When a street terminates at a parcel, the parcel must be occupied by one of the following:
    (1) **Open Space.** If the parcel is open space, any open space type must be utilized and a vertical element shall terminate the view. Acceptable vertical elements include, but are not limited to, a stand or group of trees, a sculpture, a gazebo or other public structure, or a fountain.
    (2) **Building.** If the parcel is not utilized as an open space, the facade of a building, whether fronting a primary street or not, shall terminate the view. The building shall incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard. That portion of the facade shall be treated as a primary facade.

Figure 27-3.40.10 Example of a Terminated Vista



27-3.40.11 Garage Doors

The following regulations apply to garage doors provided on any street façade.

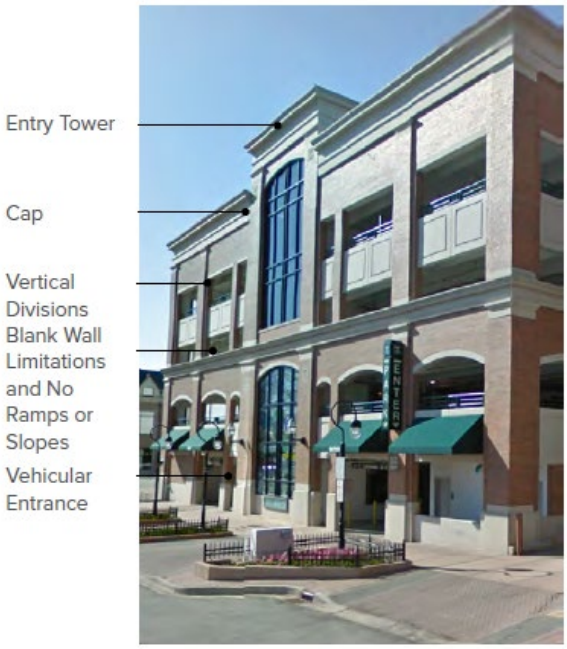
A. **Location.** Allowed locations for garage doors located on street and non-street facades are regulated by the building type regulations.
B. **Recessed from Facades.** Garage doors located on street-facing facades must be recessed a minimum of 3 feet from the dominant faced of the principal building facing the same street.
C. **Design.** Garage doors facing a street or visible from a street must meet the following:
    (1) The doors must be clad with materials consistent with the design of the building.
    (2) Upgraded architectural doors or carriage-style doors are required.

27-3.40.12 Parking Structure Facades

Parking structure facades visible from any street or other primary façade shall meet the following standards. See Figure 27-3.40.11 for an illustration of a parking structure.

A. **Materials.** Major and minor material requirements, per 27-3.30, apply on all street and other primary facades. An additional permitted minor material is stained, finished concrete.
B. **Ramps and Slopes.** Ramps and slopes shall be located on non-primary street facades.
C. **Vertical Divisions.** Vertical divisions extending to the full height of the structure are required every 30 feet to deemphasize the horizontal decks. Divisions shall be a minimum of two feet in width with a minimum projection of two inches.
D. **Blank Wall Limitations.** No rectangular area greater than 30 percent of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid wall without an opening.
E. **Entry.** A pedestrian entrance directly into the parking structure from the street is required to be separate from the vehicular entrance and directly accessed the sidewalk. The pedestrian entrance must meet the principal entryway regulations in 27-3.40.6. Stairwells must be enclosed with windows at a transparency rate of at least 65%.
F. **Cap.** The top story of the parking structure shall include a parapet or other roof type along the public way facades. Refer to roof types defined in 27-3.10.
G. **Vehicular Entrances.** Driveways shall be no wider than 22 feet and the entrance and exit should be split by a median. Access shall be located on a non-primary street, unless the lot does not abut a non-primary street. No more than two access points shall be located on any one street, totaling no more than 24 feet of drives crossing sidewalk.

Figure 27-3.40.12 Example of a Parking Structure



27-3.50 Mechanical Equipment

Mechanical equipment and appurtenances are necessary for any building design, but can have a negative visual impact and detract from the quality of the design of a building. The purpose of the regulations of this section, 27-3.50, is to ensure that the visual impact of mechanical equipment and appurtenances is minimized.

27-3.50.1 Applicability

The mechanical equipment regulations in this section apply to buildings in mixed-use zones except they do not apply to any single-family residences.

27-3.50.2 “Mechanical Equipment” Defined

When the following regulations refer to "mechanical equipment", any mechanical equipment or utility appurtenance, such as but not limited to HVAC systems, boilers, condensers, transformers, vents, meters, ducts, are being referenced, except the following:

A. Solar energy systems are allowed, subject to 27-7.160 in accessory structure regulations.

27-3.50.3 Mechanical Equipment in the Building

Mechanical equipment shall be located within the building, unless the applicant demonstrates that locating the equipment within the building would conflict with the equipment’s function.

27-3.50.4 Rooftop Mechanical Equipment

Any rooftop mechanical equipment, such as but not limited to, vents, ducts, condensers, and ventilators, but not including solar panels or wind turbines, shall be located consistent with one of the following methods:

A. Incorporate equipment into the roof design consistent with the applicable standards of roof types in 27-3.10.
B. Set the equipment back a minimum of 10 feet from any street or public way facade.
C. All rooftop mechanical shall be appropriately screened or painted to blend with the structural roof and limit its visibility.

27-3.50.5 Mechanical Equipment on Street Facades

Mechanical equipment and utility appurtenances shall not be located on a street facade unless the applicant demonstrates to the Zoning Administrator's satisfaction that locating the equipment in a different location would conflict with the equipment’s function. Any equipment or appurtenance approved on a facade shall be located consistent with the following standards:

A. **Street Facade.** The mechanical equipment may be located on a street facade only if the following requirements are met:
    (1) The equipment is located on a surface perpendicular (and not parallel) to the adjacent street.
    (2) The equipment extends from the facade surface no more than three inches; and
    (3) The equipment is screened from the sidewalk by landscape, railings, other facade walls, or other designs.
B. **Air Vents or Grills.** Air vents and grills may be successfully incorporated into storefront window systems, provided the transparency requirements are met by the actual windows in the system.
C. **Alignment.** Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on the drawing elevations submitted as part of the application.
D. **Material Coordination.** Facade-mounted mechanical appurtenances shall be appropriately screened or located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored fiber cement panels than a textured, darker surface such as brick.

27-3.50.6 Mechanical Equipment on Other Horizontal Surfaces

Mechanical equipment, such as electrical transformers and air conditioners, located on the ground, decks, or horizontal surfaces other than the roof shall be located consistent with the following standards:

A. **No Encroachment.** Mechanical equipment shall not extend into any right-of-way or easement, unless the town council authorizes an encroachment.
B. **Allowed Yard Location.** See 27-15.30 for definition of yards.

(1) **Front or Primary Street Yard.** Mechanical equipment and appurtenances shall not be located in the front or primary street yard.
(2) **Non-Primary Street Yard.** Mechanical equipment may be approved in the non-primary street yard, provided the equipment is screened from the street in accordance with the following regulations.
(3) **Rear and Side Yard.** Mechanical equipment may be located in any rear or side yard.

C. **Screening from streets, open spaces, or civic spaces.** All equipment must be screened from view from any streets, open space, or civic space in accordance with the following:
(1) Walls for screening must be consistent with the building design, colors, and materials, faced with an allowed major facade material.
(2) Where landscaping only is employed, the following must be met:
(a) Where landscaping only is employed, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the large planting bed design.
(b) A single row of evergreen shrubs shall fully screen the equipment within one year of installation.
(c) The Zoning Administrator may require additional landscape materials to ensure equipment is fully screened.

D. **Street or Primary Frontage Yard Location.** Equipment located in a street yard or other primary frontage yard may be approved only if all of the following are met:
(1) The applicant demonstrates that the equipment cannot be located in a rear yard, street side yard, or in a side yard.
(2) Equipment may be located in a primary street yard only if the applicant demonstrates that the equipment cannot be located in a non-primary street yard.
(3) No other utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.
(4) The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the sight vision clearance at intersections.
(5) The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements.

27-4. Landscape & Site Design

27-4.10	Generally
27-4.20	Landscape Plan
27-4.30	Enforcement
27-4.40	General Landscape Installation
27-4.50	General Landscape Maintenance
27-4.60	Existing Tree Protection
27-4.70	Streetscape Area Regulations
27-4.80	Street Trees
27-4.90	On-Site Pedestrian Circulation
27-4.100	Frontage Buffer
27-4.110	Side and Rear Buffers
27-4.120	Interior Parking Lot Landscaping
27-4.130	Screening of Refuse and Utility Areas
27-4.140	Lighting

27-4.10 Generally

27-4.10.1 Purpose

The planting of trees and vegetation, as well as the conservation of existing trees and vegetation, serves to significantly improve the quality of the physical environment. In the interest of public health, safety, and welfare, the following regulations promote the planting and preservation of landscape materials which:

A. Provide screening between different land uses;
B. Promote the reduction of the harmful effects of noise, heat, wind, glare of motor vehicles, and the level of carbon dioxide;
C. Promote traffic safety by controlling views;
D. Promote the attractiveness of the community through the enhancements of shade and seasonal landscaping;
E. Protect property values and the appearance of neighborhoods and commercial zones through appropriate landscaping and fencing;
F. Provide for healthy, long-lived trees within all public ways to improve the appearance of streets and create a buffer between pedestrian and vehicular travel lanes;
G. Increase the urban tree canopy throughout town;
H. Increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses;
I. Promote the prudent use of water through sustainable, functional landscapes; and
J. Reduce energy demands through the shading of buildings and pavement, reducing urban heat island effects.

27-4.10.2 General Applicability

The site design regulations of this article 27-4, apply in the following situations in the mixed-use zones only:

A. **New Development and Expansions.** New buildings constructed or whenever an existing building is enlarged or expanded to the extent of requiring site plan review per 27-12.100, unless otherwise stated in this article.
B. **Parking, Loading Areas or Other Vehicular Areas.** New parking, loading and other vehicular areas and when an existing parking, loading, or other vehicular area (e.g. drive-through facilities, fueling stations, vehicular sales lots) is enlarged or expanded by more than 2,500 square feet, parking lot landscape, frontage buffers, and side and rear buffers must be applied to the entire area per this article.
C. **Outdoor Storage Areas.** New outdoor storage areas and when an existing storage area is enlarged or expanded, frontage and side and rear buffers must be applied per this article.

27-4.10.3 Modification

An administrative modification may be approved during the site plan process for any required landscape or hardscape provision under the following situations:

A. The landscape would not serve the purpose or intent of these landscape and site design regulations.
B. If site conditions make it impractical to install and/or maintain required landscaping and/or berming features, the Zoning Administrator may waive or alter the requirements through the modification during the site plan process. Such waiver or alteration shall only occur at the written request of the property owner. Such written request shall demonstrate why the requirements will not work, and offer an alternative landscaping plan which will satisfy the intent of this article.

27-4.10.4 Visibility at Intersections

Clear visibility must be maintained between 2 feet and 4 feet above grade within required sight distance triangles at street intersections. Modifications to landscaping placement may be made to accommodate these safety considerations. See 27-15.20.13 for explanation of sight distance triangles.

27-4.20 Landscape Plan

A landscape plan is required for all landscape and site design required by this article, 27-4. Submittals must accompany any site plan or subdivision plan and, at a minimum, include plans outlined in this section.

27-4.20.1 Preparation

Landscape plans may be prepared by a licensed engineer if they utilize only species identified within the adopted Facilities Standards Manual and spacing and location identified within this section. Landscape plans deviating from the adopted standards as far as species, frequency or location, shall be prepared and sealed by a licensed landscape architect as defined under Code of Virginia, § 54.1-400, as amended, or a landscape designer certified by the Virginia Society of Landscape Designers, or an arborist certified by the International Society of Arboriculture or a horticulturalist certified by the Virginia Nursery and Landscape Association and provide justification for the deviations.

27-4.20.2 Existing Plan

A survey of existing landscape, trees, ground vegetation, topography, fences, utilities, and structures at a scale no less than 1 inch = 200 feet.

27-4.20.3 Demolition and Tree Removal Plan

A demolition and tree removal plan illustrating trees, structures, fences to be removed at a scale no less than 1 inch = 200 feet. Tree protection required by this article must also be shown on this plan. A table of specimen trees to be removed and their sizes must be included.

27-4.20.4 Landscape Plan

A landscape plan illustrating all landscape required by this article and to be installed on the site at a scale no less than 1 inch = 200 feet. The landscape plan must also clearly indicate any replacement trees and a table must be included. The landscape plan must indicate all new fencing and provide details of types. A plant list showing all plant species, sizes, and quantities must be included.

27-4.20.5 Grading Plan

A grading plan illustrating all proposed cut and fill at a scale no less than 1 inch = 200 feet. The grading plan must clearly indicate existing tree locations and tree protection required by this article.

27-4.20.6 Specimen Trees

The criteria for the identification of specimen trees can be found within the town's Facilities Standards Manual (FSM).

27-4.30 Enforcement

Final certificates of occupancy may be withheld pending installation of required landscape. A surety satisfactory to the town must be submitted to allow for the issuance of the certificate prior to completion.

27-4.40 General Landscape Installation

27-4.40.1 Intent

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

27-4.40.2 Applicability

These provisions apply to landscape installation required by this article.

27-4.40.3 General Landscape Installation

A. **Standards.** All landscape and trees must be installed in conformance with the practices and procedures established by the most recent edition of the Road and Bridge specifications of the Virginia Department of Transportation.
B. **Timing.** All landscape materials must be fully installed prior to the issuance of a certificate of occupancy.
    (1) If seasonal conditions preclude the complete installation, a cash escrow, equal to 1.5 times the installation costs as estimated by a qualified professional, is required.
    (2) Complete installation is required within 9 months of the issuance of the temporary certificate of completeness.
C. **Tree and Shrub Types.** Trees and shrubs required by this article must be of a type allowed by the town's Facility Standards Manual (FSM), unless otherwise approved by the Zoning Administrator.
D. **Tree Measurement.** Caliper is the measured diameter (inches) of the tree trunk as follows:
    (1) Caliper measurement of the trunk must be taken 6 inches above the ground or top of the rootball up to and including 4 inch caliper size.
    (2) If the caliper at 6 inches above the ground exceeds 4 inches, the caliper should be measured at 12 inches above the ground or top of the rootball.
E. **Plant Size Requirements.** Plant material must be sized according to the town's Facility Standards Manual (FSM), unless otherwise noted in this section.
F. **Condition and Selection of Planting Materials.** The plant materials used must be free from visible signs of disease, infestation, or physical defect at the time of planting. Plant materials must:
    (1) Be appropriate for the conditions of the location, including sun and wind exposure, air quality, salt exposure, soil type, expected moisture content of soil, and slope.
    (2) Not be an invasive or a potentially invasive species.
    (3) Be, wherever possible, native or naturalized to the region.
G. **Compost, Mulch, and Organic Matter.** Compost, mulch, and organic matter must be utilized within the soil mix to reduce the need for fertilizers and increase water retention.
H. **Bonding.** Bonding in a form defined by the Zoning Administrator is required for all plant material and installation required by this UDO, and maintenance of that plant material for at least 2 years.
I. **Establishment.** All plant materials and installation to be guaranteed for a period of at least 2 years after planting or until established, whichever is longer. Unhealthy or dead plant materials must be replaced in a timely manner. Beyond 2 years, dead plant material must be replaced to remain compliant with approved site plans.

27-4.40.4 Permeable Surface Area for Trees

For each tree planted, a minimum amount of permeable surface area is required, unless otherwise stated in this ordinance, to ensure root growth and access to air and water.

A. **Minimum Area.** A minimum required permeable surface area per Table 27-4.40.4 is required per tree based upon the estimated mature canopy of the tree. Recommended permeable surface of any tree for good health and survival rate is 70% of the estimated mature tree canopy. Examples of dimensions of permeable area shown in the table are based upon typical street tree areas.
B. **Required per Tree.** Permeable area for one tree may not count toward that of another tree.

C. **Suspended Pavement System.** The required permeable soil surface area of a tree (see 27-4.40.4.A) may extend below any pavement when a modular suspended pavement system is used below that pavement. Where installed, a maintenance agreement must be filed with and approved by the town.
D. **Aeration Systems and Permeable Pavers.** Other alternative surfacing and soil systems may be required by the Zoning Administrator in situations where the recommended permeable surface area is not provided. Where installed, a maintenance agreement must be filed with and approved by the town.

Table 27-4.40.4 Estimated Canopy & Permeable Surface Area by Tree Size

Tree Size	Estimated Mature Canopy Size	Minimum Required Permeable Surface Area
Small	300 sq. ft.	100 sq. ft.
Medium	700 sq. ft.	225 sq. ft.
Large	1,000 sq. ft.	400 sq. ft.

27-4.50 General Landscape Maintenance

27-4.50.1 Intent

All landscaping must be maintained in good condition at all times to ensure a healthy and orderly appearance.

27-4.50.2 Applicability

All landscape required by this article must be maintained in healthy condition per this section, 27-4.50.

27-4.50.3 General Maintenance

A. **Standards.** All landscaping and trees must be maintained according to the most recent edition of the Road and Bridge specifications of the Virginia Department of Transportation.
B. **Replacing Unhealthy Landscaping.** Unhealthy landscaping must be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over 25 percent or more of the normal branching pattern.
C. **Maintenance Responsibility.** The owner is responsible for the maintenance, repair, and replacement of all landscaping
D. **Maintain Quantity and Quality.** Maintenance must preserve at least the same quantity, quality, and screening effectiveness as initially installed or required by this article.
E. **Clear Branch Height.** Minimum clear branch height of trees overhanging public sidewalks and streets is defined in Chapter 21 of the Town Code of Ordinances.
F. **Town Inspection.** All landscaped areas regulated by this ordinance may be inspected by the town.
G. **Tree Maintenance.**
    (1) **Tree Topping.** Tree topping is not allowed. When necessary, crown reduction thinning or pruning is permitted. Refer to 27-4.90 for clear branch height of street trees.

27-4.60 Existing Tree Protection

27-4.60.1 Applicability

All trees on any site in any zone must meet the regulations of this section, 27-4.

27-4.60.2 Measuring Existing Trees

Existing trees must be measured as the diameter of trunk, at breast height, 4 feet above grade at the base of the tree.

27-4.60.3 Tree Protection During Construction

During construction, all available precautions must be undertaken to prevent damage to existing trees, 6" in diameter or larger, to be retained on the site. The Zoning Administrator may require additional protection for specimen trees.

A. **Protection Fencing.** Tree protection fencing and trunk protection must be performed on existing trees per ANSI guidelines.
B. **Prevention of Injury.** Protection must include prevention of injury to the trunk, branches, and root systems of existing trees to be retained on the site and any trees on adjacent sites with root systems extending onto the site.
C. **Regrading Within Dripline.** No soil removal, trenching, or regrading may occur within the root system or beneath the dripline of any tree to be retained on the site without mitigation of the impact of the activity on the tree per a certified arborist's recommendation.
D. **Compaction of Soil.** No parking of vehicles or machinery, or storage of materials may occur within the dripline of any existing tree to be retained to avoid the compaction of soil around roots.
E. **Inspection.** Before, during, and after the start of construction activity, zoning enforcement may inspect the site and impose additional procedures to ensure the health of existing trees to be retained.
F. **Mitigation of Damage.** The Zoning Administrator may assess mitigation of trees damaged during or as a result of construction activities. Mitigation may include replacement trees or fees paid into the tree fund.

27-4.60.4 Penalties

Any person who removes a specimen or significant tree without prior permission from the Zoning Administrator or causes the death of a specimen or significant tree through other means shall be deemed to have committed a violation of this ordinance and be subject to penalties as outlined within the Town's fine and fee schedule.

27-4.70 Streetscape Area Regulations

27-4.70.1 Intent

To establish attractive, contiguous streetscape with amenities along all corridors and streets throughout the town.

27-4.70.2 General

A. **Streetscape Area.** Streetscape occupies the full pedestrian area of any public or private street right-of-way (back of curb to edge of street right-of-way), and includes the street yard of all developments.
B. **Downtown.** In the MX zoned area, the Landscape Strip or Landscape Area requirements do not apply.
C. **Planned Streetscapes.** Proposed or planned streetscape designs on the subject lot and adjacent lots must be considered when determining the applicable area and design elements.

D. **Streetscape Design Continuation.** To provide district continuity, the approved streetscape design for the subject site may be utilized by the town for the extension of streetscape along the street outside the development.

27-4.70.3 Base Streetscape

In all zones, the following minimum sidewalk and landscape is required on all street frontages.

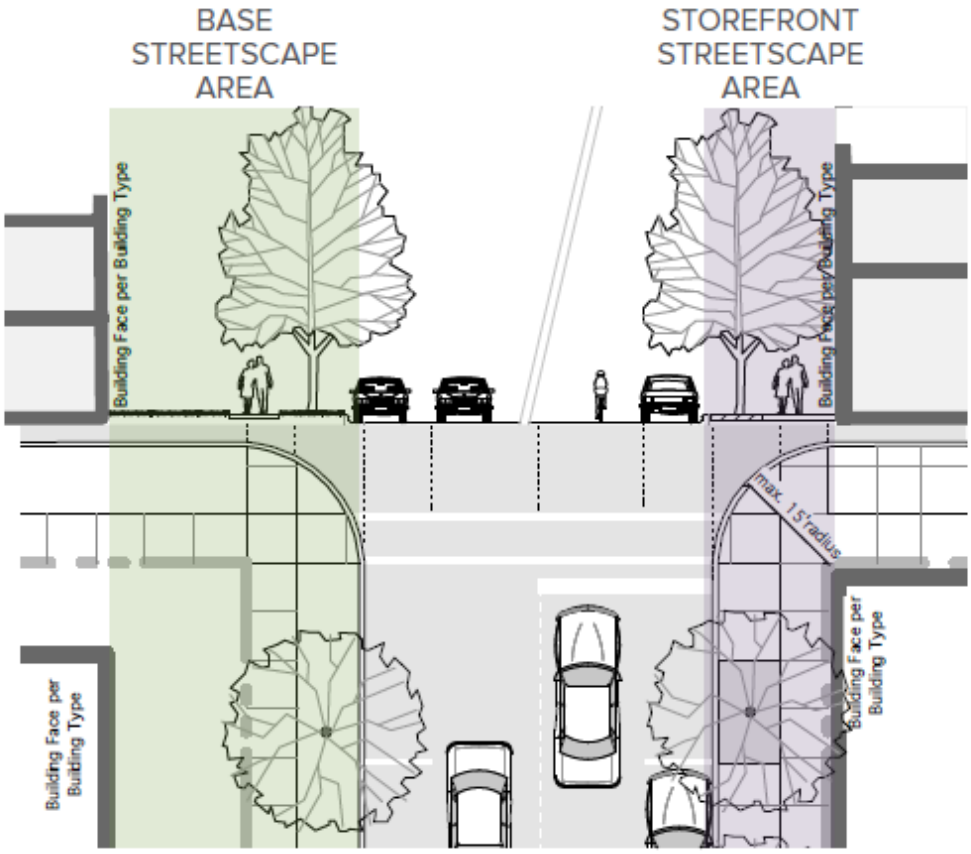
A. **Sidewalk.** A minimum 5-foot wide, continuous sidewalk is required along street frontages, located a minimum of 4 feet off the back of curb or edge of pavement.
   (1) Sidewalk material must be composed of concrete, brick, or other masonry pavers.
   (2) If any portion of the sidewalk falls on the private lot, a public access easement is required.
B. **Landscape Strip.** A minimum 4-foot wide landscape area, between the back of curb and the sidewalk, must be unpaved except where sidewalks and driveways cross.
C. **Street Trees.** The landscape strip, where unpaved, must be planted with street trees per this article (27-4).

27-4.70.4 Storefront Streetscape

For all Storefront buildings in all zones, the following is required along all primary frontages.

A. **Streetscape Design.** The entire area from the building façade to the back of curb, including both the public streetscape area and the private street yard on the lot, must be designed as a combination of hardscape, tree wells, and/or planter areas.
B. **Sidewalk.** A pavement area, minimum 5 feet wide and continuous along the full streetscape area, must remain clear and unobstructed.
   (1) Sidewalk material must be composed of concrete, brick, or other masonry pavers.
   (2) If any portion of the sidewalk falls on the private lot, a public access easement is required.
C. **Landscape Area.** A landscape area between the back of curb and clear walking area must be a minimum of 6 feet wide. Pavement may extend between the curb and building facade, but tree wells or planters for street trees per 27-4.80 must be included in the landscape area.
D. **Sidewalk Café.** Sidewalk cafes or outdoor dining may be incorporated into the streetscape area outside of the street right-of-way per 27-6.40.7. Outdoor dining in the street right-of-way is not allowed without explicit approval from the town.

Figure 27-4.70.3 Streetscape Areas



27-4.70.5 Enhanced Streetscape

The requirements of this section apply to development of new streets and to development on all lots with 200 feet or more of street frontage on existing streets.

A. **Base and Storefront Streetscape.** Streetscape must meet any regulations defined in this article. The site may include both base and storefront streetscapes when multiple building types or zones are included.

B. **Additional Elements.** The following additional elements are required for the full streetscape area.
   (1) **Pavement Design.** Paving materials and a pattern is required for each street. Pavement design must include all required minimum sidewalks, other hardscape defined by the base or storefront streetscape, and connections to on-site sidewalks.
   (2) **Street Furnishings.** For a full block development, benches and/or seatwalls, planters, planter fences, tree grates, tree guards, and trash receptacles must be specified and quantities and locations listed for each street. For block faces with any mixed-use zone, a minimum of 2 benches and 1 trash receptacle is required.
   (3) **Bicycle Parking.** Short-term bicycle parking as required per 27-5.50 may be located within the streetscape area with approval of the Zoning Administrator and director of public works.
   (4) **Landscape Design.** Ground plane vegetation must be designated for any landscape bed areas, planter areas, and open tree wells.
   (5) **Lighting.** Both pedestrian and vehicular lighting must be specified and locations and quantities noted. All lighting must meet any requirements of the Zoning Administrator and the directors of the departments of light and power and public works.

27-4.80 Street Trees

27-4.80.1 Intent

To line all streets with a consistent and appropriate planting of trees to establish tree canopy for environmental and aesthetic benefits.

27-4.80.2 Applicability

A. Street trees must be installed as required and as a component of the streetscape area regulations in 27-4.70. Street trees must be installed along all new or existing streets with the exception of alleys and abutting MX-zoned areas.
B. Locations where street trees exist are exempted but may require replacement of existing street trees in poor condition at the discretion of the Zoning Administrator.

27-4.80.3 Requirements

See 27-4.40 and 27-4.50 for general tree installation and maintenance, including clear branch height.

A. **Street Tree Type.** A list of allowed street tree types is located in the town's Facility Standards Manual (FSM), unless otherwise approved by the Zoning Administrator. Where more than 4 trees are planted, a combination of permitted species should be considered.
B. **Street Tree Spacing.** Each lot is required to have one tree for every 40 feet of street frontage with a minimum of one street tree per lot's street frontage.
C. **Location.** Street trees must be located between the curb and sidewalk, a minimum of 2 feet and a maximum of 10 feet off the back of curb, measured perpendicular to the curb.
D. **Tree Wells.** For trees not installed in a planted landscape strip (see 27-4.70 for streetscape), the tree well must meet the following requirements:
    (1) **Size.** The tree well must be a minimum of 4 feet wide (the distance perpendicular to the curb) and 8 feet in length.
    (2) **Opening.** The opening of such tree well must include one of the following:
        (a) The tree well opening must be covered with an expandable iron tree grate.
        (b) The tree well opening must be fenced with an ornamental metal fence or seatwall, 18 inches in height above sidewalk grade. The tree well opening must be rimmed with a continuous curbing approximately four inches wide and six inches above the height of the sidewalk.
        (c) The tree well opening must be fenced with an ornamental metal fence or seatwall, 18 inches in height above sidewalk grade.
        (d) Other durable, long-lasting protective fencing or materials appropriate given site conditions may be utilized with approval of the Zoning Administrator.
E. **Permeable Surface and Suspended Pavement System.** See 27-4.40.4 for permeable surface requirements and recommendations for tree root support systems under pavement.

27-4.90 On-Site Pedestrian Circulation

27-4.90.1 Intent

On-site sidewalks must continuously connect all public sidewalks to the main entrance of all principal buildings on a site. Connection to any public trails and pathways is required.

27-4.90.2 Applicability

On-site sidewalks or paths for pedestrian and non-motorized travel must be provided on all lots except those in R zones.

27-4.90.3 Connections

A. **To Public Sidewalks.** The on-site pedestrian circulation system must connect principal building entrances with all sidewalks located along street frontages abutting the site.
   (1) Required connections must follow a direct route and not involve significant out-of-direction travel for system users.
   (2) For Commercial Centers, connections must be made to all street frontages separately.

B. **Through Parking Areas.**
   (1) All parking lots with 25 or more motor vehicle parking spaces must provide at least one pedestrian walkway located outside of a motor vehicle driving lane.
   (2) Parking lots with more than 3 parking aisles must provide at least one walkway per 3 parking aisles.
   (3) Walkways must be located within the parking area to serve the maximum number of parking stalls, connecting through the lot to the entrance.

27-4.90.4 Design

A. **Width.** On-site walkway width in all zones must be a minimum of 4 feet.
   (1) **MX and NX Zones.** On-site walks must be a minimum of 5 feet in width.
   (2) **Parking Lots.** Walkways through parking lots must be at least 6 feet in width, but may be reduced to 5 feet in width if designed as a grade-separated walkway with landscape areas on either side.

B. **Materials.** Sidewalks must be composed of concrete, brick or other masonry pavers, or other permanent paving materials.
   (1) Multi-use paths or other trails, constructed of gravel or other loose materials, may be used to fulfill the connections requirements if consistent with ADA requirements.
   (2) Other materials may be used provided the materials are appropriate for the level of pedestrian traffic expected on the site.

C. **Vehicular Crossings.** Where sidewalks cross driveways, parking areas, and loading areas, the following applies:
   (1) Sidewalk paving material must continue through the vehicular area and the crossing area must be clearly differentiated from the vehicular area.
   (2) If the material of the pedestrian and vehicular area is similar, the pedestrian area must be differentiated through the use of elevation changes, speed bumps, another paving material, scoring, or other similar method.

D. **Accessible.** All sidewalks must comply with all local, state, and federal regulations for accessibility.

27-4.100 Frontage Buffer

27-4.100.1 Intent

To lessen the visual impact of on-site vehicular parking, loading, and other activities from the street.

27-4.100.2 Applicability

The frontage buffer is required on all lots for all building types in all zones, except R zones, per the following:

A. **Vehicular Areas Along Street Frontages.** Along the perimeter of any off-street surface parking, driveway, or loading areas fronting a street right-of-way, not including along any alley.

B. **Vehicular Areas Along Open Space.** Along the perimeter of any off-street surface parking, driveway, or loading areas fronting or within the P zone.
C. **Outdoor Storage in Street Yards.** Along the perimeter of any outdoor storage yard fronting a street right-of-way or open or civic space. See 27-4.100.3 for exceptions to requirements specific to this use.
D. **Vehicle Sales Lots.** Along the perimeter of any vehicle sales lots fronting a street right-of-way. See 27-4.100.3 for exceptions to requirements specific to this use.
E. **Existing Landscape.** The Zoning Administrator may exempt part or all of the buffer where the buffer will interfere with existing mature, healthy landscape. Existing trees must be at least 3 inches in diameter.
F. **Existing Topography.** The Zoning Administrator may determine the extent of needed buffering where existing topography either reduces the need for or increases the visibility of the buffering or the use being buffered.

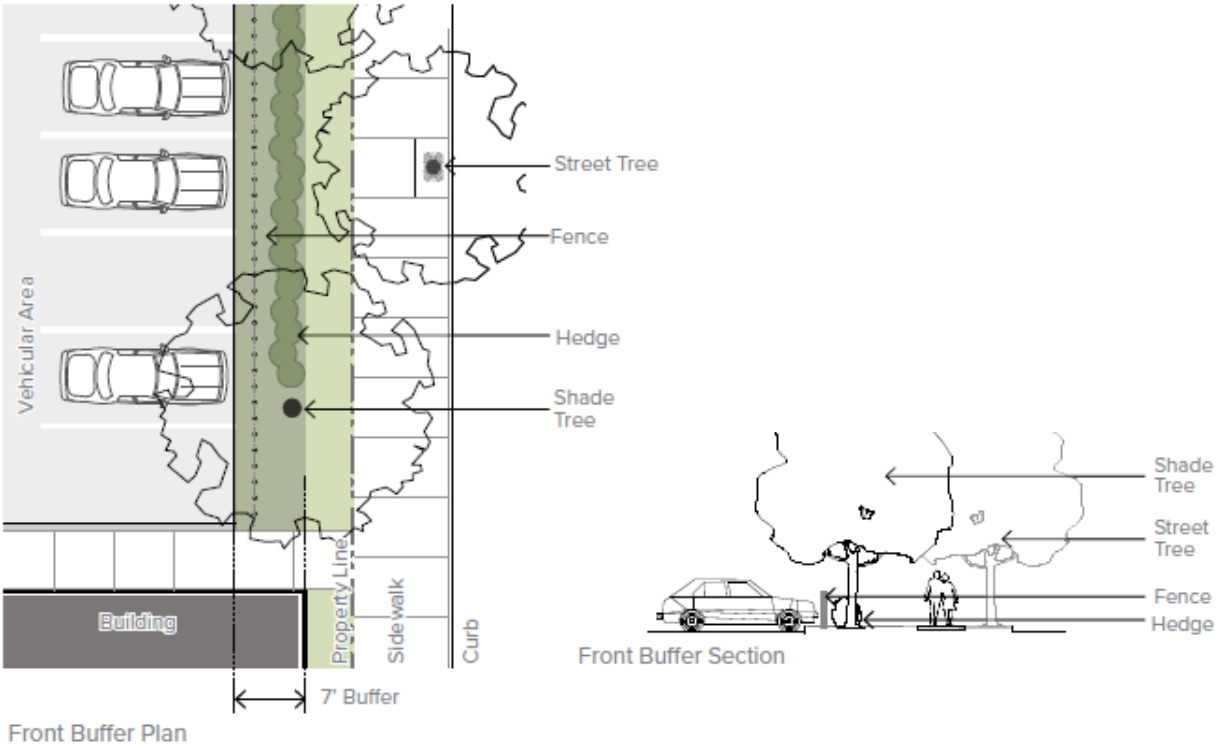
27-4.100.3 Requirements

Refer to Figure 27-4.100.3 for an illustration of these requirements.

A. **Buffer Depth.** The Zoning Administrator may determine the extent of needed buffering where existing topography either reduces the need for or increases the visibility of the buffering or the use being buffered.
    (1) **Small Lots.** On existing small lots less than 6,000 square feet and 140 feet deep, a minimum buffer depth of 5 feet is allowed.
    (2) **Vehicle Sales Lots.** Buffer depth for vehicle sales lots may be 5 feet deep.
B. **Buffer Location.** The required buffer area must extend the full width of the vehicular area frontage, but may allow for the perpendicular crossing of driveways and walkways.
C. **Buffer Landscape.** The following landscape is required within the buffer.
    (1) **Shade Trees.** Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer.
        (a) Where feasible, spacing of the buffer trees should alternate with street trees.
        (b) Where the buffer is reduced to 5 feet and street trees installed along the sidewalk are healthy, shade trees are not required.
        (c) Shade trees are not required in the buffer for vehicle sales uses.
    (2) **Shrubs.** A single row of shrubs is required on the street-side, along a minimum of 80% of the fence. The planting must consist of shrubs with a minimum mature width of 18 inches each, spaced no more than 36 inches on center, with the height maintained no more than 42 inches.
        (a) For outdoor storage uses, the hedge must consist of a double row of shrubs.
        (b) For vehicle sales uses, a single row of low shrubs is allowed instead of a hedge.
D. Buffer Fencing. The following is required related to fencing within the buffer.
    (1) Privacy Fence Related to Outdoor Storage. A minimum 6-foot, maximum 7-foot high, opaque, privacy fence screening the activity must be located in the buffer adjacent to the lot line. Allowed materials include PVC, composite wood, FSC wood (cedar, redwood, or other approved by the Zoning Administrator), stone, or brick. Concrete panels and concrete masonry units are not allowed, except faced on all sides with brick or stone.
    (2) Privacy Fence Related to Other Uses. A minimum 3-foot, maximum 4-foot high, opaque, privacy fence screening the activity must be located in the buffer adjacent to the lot line. Allowed materials include PVC, composite wood, FSC wood (cedar, redwood, or other approved by the Zoning Administrator), stone, or brick. Concrete panels and concrete masonry units are not allowed, except faced on all sides with brick or stone.

(3) **Curb or Wheel Stops.** A curb or wheel stops must be provided along the buffer edge at any vehicular area to prevent motor vehicles from damaging the fence. Parking may not overhang into the buffer.

Figure 27-4.100.3 Frontage Buffer Plan & Section



27-4.110 Side and Rear Buffers

27-4.110.1 Intent

To minimize the impact that one zone's vehicular and loading areas, and outdoor activities may have on a neighboring zone and to provide a transition between zones of different intensities.

27-4.110.2 Applicability

A. **Applicable Lots and Building Types.** A side and rear buffer is required along the side and rear lot lines of all lots for all building types per this section, 27-4.110.
   (1) **R Zones.** Any R-zoned lot is exempt from any side and rear buffer.
   (2) **Existing Landscape.** The Zoning Administrator may exempt part or all of the buffer where the buffer will interfere with existing mature, healthy landscape. Existing trees must be at least 3 inches in diameter.
   (3) **Existing Topography.** The Zoning Administrator may determine the extent of needed buffering where existing topography either reduces the need for or increases the visibility of the buffering or the use being buffered.

Table 27-4.110.3 Side & Rear Buffer Required

	Abutting Zones:						
	I	C	MX	NX	RX	R	P

Buffer Required on Lots Zoned:							
I	-	-	-	Light	Heavy	Heavy	Light
C	-	-	-	Light	Heavy	Heavy	Light
NX	-	-	-	-	Light	Light	Fence
MX	-	-	-	-	Fence	Fence	Fence
RX	-	-	-	-	-	Light	Light
R	-	-	-	-	-	-	-
P	-	-	-	-	-	-	-
See 27-4.110.3 for activities triggering buffer requirement.							

27-4.110.3 Buffer Locations

A. Side and rear buffers are required where the following occurs in the rear and/or side yards of a lot:
   (1) Any vehicular areas, abutting or adjacent to zones designated in Table 27-4.110.3. Vehicular areas include such areas as parking spaces, drives, drive-through uses, fueling stations, auto sales or rental lots, truck parking, and structured parking.
   (2) Any loading areas abutting or adjacent to zones designated in Table 27-4.110.3. Loading areas include such areas as loading bays, loading docks, service bays, garage doors, other outdoor trucking facilities.
   (3) Service areas abutting or adjacent to zones designated in Table 27-4.110.3. Service areas include such areas as delivery doors, refuse and recycling areas, outdoor employee break areas.
   (4) All outdoor storage areas must be enclosed by a heavy buffer using the privacy wall option on all sides not abutting a building. See 27-7.190 for outdoor storage uses.
   (5) Other outdoor activities emitting sounds, smells, or other by-products, such as outdoor dining, as determined by the Zoning Administrator.

B. Side and rear buffers must be installed along the lot line.
   (1) Alternatively, the buffer may be located at the edge of the activity being buffered, provided the area between the buffer and the lot line is landscaped with ground vegetation and one tree per every 2,000 square feet.
   (2) The Zoning Administrator may approve an alternate location for the buffer, providing the buffer meets the purpose and intent of this section, 27-4.110.

C. **Access Points.** Driveways and other access points may interrupt buffers as necessary.

27-4.110.4 Fence Buffer

See Table 27-4.110.3 where required. See Figure 27-4.110.4 for illustration.

A. **Intent.** The fence buffer is intended to provide a physical and visual separation for uses of different intensities where limited buffer area is available.
B. **Buffer Depth.** A minimum 2-foot width buffer, measured from the lot line onto the subject lot, is required.
C. **Privacy Fence.** A minimum 6-foot, maximum 7-foot high, opaque, privacy fence screening the activity must be located in the buffer adjacent to the lot line. Allowed materials include PVC, composite wood, FSC wood (cedar, redwood, or other approved by the Zoning Administrator), stone, or brick. Concrete panels and concrete masonry units are not allowed, except faced on all sides with brick or stone.
D. **Curb or Wheel Stops.** A curb or wheel stops must be provided along the buffer edge at any vehicular area to prevent motor vehicles from damaging the fence. Parking may not overhang into the buffer.
E. **Landscape.** The buffer area must be landscaped.

27-4.110.5 Light Buffer

See Table 27-4.110.3 where required. See Figure 27-4.110.5 for illustration.

A. **Intent.** The light buffer is intended to provide physical and visual separation for uses of different intensities.
B. Buffer Depth. A minimum 5-foot width landscaped buffer, measured from the lot line onto the subject lot, is required.
C. Privacy Fence. See 27-4.110.4 for the requirements of the privacy fence.
D. Shade Trees. Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer.
E. Landscape. The buffer area must be landscaped as planting bed.

27-4.110.6 Heavy Buffer

See Table 27-4.110.3 where required. See Figure 27-4.110.6 for illustration.

A. **Intent.** The heavy buffer is intended for use where extensive screening of both visual and noise impacts is needed to protect abutting uses.
B. **Buffer Depth.** A minimum 7.5-foot width buffer, measured from the lot line onto the subject lot, is required.
C. **Options.** One of the following options must be included within the buffer.
    (1) **Privacy Wall Option.** A minimum 6-foot, maximum 7-foot high opaque, masonry wall screening the activity. Concrete panels and concrete masonry units are not allowed, except faced on all sides with brick or stone.
    (2) **Landscape Option.** The following elements must be included within the buffer. See Figure 27-4.110.6 for illustration.
        (a) **Fence and Hedge.** A minimum 6-foot, maximum 7-foot high, opaque, privacy fence screening the activity must be located in the buffer adjacent to the lot line. Allowed materials include PVC, composite wood, FSC wood (cedar, redwood, or other approved by the Zoning Administrator), stone, or brick. Concrete panels and concrete masonry units are not allowed, except faced on all sides with brick or stone.
        (b) **Shade Trees.** Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer.
        (c) **Hedge.** A continuous hedge is required, consisting of a double row of evergreen shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained between 48 and 72 inches.
    (3) **Berm Option.** An average 3-foot height berm as measured along the length of the buffer, may be used to replace 35% of the hedge in the landscape option.

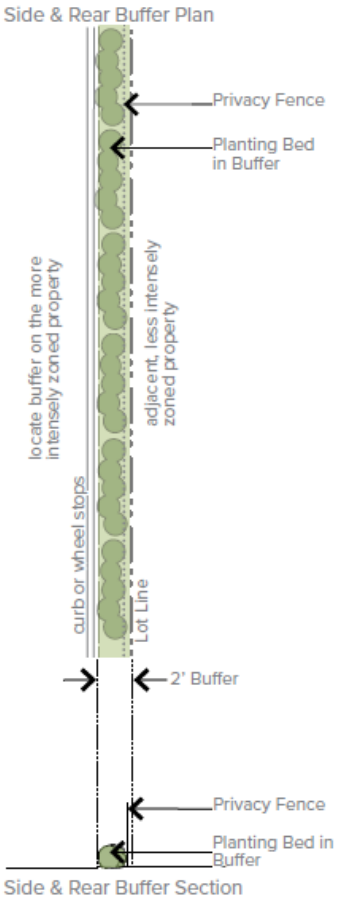


Figure 27-4.110.4
Fence Buffer

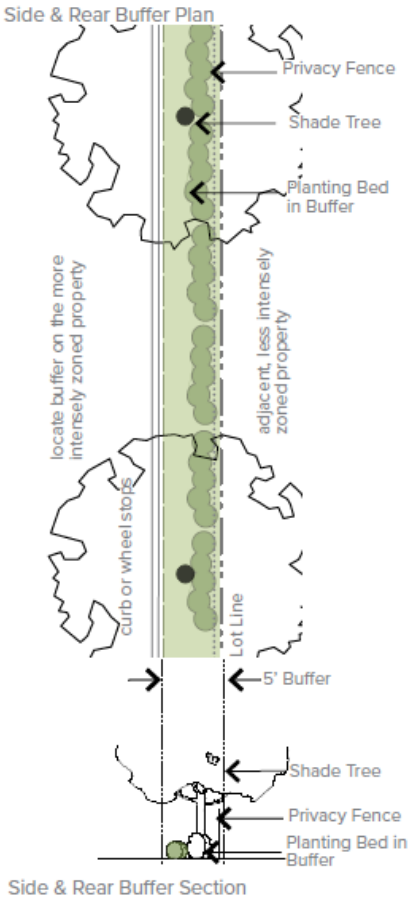


Figure 27-4.110.5
Light Buffer

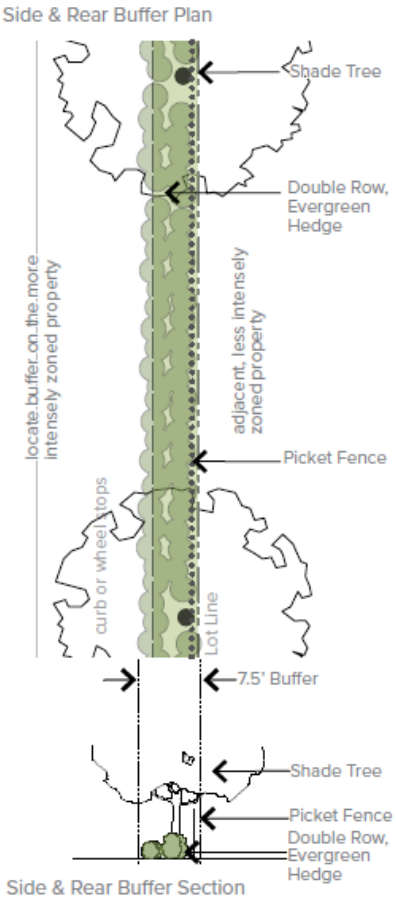


Figure 27-4.110.4
Heavy Buffer

27-4.120 Interior Parking Lot Landscape

Parking lot interior is the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement, and including any islands or medians. See Figure 27-4.120 for illustration of these requirements.

27-4.120.1 Intent

To provide shading of pavement surfaces to reduce heat island effects and to improve the appearance of parking lots by breaking up the large expanses of pavement with trees and landscaped islands.

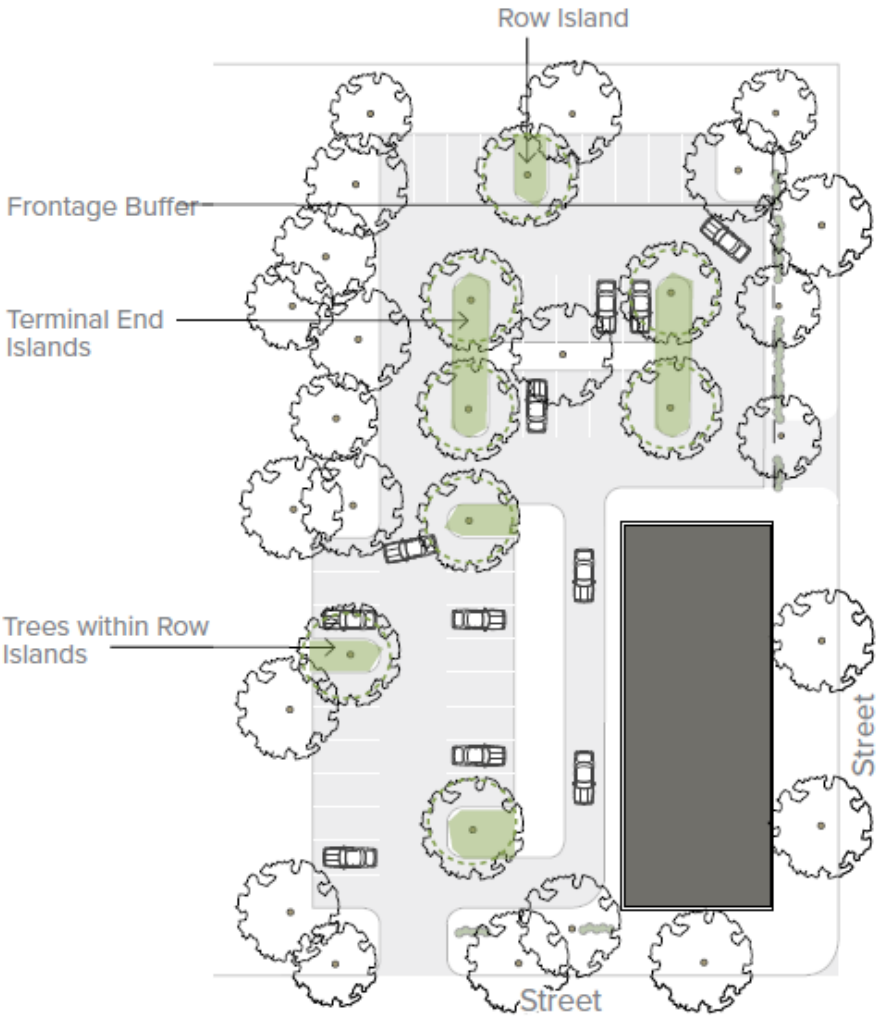
27-4.120.2 Applicability

All off-street surface parking lots in all zones with more than 10 spaces and/or more than one drive aisle must meet the interior parking lot regulations.

27-4.120.3 Other Applicable Regulations

See 27-4.100 for perimeter buffer along street frontages and 27-4.110 for perimeter buffers at side and rear lot lines.

Figure 27-4.120 Interior Parking Lot Landscape



27-4.120.4 Existing Vegetation

Existing vegetation may be credited toward these requirements per the Zoning Administrator.

27-4.120.5 Required Landscape Islands

A. **Terminal End Islands.** Landscape islands are required at the terminal ends of freestanding rows or bays of parking. Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
B. **Row Islands.** For rows of parking with more than 10 spaces, a landscape island is required for every 9th parking space with result of no more than 8 continuous parking spaces in a row without a landscape island.
C. **Island Width.** The minimum width for an island is 5 feet.
    (1) Islands less than 15 feet in width must utilize suspended pavement system per 27-4.40.4 under any paved surface within a tree's critical root zone.
    (2) Islands less than 9 feet in width must install an aeration system and utilize permeable paving within the mature tree canopy area per 27-4.40.4.
D. **Required Island Trees.** A minimum of 1 medium or large shade tree is required within each island.
E. **Tree Requirements.**
    (1) **50-Foot Rule.** Each parking space must be located within 50 feet of a tree planted within the parking lot interior.
    (2) **5-Space Rule.** For parking lots with more than 40 spaces, a minimum of 1 shade tree for every 5 parking spaces must be planted within the parking lot interior or within 10 feet of the parking lot's edge.
    (3) **Buffer Trees.** Trees within any required buffer area may not be utilized to meet these requirements.
    (4) **Shading Requirement.** At maturity, tree canopies must shade a minimum of 30 percent of the interior of the parking lot. Refer to Table 27-4.40.4 for mature canopy sizes.

27-4.120.6 Landscape Areas

Areas in the parking lot not specifically designed for use as drive aisles, parking spaces, loading, refuse, or sidewalks must be unpaved, landscape areas.

27-4.130 Screening of Refuse & Utility Areas

27-4.130.1 Intent

To reduce the visibility of trash, recycling, and other waste areas; loading areas; and utility equipment from public areas and adjacent properties.

27-4.130.2 Applicability

All dumpsters, loading areas, open storage, waste areas, and ground-mounted mechanical equipment and utility appurtenances in all zones except R zones must be screened per this section, 27-4.130. Building-mounted, including rooftop, mechanical equipment is governed by 27-3.50.

27-4.130.3 Location On Site

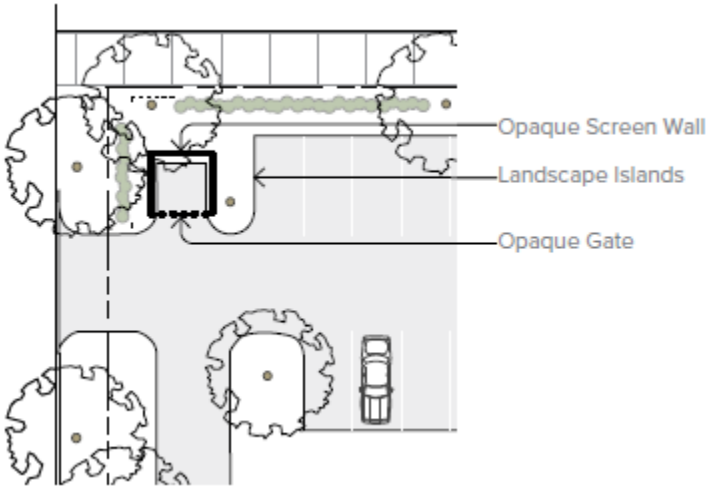
A. **Trash, Recycling, and Other Waste.** See 27-2.50.4 of the building type regulations for the allowed location of trash, recycling, and other waste areas.
B. **Loading.** See 27-2.50.4 and the building type regulations, for the allowed location of loading areas.
C. **Utility Equipment and Appurtenances.** See 27-3.50 for the allowed location of mechanical equipment.

27-4.130.4 Small Refuse Areas

The following applies to all outdoor trash, recycling, and other waste areas where each container is smaller than 1 cubic yard.

A. **Concrete Pad.** A concrete pad is required for all small refuse areas.
B. **Abutting a Building.** Outdoor small refuse areas must be located per 27-2.50.4 and abutting an exterior building wall.
C. **Opaque Screen.** If the area where the containers are stored is visible from any street, civic or open space, or public way, an opaque screen, e.g. masonry wall or wood fence, is required. The screen must enclose the entire area and may include the building wall. The gate must also be opaque. The containers must not be visible from the public way.
D. **Screen Height.** The height of the screen must be tall enough to screen the containers inside and a minimum of 4 feet. The Zoning Administrator may request additional height as needed for complete screening.

Figure 27-4.130.4 Screening of Open Storage & Refuse Areas



27-4.130.5 Loading and Large Refuse Areas

The following applies to all outdoor loading areas and all outdoor trash, recycling, and other waste areas where any containers are 1 cubic yard or larger.

A. **Concrete Pad.** A concrete pad is required for all loading and large refuse areas.
B. **Opaque Screen.** If the area where the containers are stored is visible from any street, civic or open space, or public way, an opaque screen, e.g. masonry wall or wood fence, is required. The screen must enclose the entire area and may include the building wall. The gate must also be opaque. The containers must not be visible from the public way.
C. **Screen Height.** The height of the screen must be tall enough to screen the containers inside and a minimum of 4 feet. The Zoning Administrator may require additional height as needed for complete screening.
D. **Opaque Screen.** An opaque screen wall is required around 3 sides of the area to be screened of the following materials. See Figure 27-4.130.4 for illustration.
    (1) If visible from the street or public space, the screen wall must be masonry construction matching any masonry from the building's street facade design.
    (2) If fully screened from the street, the screen wall may be constructed of wood fencing.
E. **Landscape.** If the area is located within a larger paved area, such as a parking lot, the following applies:
    (1) A landscape area at least 5 feet must be located on 3 sides.
    (2) One shade tree must be provided within the landscape area.

(3) The shade tree must be located per the island width requirements in 27-4.120.5.C. This tree may be utilized to meet the minimum interior parking lot requirements of 27-4.120.5.E, if located per those regulations.

27-4.130.6 Utilities

A. **Large Private Mechanical Equipment.**
   (1) **Definition.** Large private mechanical equipment includes ground-mounted equipment at least 4 feet in height.
   (2) **Fence or Wall.** An opaque wood fence or brick faced masonry screen wall is required on all sides facing street right-of-way.
   (3) **Shade Trees.** Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer.
   (4) **Shrubs.** Planting beds consisting of a double row of mixed shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained between 30 and 72 inches.

B. **Small Private Mechanical Equipment.**
   (1) **Definition.** Small private mechanical equipment includes ground-mounted equipment less than 4 feet in height.
   (2) **Screening.** Landscape screening with shrubs spaced no more than 30” on center must be utilized, and the equipment must be fully screened within 2 years.

27-4.140 Lighting

27-4.140.1 Purpose and Intent

The purpose and intent of this section is ensure the safety of motorists and pedestrians, and to preserve dark night skies to the extent possible and reduce the negative effect of light pollution on humans and wildlife. Specifically, this section is intended to:

A. Regulate lighting to ensure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
B. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site;
C. Provide security for persons and properties.

27-4.140.2 Applicability

A. **General.** The provisions of this section shall apply to all development within the town unless specifically exempted. This section shall apply to each outdoor luminaire installed or replaced after the date of adoption of these regulations.
B. **Timing.** Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan, certificate of finding, or change of use, as appropriate by the Zoning Administrator.
C. **Existing Development.** Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 10%.
D. **Exemptions.** The following uses, activities and development are exempt from the exterior lighting standards of this section:
   (1) FAA-mandated lighting associated with a utility tower or other tall structure, or airport;
   (2) Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;

(3) Street lights, provided they meet the standards outlined within the town's Facilities Standards Manual;
(4) Night roadwork activities with an approved right-of-way permit.

27-4.140.3 Lighting Plan

To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of every development application involving lighting.

27-4.140.4 General Standards

A. **Hours of Illumination.** Exterior lighting shall be reasonably designed to provide for the safety of the public and their use of parking lots, walkways, entrance areas, and other exterior premises. These areas shall be illuminated by a source providing adequate light at the surface during the hours of darkness or business operation.
B. **Shielding.** All exterior luminaries, including security lighting, shall be full cut-off fixtures and directed downward. In no case shall lighting be directed above a horizontal plane through the lighting fixture.
C. **Maximum Height.** Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than 18 feet above grade in residential districts, and 26 feet above grade in the mixed-use districts.
D. **Maximum Illumination Value.** All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level measured at any lot line shall not exceed the standards in Table 27-4.140.4. In no instance shall the illumination levels within a lot or development site exceed 3 footcandles except as required by 27.4.140.4 F.
E. **Signage.** Lighting for signage shall be governed by the standards found with 27-8.
F. **Illumination of Outdoor Work and Equipment Service Areas.** Outdoor work and equipment service areas must be illuminated while work is in progress in accordance with U.S. Department of Labor Occupational Safety and Health Administration (OSHA) standards.
G. **Correlated Color Temperature.** The color temperatures of light sources visible from public streets must follow the most recent VDOT guidance as it relates to correlated color temperatures.

Table 27-4.140.4 F Maximum Illumination Levels

Type of Use Abutting a Lot Line	Maximum Illumination Level at Lot Line (footcandles)
Residential or Residential Zone	0.5
Civic	1.0
Commercial	2.0
Industrial	3.0
Parking Lot	2.5

27-4.140.5 Measurement

Light level measurements shall be made at grade (ground level) from a lot line of the land upon which light to be measured is being generated. If measurement on private property adjacent to the light-generating land is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

27-5. Parking

27-5.10	General
27-5.20	Motor Vehicle Parking Ratios
27-5.30	Calculation of Required Parking
27-5.40	Accessible Parking
27-5.50	Bicycle Parking
27-5.60	Parking Reductions and Credits
27-5.70	Location of Off-Street Parking
27-5.80	Layout and Design
27-5.90	Stacking Spaces
27-5.100	Equipment and Large Vehicles
27-5.110	Loading

27-5.10 General

27-5.10.1 Purpose

A. The regulations of this article are intended to help ensure that off-street parking and loading facilities are provided to meet the basic day-to-day needs of shoppers, employees, visitors and residents while also avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.
B. The provisions of this article are also intended to help protect the public health, safety and general welfare by:
    (1) Promoting economically viable and beneficial use of land; and
    (2) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the town.

27-5.10.2 Applicability

A. **General.** Off-street parking and loading must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zones and uses.
B. **New Uses and Development.** The parking regulations of this article apply to all new buildings constructed and all new uses established in all zones.
C. **Change of Use.** If a newly established use on a lot requires more off-street parking than the use that most recently occupied that lot, additional off-street parking is required in an amount equal to the difference between the parking required for the new use and the parking that would have been required for the previous use if current parking requirements had been applicable, provided that the total number of required spaces for the change of use need not exceed the number that would be required for establishment of a new use.
D. **Enlargements and Expansions.**
    (1) The parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used in establishing off-street parking requirements.
    (2) In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking deficits associated with existing, lawfully established buildings or uses.
E. **Damage or Destruction.** When a use that has been damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this UDO.
F. **Maintenance.** Off-street parking spaces required by this UDO must be maintained for the life of the principal use.

27-5.10.3 Use of Off-Street Parking Areas

A. Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Except as otherwise expressly stated in this UDO, required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition, as defined and further regulated in Chapter 20 of the Town Code.
B. No motor vehicle repair work of any kind is permitted in a required parking space.
C. The Zoning Administrator is authorized to approve temporary use of off-street parking areas for display and sales of holiday and seasonal items (e.g., Spring gardening supplies and Christmas

trees), donation collection containers and for temporary food truck parking. Required off-street parking spaces may not be used for the long-term storage, display or sale of goods equipment or materials.

D. Required spaces may be used for electric vehicle charging.

27-5.20 Motor Vehicle Parking Ratios

27-5.20.1 Parking-Exempt Area

A. Uses located within the boundaries of the "Downtown Parking Overlay District," a map of which map is adopted into this UDO by reference, are exempt from all applicable motor vehicle parking and loading requirements of this article.

Figure 27-5.20.1 Downtown Parking Overlay District

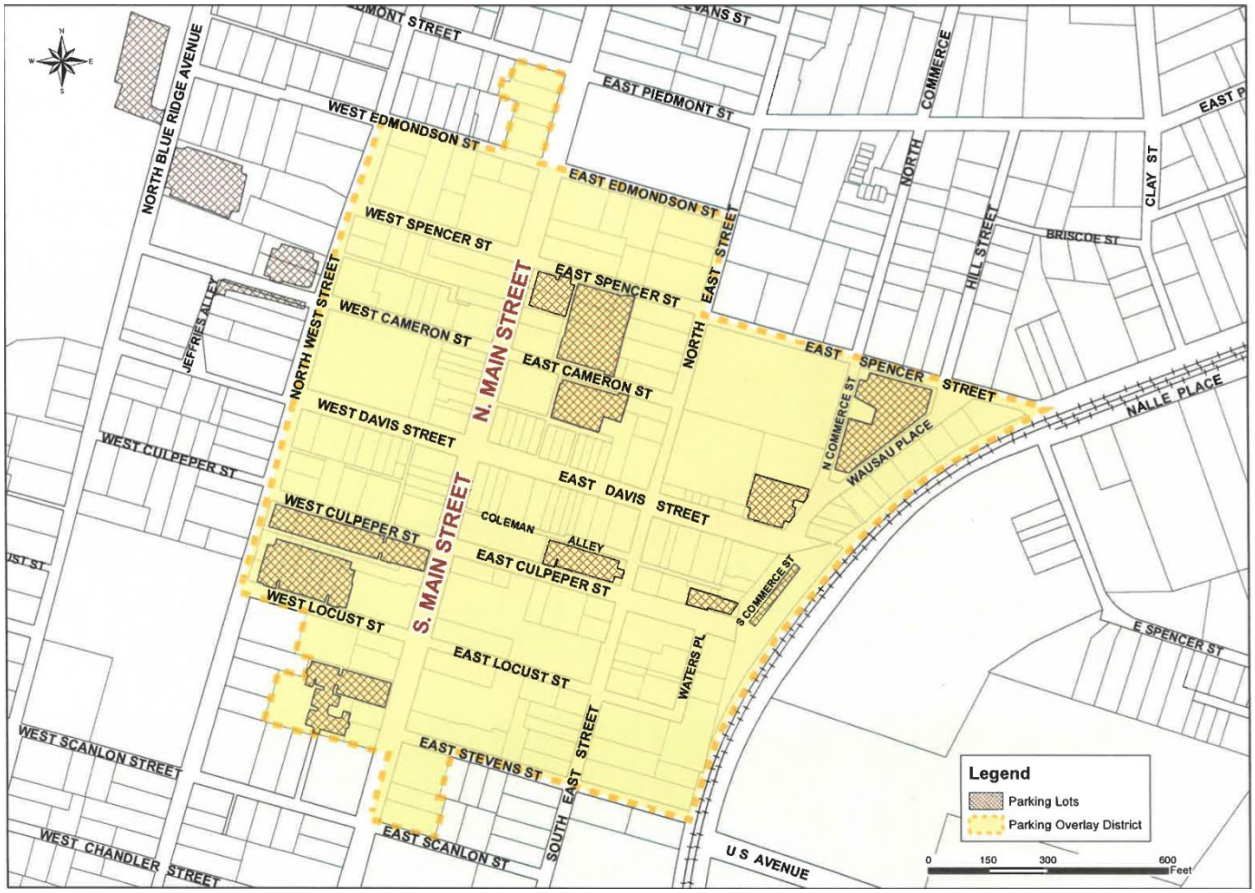


Table 27-5.20.1 Motor Vehicle Parking Ratios

Use Type	Minimum Spaces Required
Residential	
Group Living	Bed & Breakfast: 1 space per rental bedroom plus 2 spaces Other: 0.5 spaces per bedroom, plus 1 per employee
Household Living, 1-2 units	3 spaces per dwelling unit, at least 2 of which are outside the structure
Household Living, 3+ units	1.5 per dwelling unit for studio and 1-bedroom units, 2 per dwelling unit for larger units
Commercial	
Consumer Service, Indoor	3.33 per 1,000 sq. ft. Lodging: 0.5 per bedroom, plus 1 per employee
Consumer Service, Outdoor	Established in accordance with 27-5.30.6
Day Care	1 per employee
Entertainment Venue, Large	0.5 per seat
Funeral & Mortuary Service	20 spaces or 0.25 per seat, whichever is greater
Office	Medical: 5 per 1,000 sq. ft. Other: 3.33 per 1,000 sq. ft.
Retail & Entertainment	Eating & Drinking Places: 10 per 1,000 sq. ft. General Entertainment: 0.5 per seat Other Retail & Entertainment: 3.33 per 1,000 sq. ft.
Self-Service Storage	1 per 20 storage units, plus 1 per employee
Sexually Oriented Business	5 per 1,000 sq. ft., plus 1 per employee
Vehicle Sales & Service	Fueling Stations w/ Convenience Store: 3.33 per 1,000 sq. ft., plus 1 per employee Personal Vehicle Sales and Rental: 3 per employee Vehicle Repair & Maintenance: 4 per service bay plus 1 per employee
Wholesale Sales	1 per 1,000 sq. ft., plus 1 per employee
Manufacturing & Industry	
High Impact Industry	2 per 1,000 sq. ft.
Industrial Service	2 per 1,000 sq. ft.
Manufacturing	Artisan: 2 per 1,000 sq. ft. General: 2 per 1,000 sq. ft.
Warehousing & Distribution	1 per 1,000 sq. ft.
Civic & Institutional	
College	Established in accordance with 27-5.30.6
Community Assembly	0.25 per seat
Cultural Facility	3.33 per 1,000 sq. ft.
Hospital	2 per bed
Parks & Open Space	Golf Courses: 2 per hole, plus 1 per employee Other: Established in accordance with 27-5.30.6
School	High School: 1 per employee, plus 0.25 per student Other: 1 per employee
Utilities & Services	2 per employee
Other	
Agriculture	None

27-5.30 Calculation of Required Parking

In determining the number of motor vehicle or bicycle parking spaces required, the following calculation rules apply:

27-5.30.1 General

In calculating the number of parking spaces required for uses subject to a minimum parking ratio of "x" spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by "x." If, for example, a minimum parking ratio of 3.33 spaces per 1,000 square feet is applied to a use occupying 1,200 square feet of floor area, the minimum parking requirement for that use would be calculated as follows: (1,200 ÷ 1,000) × 3.33 = 1.2 × 3.33 = 3.996, which is rounded up to 4 spaces (see rounding, below).

27-5.30.2 Rounding

When calculating off-street parking requirements, any fractional result is rounded up to the next higher whole number.

27-5.30.3 Multiple Uses

Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot except when a shared parking arrangement is approved in accordance with 27-5.60.7.

27-5.30.4 Floor Area (Square Feet)

For purposes of calculating off-street parking requirements based on square feet of floor area, the sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to such use are counted. However, the following are not counted:

A. Areas devoted primarily to storage purposes;
B. Areas devoted to off-street parking or loading facilities, including maneuvering and circulation areas; and
C. Basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

27-5.30.5 Capacity-Based Standards

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on the average number of persons working on any single shift, the average enrollment or membership or the building code-rated capacity, whichever is applicable.

27-5.30.6 Parking Ratios for Unlisted Uses

The Zoning Administrator or decision-making body with authority to approve the subject use is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios must be established on the basis of (1) a similar use determination; (2) parking data provided by the applicant; or (3) other information available to the Zoning Administrator or other authorized decision-making body. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of

activity and location. Parking studies must document the source of all data used to develop recommended requirements.

27-5.40 Accessible Parking

27-5.40.1 Number of Spaces Required

Accessible motor vehicle parking spaces (for persons with disabilities) must be provided in accordance with Table 27-5.40.1.

Table 27-5.40.1 Accessible Parking Spaces

Total Parking Provided	Minimum Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

27-5.40.2 Other Regulations

Accessible parking spaces must comply with Virginia State Building Code requirements and the Americans with Disabilities Act (ADA).

27-5.50 Bicycle Parking

27-5.50.1 Purposes

A. **Short-term Bicycle Parking.** Short-term bicycle parking is intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.
B. **Long-term Bicycle Parking.** Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, primarily employees and residents.

27-5.50.2 Spaces Required

A. **Short-term Bicycle Parking.** Short-term bicycle parking spaces must be provided in accordance with the minimum bicycle parking ratios of Table 27-5.50.2, or, for uses requiring conditional use approval, in accordance with requirements established at the time of conditional use approval.

Table 27-5.50.2 Short-term Bicycle Parking Ratios

Use	Minimum Spaces Required*
Residential	

Group Living	0.1 per bed
Household Living, 3+ Units	0.1 per dwelling unit
Commercial	
Retail & Entertainment	Eating & Drinking Places: 0.5 per 1,000 sq. ft. Entertainment: 0.05 per seat Other: 0.2 per 1,000 sq. ft.
Consumer Service	0.2 per 1,000 sq. ft.
Civic & Institutional	
Community Assembly	0.05 per seat
Cultural Facility	1 per 1,000 sq. ft.
School	Elementary or Middle: 0.1 per student High: 0.05 per student
Other	Established in accordance with 27-5.30.6
*Any use that is subject to minimum short-term bicycle parking requirements must provide at least 2 bicycle parking spaces, with a maximum requirement of 25 short-term bicycle parking spaces.	

B. **Long-term Bicycle Parking.** Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, motor vehicle parking credit is offered in accordance with 27-5.60.1.

27-5.50.3 Location and Design

A. **Short-term Bicycle Parking Spaces**

(1) **Location.** Short-term bicycle parking spaces must be at least as conveniently located as the most conveniently located non-disabled motor vehicle parking provided for the subject use. If no motor vehicle parking is provided, short-term bicycle parking spaces must be located within 75 feet of a public building entrance. Short-term bicycle parking must be located on the subject lot, unless an agreement has been approved by the town permitting bicycle parking facilities to be located in the adjacent right-of-way. Bicycle parking spaces provided by the town may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.

(2) **Design.** Required short-term bicycle parking spaces located within the public right-of-way must comply with the standards in the Facilities Standards Manual. All other short-term bicycle parking spaces must:

(a) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;

(b) Be of solid construction, resistant to rust, corrosion, hammers, and saws;

(c) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;

(d) Be designed so as not to cause damage to the bicycle;

(e) Facilitate easy locking without interference from or to adjacent bicycles; and

(f) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

B. **Long-term Bicycle Parking and Storage Spaces**

(1) **Design and Location.** Long-term bicycle parking spaces provided to receive parking credit in accordance with 27-5.60.1 must:

(a) Be located with direct access by the bicycle rider, without requiring use of stairs;

(b) May not be located in dwelling units or on dwelling unit balconies;

(c) Must protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain and snow.

(d) Must be designed to allow bicycles to be securely locked to a bicycle rack, or be located in a bicycle locker with a separate access door for each bike or in an attended bike room.

27-5.60 Parking Reductions and Credits

The parking reduction and credit provisions of this section may be used to reduce otherwise applicable minimum motor vehicle parking requirements by a maximum of 50%.

27-5.60.1 Long-term Bicycle Parking

Each 6 long-term bicycle parking spaces provided in accordance with 27-5.50 is credited as one motor vehicle space. This may be used to reduce the required parking by up to 5 parking spaces.

27-5.60.2 Motorcycle and Scooter Parking

Each 4 motorcycle or scooter parking spaces provided is credited as one motor vehicle space. Each motorcycle and scooter parking space must have a concrete surface and minimum dimensions of 4 feet by 8 feet.

27-5.60.3 Tree Preservation

Decision-making bodies are authorized to reduce minimum motor vehicle parking requirements when they determine that such reductions are necessary to preserve healthy trees with at least a 3-inch diameter at breast height (DBH) and when adequate protections are put in place to reasonably assure the preservation of such trees.

27-5.60.4 Public Parking

Nonresidential uses are credited for parking spaces within a nearby free public parking lot or free public parking garage, as follows:

A. Minimum parking requirements for the subject use are reduced by one parking space for every 6 parking spaces within the public parking lot or garage;
B. The nearest pedestrian entrance to the public parking lot or garage must be located within 1,000 feet of the lot on which the subject use is located; and
C. The parking facility must be open to the general public from at least 8:00 a.m. to 10 p.m.

Residential uses may request administrative approval for a 20% parking requirement reduction provided the following criteria are met:

D. The nearest pedestrian entrance to a public parking lot or garage must be located within 600 feet of a primary entrance to the residential structure;
E. Safe pedestrian accommodations must be available for the entire path between the pedestrian entrance to the public parking lot or garage and the primary entrance to the residential structure; and
F. The parking facility must be open to the general public at all times.

27-5.60.5 On-Street Parking

Nonresidential uses are credited for on-street parking spaces on public street rights-of-way abutting the subject property. One on-street parking space credit may be taken for each 22 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted, except that spaces on the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional results are rounded down to the next lowest whole number.

27-5.60.6 Shared & Satellite Parking

A. **General.** Shared parking refers to the practice of 2 or more users who need parking at different times to agree to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance. Satellite parking refers to the practice of using excess or shared parking on a nearby lot to meet the required parking provision.

B. **Eligibility.** The Zoning Administrator or decision-making body with authority to approve the subject use is authorized to approve shared parking for nonresidential uses that have different periods of parking demand. Required residential parking spaces and accessible parking spaces (for people with disabilities) may not be shared. To be eligible as a satellite parking location, the parking spaces must be within 600 feet of a public entrance to the principal building housing the use requiring the parking.

C. **Submittal Requirements and Methodology**

(1) Applicants proposing to use shared parking as a means of reducing overall motor vehicle parking requirements must submit:

(a) The names and addresses of the property owners or tenants that are proposing to share parking;

(b) The location and number of parking spaces that are being shared; and

(c) Documentation demonstrating that the demand for parking occurs at different times for the uses sharing the parking.

(2) Applications proposing to use satellite parking as a means of meeting their required parking provision must submit:

(a) A legal instrument such as a deed or long-term lease guaranteeing access to the parking for the shared parking users. The agreement is subject to approval by the town attorney. Any proposed changes to the agreement must also be submitted to the town attorney for review and approval.

27-5.60.7 Alternative Compliance

The motor vehicle and bicycle parking ratios of this article are not intended to be a barrier to development or redevelopment or to make development and redevelopment economically impractical or negatively impact the viability of businesses. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternatives to the parking requirements of this article may be approved through the conditional use permit procedures of 27-12.50 only if:

A. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of 27-5.20 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the town or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);

B. The decision-making body determines that the other allowed parking reduction and credit provisions of this section are infeasible or do not apply; and

C. The decision-making body determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

27-5.70 Location of Off-Street Parking

27-5.70.1 General

Except as otherwise expressly stated in this article, required off-street parking areas must be located on the same lot as the building or use they are required to serve.

27-5.70.2 Off-Site Parking

A. **When Allowed.** All or a portion of required off-street parking for nonresidential uses may be provided offsite, in accordance with the regulations of this section. Required accessible parking spaces and required parking for residential uses may not be located off-site.
B. **Location.** Off-site parking areas must be located within 1,000 feet of the use served by such parking, measured along the most direct legal walking route between the nearest pubic entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zones that permit non-accessory parking or that allow the principal use to be served by the off-site parking spaces.
C. **Design.** Off-site parking areas must comply with all applicable parking area design regulations of 27-5.80.
D. **Control of Off-Site Parking Area.** The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal instrument is provided, guaranteeing the long-term availability of the off-site parking. The agreement is subject to approval by the town attorney. Any proposed changes to the agreement must also be submitted to the town attorney for review and approval.

27-5.80 Layout and Design

27-5.80.1 Applicability

The layout and design regulations of this section apply to all off-street parking lots and vehicular use areas for motor vehicles. Vehicular use areas include all areas devoted to use by or for motor vehicles including storage of automobiles, trucks or other vehicles; gas stations; car washes; vehicle repair establishments; loading areas; drive-through service areas; and access drives and driveways.

27-5.80.2 Facilities Standards Manual

Parking lot layout and design must comply with applicable standards found in the Facilities Standards Manual.

27-5.80.3 Pedestrian Safety

Parking and vehicular use areas must be designed so that vehicles can proceed without posing a danger to pedestrians or non-motorized travel. Decision-making bodies are authorized to allow driveways handling two-way traffic to be built to one-way traffic standards when the aisles will be less than 60 feet in length and serve 4 or fewer parking spaces. Traffic calming devices, such as stamped asphalt pedestrian crossings, landscape islands, and bump-outs may be required.

27-5.80.4 Vertical Clearance

Parking spaces must have overhead vertical clearance of at least 7 feet.

27-5.80.5 Surfacing

A. **General.** Except as otherwise expressly stated in this section, all off-street parking and vehicular use areas (and drives connecting such areas with the street must be surfaced and constructed in accordance with the Facilities Standards Manual.

B. **Exemptions**

(1) Parking and vehicular use areas with an existing concrete or asphalt surface are exempt from the surfacing requirements of the Facilities Standards Manual.

(2) For parking and vehicular use areas that are exempt from surfacing requirements under this section, decision-making bodies are authorized to require one or both of the following:

(a) That landscape aisles or spatial separations be provided every 3 or more spaces when deemed desirable to ensure that parking stalls will be readily identifiable; and/or

(b) That the perimeter of the parking or vehicular use area, including the parking stalls and the side of any unpaved drive or aisle leading to the parking stalls, be edged with landscape timbers, railroad ties, brick, or curbing of adequate size when deemed desirable to prevent erosion, or the washing away of surfacing materials, or when necessary to define the outer limits of the parking area.

(3) Parking for temporary retail and food sales approved per 27-7.200.4 may utilize gravel parking if there is no expansion of the site's impervious surface to accommodate the parking.

C. **Pervious Surfacing.** Decision-making bodies are authorized to require that pervious paving materials be substituted for other required surfaces in any portion of a parking of vehicular use area when they determine it necessary to protect the root system trees from damage.

27-5.80.6 Drainage

Parking and vehicular use area must be designed and constructed to:

A. Prevent significant volumes of surface water draining onto public streets or buildings;
B. Ensure that there is no increase in the quantity of stormwater runoff onto adjacent lots; and
C. Ensure that the quality of stormwater is not degraded.

27-5.80.7 Lighting

Adequate lighting must be provided for parking and vehicular use areas that are used after dark. Parking and vehicular use area lights may not exceed 18 feet in height in the R districts and 26 feet in height in X districts. Parking lot lighting must be designed and installed to prevent glare or light trespass in excess of 0.5 footcandles onto property in R zones or in excess of 1.0 footcandles in all other areas, including streets. These lighting regulations apply to newly installed parking lot lighting as well as the replacement of parking lot lighting.

27-5.80.8 Setback

No part of any parking or vehicular use areas other than a driveway entrance or exit may be located within 4 feet of any right-of-way line or public sidewalk.

27-5.80.9 Landscape and Screening

Parking and vehicular use areas are subject to the landscape and screening regulations of 27-4.

27-5.80.10 Front Yard Parking

On residential lots with an area of 10,000 square feet or more, no more than 25% of the front yard area, may be occupied by parking or vehicular use area.

27-5.80.11 Tandem and Stacked Parking

A. Tandem parking spaces may be used to satisfy parking requirements for household living uses when the parking spaces are assigned to the same dwelling unit.
B. Tandem and stacked parking spaces may be used to satisfy off-street parking requirements for other use types when the town has determined that adequate assurances have been provided to ensure that an attendant is on duty during all hours of operation of the subject use.

27-5.90 Stacking Spaces

27-5.90.1 Spaces Required

In addition to the parking required for each use, stacking spaces must be provided in accordance with Table 27-5.90.1.

Table 27-5.90.1 Stacking Space Requirements

Use	Minimum Spaces (Per Lane)
Drive-Through Windows (includes banks, restaurants, pharmacies, etc.)	6
Vehicle Service (includes car washes, and motor vehicle, boat and trailer repair)	4

27-5.90.2 Dimensions

Each stacking space must be at least 9 feet in width and at least 17 feet in length. Stacking lanes for drive-up windows must be delineated with pavement markings.

27-5-90.3 Location and Design

Stacking lanes must be located on the subject property. They may not be located within required driveways, drive aisles, parking spaces, or loading areas and may not interfere with access to parking and ingress and egress from the street.

27-5.90.4 Pedestrian Access

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross stacking lanes.

27-5.100 Equipment and Large Vehicles

27-5.100.1 Recreational Vehicles

A. Recreational vehicles may be parked or stored outside of a building in an R or RX zone only if such vehicle:
    (1) Does not exceed 24 feet in length;

(2) Is not used for human habitation;
(3) Does not occupy a required parking space; and
(4) Is not located in a street yard.

B. Any other provisions of this section notwithstanding, recreational vehicles may be parked on a driveway or on an abutting street for up to 72 hours per month for loading or unloading purposes.

27-5.100.2 Construction Equipment

In R and RX zones, construction equipment and construction-related vehicles (including wood grinders and chippers) must be parked or stored inside a building or in a rear yard bordered by a solid fence or equivalent landscape screening material except during periods of active, bona fide construction activity on the lot where the equipment and vehicles are parked or stored. Valid zoning permits, grading plans, or site development plans and continuous pursuit of completion of the permitted construction or development is required to demonstrate the existence of bona fide construction activity.

27-5.100.3 Prohibited Vehicles

A. **Weight-Based Restrictions.** Except as otherwise expressly allowed in this section, the following vehicles registered with the Virginia Department of Motor Vehicles or any other state or government agency having a gross weight of 10,100 pounds or more, may not be parked or stored in any R or RX zone:
(1) Box trucks;
(2) Flat bed trucks;
(3) Stake bed trucks;
(4) Step vans; and
(5) Trailers.

B. **Vehicles Prohibited Regardless of Weight.** Except as otherwise expressly allowed in this section, the following types of vehicles, regardless of their gross weight, may not be parked or stored in any R or RX zone:
(1) Concrete mixers;
(2) Construction equipment (except as provided in 27-5.100.2);
(3) Dump trucks;
(4) Garbage, refuse or recycling trucks;
(5) Passenger busses (excluding school busses);
(6) Tractors or trailers of a tractor-trailer truck; and
(7) Tow trucks.

27-5.110 Loading

A. All uses regularly engaged in receiving or shipping goods by truck or other delivery vehicles or that regularly experience customer pick-up of goods by vehicle must provide sufficient off-street loading facilities to accommodate deliveries and shipments in a safe and convenient manner.

B. Loading areas must be of sufficient size to accommodate the numbers and types of vehicles that are anticipated to use loading facilities. Such areas must be located and designed to allow vehicles to complete loading and unloading operations without obstructing or interfering with any public right-of-way or without substantially obstructing or interfering with on-site parking or with the on-site movement of vehicles or pedestrians.

C. Loading spaces may not be located in front of the front façade of a building.

D. Except as expressly allowed in town-designated commercial loading zones, vehicle maneuvering areas and loading and unloading activities must occur off-street, not within public rights-of-way.

E. All loading spaces must be posted with signs prohibiting engine idling for more than 5 minutes.
F. All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the town.
G. All off-street loading areas adjacent to R and RX zones must be completely screened from ground-level view by building walls, fences, or plant material at least seven feet in height.

27-6. Principal Uses

27-6.10 Allowed Uses

27-6.20 Use Classifications Generally

27-6.30 Residential Group

27-6.40 Commercial Group

27-6.50 Manufacturing & Industry Group

27-6.60 Civic & Institutional Group

27-6.70 Other Principal Uses

27-6.80 Use-Specific Regulations

27-6.10 Allowed Uses

27-6.10.1 Use Table

Principal uses are allowed in accordance with Table 27-6.10.

Table 27-6.10 Use Table

	Zones									
	RR	**RS**	**RT**	**RX**	**MX**	**NX**	**C**	**I**	**P**	Reference
Residential										27-6.30
Dwellings, Accessory Dwelling Unit	P	P	P	P	-	-	-	-	-	27-7.30
Dwellings, Duplex	-	-	P	P	-	P	-	-	-	
Dwellings, Multifamily	-	-	-	P	U	P	U	-	-	
Dwellings, Single Family Detached	P	P	P	P	-	-	-	-	-	
Dwellings, Single Family Semi-Detached	-	C	P	P	-	-	-	-	-	
Dwellings, Townhouse	-	-	C	P	-	P	-	-	-	
Group Living	C	C	C	C	C	C	-	-	-	
Commercial										27-6.40
Consumer Service – Indoor	-	-	-	-	P	P	P	P	-	27-6.40.1
Consumer Service – Outdoor	-	-	-	-	-	-	C	C	-	27-6.40.2
Day Care	-	C	P	P	P	P	P	P	-	27-6.40.3
Entertainment Venue, Large	-	-	-	-	C	C	P	P	-	27-6.40.4
Funeral & Mortuary Services	-	-	-	-	-	-	P	P	-	27-6.40.5
Office	-	-	-	-	U	P	P	P	-	27-6.40.6
Retail & Entertainment	-	-	-	-	P	P	P	P	-	27-6.40.7
Self-Service Storage, Indoor	-	-	-	-	-	-	C	P	-	27-6.40.8
Sexually Oriented Business	-	-	-	-	-	-	P*	P*	-	27-6.40.9 & 27-6.80.5
Vehicle Sales & Service	-	-	-	-	-	-	P	P	-	27.6-40.10
Wholesale Sales	-	-	-	-	-	C	P	P	-	27-6.40.11
Manufacturing & Industry										27-6.50
High Impact Industry	-	-	-	-	-	-	-	C	-	27-6.50.1
Industrial Service	-	-	-	-	-	-	-	P	-	27.6-50.2
Manufacturing & Production, Artisan	-	-	-	-	P	P	P	P	-	27-6.50.3
Manufacturing & Production, General	-	-	-	-	-	-	-	P	-	27-6.50.4
Warehouse & Distribution	-	-	-	-	-	-	-	P	-	27-6.50.5
Civic & Institutional										27-6.60
College	-	-	-	-	U	P	P	P	-	27-6.60.1
Community Assembly	-	-	-	-	P	P	P	P	-	27-6.60.2
Cultural Facility	-	-	-	-	P	P	P	P	-	27-6.60.3
Detention Facility	-	-	-	-	-	-	-	C	-	27-6.60.7
Hospital	-	-	-	-	-	P	P	P	-	27-6.60.4
Parks & Open Space	P	P	P	P	P	P	P	P	P	27-6.60.5
School	-	-	-	-	-	P	P	P	-	27-6.60.6
Utilities, Minor	P	P	P	P	P	P	P	P	P	27-6.60.7
Utilities, Major	C	C	C	C	C	C	C	C	C	27-6.60.7
Parking Lots & Parking Structures	-	-	-	-	-	P	P	P	P	27-6.60.8
Other										27-6.70
Agriculture	P	-	-	-	-	-	-	-	P	27-6.70.1

Key: P = Permitted Use C = Conditional Use U = Upper Levels Only * = Permitted but with additional restrictions

27-6.10.2 Interpreting the Use Table

A. **Use Classification System.** Uses are listed in the first column of Table 27-6.10. This UDO classifies uses into categories and subcategories, as explained in 27-6.20.
B. **Permitted Uses.** Uses identified with a "**P**" are permitted as-of-right in the subject zone, subject to compliance with any supplemental regulations identified in the final column of Table 27-6.10 and with all other applicable regulations of this UDO.
C. **Permitted in Upper Stories Only.** Uses identified with an "**U**" are permitted as-of-right in the subject zone but only when located above the ground-floor in upper stories of the building, in the rear portion of the ground floor at least 20 feet behind the primary facade, or in any basement.
D. **Conditional Uses.** Uses identified with a "**C**" are allowed only if reviewed and approved in accordance with the conditional use procedures of 27-12.50.
E. **Prohibited Uses.** Uses identified with a "—" are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in 27-6.20) to fall within any defined use category or subcategory are also prohibited.
F. **Reference.** The final ("Reference") column of Table 27-6.10 includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires conditional use approval.
G. **Accessory Uses.** Many customary accessory uses and structures are allowed in conjunction with principal uses. See 27-7 for regulations.

27-6.20 Use Classifications Generally

This section establishes and describes the use classification system used to categorize principal uses in this UDO.

27-6.20.1 Use Groups

This UDO classifies principal land uses into five major groupings. These are referred to as "use groups." The use groups are as follows:

A. Residential (See 27-6.30)
B. Commercial (See 27-6.40)
C. Manufacturing & Industry (See 27-6.50)
D. Civic & Institutional (See 27-6.60)
E. Other Uses (See 27-6.70)

27-6.20.2 Use Categories

Each use group is further divided into more specific categories. Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, or relevant building or site conditions.

27-6.20.3 Use Subcategories

Some use categories are further broken down to identify specific subcategories of uses.

27-6.20.4 Classification of Uses

The Zoning Administrator is authorized to classify individual uses on the basis of the use group, category, and subcategory descriptions of this article. When a use cannot be reasonably classified into a use group, category, or subcategory, or appears to fit multiple groups, categories, or subcategories, the Zoning Administrator is authorized to assign the use to the most similar and thus most appropriate group, category, or subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use group, category, or subcategory descriptions. In making such determinations, the Zoning Administrator must consider:

A. The types of activities that will occur in conjunction with the use;
B. The types of equipment and processes to be used;
C. The existence, number and frequency of residents, customers or employees;
D. Parking demands associated with the use;
E. Any potential adverse impacts to other properties and the effective mitigation of those impacts; and
F. Other factors deemed relevant to a use determination.

Appeals of use classification determinations may be taken to the Board of Zoning Appeals in accordance with the procedures of 27-12.140.

27-6.30 Residential Group

The residential use group includes uses that provide living accommodations for one or more persons. The residential use categories and subcategories are as follows.

27-6.30.1 Dwellings

A. **Description.** The dwellings use category is characterized by a single household occupying a dwelling unit that is self-contained, with facilities for cooking, eating, sleeping, and hygiene. Tenancy is typically 60 days or longer.
B. **Subcategories.** Examples of dwellings uses include living in houses, residential buildings containing multiple dwelling units, mixed-use buildings, and other buildings containing self-contained dwelling units. Living in housing that includes shared facilities (e.g., assisted living facilities, co-housing, and intentional communities) is considered dwellings living if residents occupy self-contained dwelling units.
C. **Exception.** As specified in § 15.2-2291 of the Code of Virginia, a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons; or, a residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, are considered one-unit household dwellings under this UDO and are allowed as-of-right in all zones that allow one-unit household dwellings. Additionally, as defined in § 37.2-431.1 of the Code of Virginia, a recovery residence that is certified by the Virginia Department of Behavioral Health and Developmental Services, may house up to eight individuals in recovery plus additional resident staff and be considered a one-unit household dwelling under this UDO and are allowed as-of-right in all zones that allow one-unit household dwellings.

27-6.30.2 Group Living

A. **Description.** The group living use category is characterized by residential occupancy of all or a portion of a building or buildings by a group other than a household. Individuals typically occupy rooms or units that do not include separate cooking, eating, or hygiene facilities necessary to provide for self-contained living. Group living uses typically have a common eating area for residents. Tenancy is typically 60 days or longer.

B. **Subcategories.** Examples of group living uses include convents, dormitories, monasteries, fraternity and sorority houses, nursing homes, rooming houses, and similar living arrangements, including the following subcategories:
   (1) **Group Home.** A community based group living use for more than eight elderly persons or more than eight persons with disabilities. Group homes provide communal room and board, personal care, and habilitation services in a household-like environment.
   (2) **Emergency or Protective Shelter.** A temporary, short-term residence providing housing with minimal supportive services for homeless or displaced families or individuals where tenancy is generally limited to six months or less. See also the supplemental regulations of 27-6.80.2.
   (3) **Supportive Housing Shelter.** A residence facility providing housing with supportive services for homeless or displaced individuals and families where tenancy may be longer than six months.
   (4) **Re-Entry Facility.** A facility operated by a governmental agency or a private party under contract with a governmental agency and used for rehabilitation and overnight accommodation of individuals, including staff, who are (a) under the jurisdiction of a court, but not under confinement, or (b) individuals recently released from the jurisdiction of a court. Re-entry facilities are operated for the purpose of providing treatment or rehabilitation intended to assist such individuals with their re-entry into the community.
   (5) **Bed and Breakfast Inn.** A detached house in which a full-time resident and owner/operator offers up to 6 sleeping rooms and meal service to overnight guests for compensation. The owner/operator may reside on an abutting property. Larger establishments are considered a form of lodging under the consumer service use category.

27-6.40 Commercial Group

27-6.40.1 Consumer Service, Indoor

The indoor commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. Indoor consumer service uses are conducted from completely enclosed buildings. The commercial use categories and subcategories are as follows.

A. **Description.** The consumer service use category includes establishments that provide personal or small business-oriented services to individuals or small businesses.
B. **Subcategories.** Examples of consumer service uses include the following subcategories:
   (1) **Personal Improvement Service.** Establishments that provide personal grooming, cosmetic, and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, day spas, body art services and fortune telling services.
   (2) **Studio Artist or Instructional Service.** Establishments that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, fitness clubs/studios, martial arts instruction, tutoring, artist studios and photography studios.
   (3) **Business Support Services.** Establishments that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Examples include employment agencies, copy and print shops, delivery/courier service drop-off location for consumers, and photo developing labs.
   (4) **Lodging.** Establishments that provide temporary lodging for less than 90 days to transient guests who maintain a permanent place of residence elsewhere. Examples include hotels and motels, but not bed and breakfast inns, which are classified in the group living category or short-term rentals which are classified as an accessory use.

(5) **Consumer Maintenance & Repair Service.** Establishments that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Examples include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments.

(6) **Animal Care.** Establishments that provide medical (veterinary) services for domesticated animals and animal grooming services for animals, such as dog bathing and clipping salons. Includes 24-hour accommodation of animals receiving medical services but not animal boarding or kennels, which are classified in the outdoor consumer service use category (see 27-6.40.2).

27-6.40.2 Consumer Service, Outdoor

The outdoor consumer service use category includes establishments that provide personal or small business-oriented services to individuals or small businesses and that involve substantial amounts of outdoor activity or storage.

A. **Subcategories.** Examples of outdoor consumer service uses includes the following subcategories:

(1) **Animal Boarding or Shelter, Minor.** A facility for keeping, boarding, training, or breeding of dogs, cats, or other household pets not owned by the kennel owner or operator. This classification includes animal shelters and animal hospitals that provide boarding services for animals not receiving services on the site but excludes veterinarians and animal hospitals providing overnight or 24-hour keeping of animals receiving on-site medical services. This subcategory includes pet day cares but excludes dog walking and similar pet care services not carried out at a fixed location.

(2) **Farmers Market.** Outdoor establishments in which the primary activity is the sale of agricultural products directly from producers to consumers.

(3) **Outdoor Entertainment, Minor.** Establishments on sites of one acre or less that provide outdoor gathering places for participant or spectator entertainment. Examples include mini-golf courses, batting cages, go-cart tracks. Does not include accessory outdoor seating areas associated with indoor entertainment uses (see retail and entertainment use category). Outdoor entertainment uses on sites with an area of more one acre are classified and regulated as heavy sales and service uses.

(4) **Campground.** Tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities, or any other area, place, parcel, or tract of land, by whatever name called, on which 3 or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites or facilities is granted gratuitously, by a rental fee, by lease, by conditional sale, or by covenants, restrictions and easements. This definition is not intended to include migrant labor camps and summer camps as defined in §§ 32.1-203 and 35.1-16 of the Code of Virginia, construction camps, manufactured home parks, storage areas for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions and conditions from providing sanitary facilities within established property lines.

27-6.40.3 Day Care

A. **Description.** The day care use category includes establishments licensed by the Commonwealth of Virginia that provide non-medical care to children or aged, infirm, or disabled adults for only part of a day, typically during normal working hours.

B. **Subcategories.** Examples include adult day care centers, child care centers, and similar use types.

C. **Exceptions.** Home-based day care services provided within a residential dwelling unit for fewer than five children, not counting the day care provider's own children and any other children who permanently reside in the dwelling unit are not classified in the day care use category. Such uses are considered accessory uses to household uses.

27-6.40.4 Entertainment Venue, Large

A. **Description.** Large entertainment venue uses are characterized by activities and structures that draw large numbers of people to specific events or shows and in which the venue has (1) a seating capacity of more than 300 or (2) a floor area of more than 10,000 square feet. Activities are generally of a spectator nature.
B. **Subcategories.** Typical uses include stadiums, sports arenas, auditoriums, exhibition and meeting areas, and fairgrounds.
C. **Exceptions.** Smaller indoor entertainment establishments are classified as general entertainment uses (see 27-6.40.7). Smaller outdoor entertainment establishments are classified as minor outdoor entertainment uses (see 27-6.40.2).

27-6.40.5 Funeral & Mortuary Service

A. **Description.** The funeral and mortuary service use category includes establishments that provide services related to the death of a human or domestic, household pet, including funeral homes and mortuaries.
B. **Crematoriums.** Funeral and mortuary services may include crematoriums if approved in accordance with the conditional use permit procedures of 27-12.50.

27-6.40.6 Office

A. **Description.** The office use category includes workplaces of private companies, organizations (for-profit and non-profit), and public agencies providing professional, executive, management, medical, administrative, or design services.
B. **Subcategories.** The office use category includes the following subcategories:
    (1) **Business & Professional Office.** Workplaces of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services. Examples of business and professional offices include accounting, architecture, computer software design, engineering, graphic design, interior design, investment, insurance, law offices and "walk-in" type offices that do not require appointments.
    (2) **Medical & Dentist Office.** Workplaces of medical doctors, dentists, and similar practitioners of medical and healing arts for humans licensed for such practice by the Commonwealth of Virginia. This subcategory includes outpatient clinics, but excludes hospitals providing inpatient care.
    (3) **Broadcast or Recording Studio.** Establishments that provide for audio or video production, recording or broadcasting.
    (4) **Financial Service.** Establishments involved in the exchange, lending, borrowing and safe-keeping of money. Examples include banks and credit unions. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified in the financial service subcategory if they meet the criteria for classification as an accessory use. This use subcategory does not include personal credit establishments (see retail sales use category).
    (5) **Research Service.** Establishments engaged in scientific research and testing services leading to the development of new products and processes. Uses that involve the mass production, distribution or sale of products or that produce odors, dust, noise, vibration or

other external impacts that are detectable beyond the property lines of the subject property are classified in the manufacturing and industry use group.

(6) **Business Training.** Establishments and facilities, including classrooms, providing vocational, trade, business or professional training services in a completely enclosed building.

27-6.40.7 Retail & Entertainment

A. **Description.** The retail and entertainment use category includes establishments involved in the sale, lease or rental of products or goods to the ultimate consumer and those that provide food, beverage, or entertainment services.

B. **Subcategories.** The retail and entertainment category includes the following subcategories:

(1) **Retail Sales.** Establishments that sell or otherwise provide pharmaceuticals, groceries, sundry goods, convenience goods, consumer shopping goods, household goods, plants and flowers, or hardware. Outdoor markets, such as farmers markets and flea markets are classified under the outdoor consumer service use category. Liquor and tobacco/vape stores are subject to the supplemental regulations of 27-6.80.3.

(2) **Eating and Drinking Places.** Establishments that prepare and serve food or beverages for on- or off-premise consumption. Includes prepared food shops, take-out restaurants, brewpubs, sit-down (full-service) restaurants, banquet halls, bars, taverns, nightclubs, dance halls, craft breweries, craft distilleries, cideries, meaderies, and off-street mobile food truck venues (with a temporary use permit). Outdoor seating/dining areas are allowed as an accessory use to eating and drinking places, subject to approval of an administrative review permit. Nightclubs and dancehalls are subject to the regulations in Sec. 14-8 of the town code.

(3) **Entertainment, General.** Establishments that provide indoor gathering places for participant or spectator entertainment other than large entertainment venues. Typical uses include cinemas, bowling centers, game rooms, and video arcades. See also the minor outdoor entertainment category (outdoor consumer service use category).

(4) **Personal Credit Establishment.** Any one or more of the following:

(a) **Short-Term Loan Establishment.** Any business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter 22 of Title 6.2, Code of Virginia. Short-term loan establishments are subject to the supplemental regulations of 27-6.80.3.

(b) **Pawnshop.** An establishment that is engaged to any extent in the lending or advancement of money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. The pawnbroker must have the appropriate licenses from both the town and state.

27-6.40.8 Self-Storage Facility

A. **Description.** The self-service storage facility use category includes enclosed, climate-controlled establishments providing separate, small-scale, self-service storage area leased or rented to individuals or small businesses. Such facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from passenger vehicles and two-axle non-commercial vehicles. Mini-warehouses with external entrances to storage spaces and outdoor

storage areas for consumers or small businesses are classified under the warehouse and distribution use category.

27-6.40.9 Sexually Oriented Business

A. **Description and Subcategories.** The sexually oriented business use category includes the following subcategories:

(1) **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

(a) At least 35% of the establishment's displayed merchandise consists of said items;

(b) At least 35% of the wholesale value of the establishment's displayed merchandise consists of said items;

(c) At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items;

(d) At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;

(e) The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items is included in "floor space" maintained for the display, sale, or rental of said items); or

(f) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items is included in "floor space" maintained for the display, sale, or rental of said items); or

(g) The establishment regularly offers for sale or rental at least 2,000 of said items; or

(h) The establishment regularly features said items and regularly advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests. (Note: no business will be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America)

(2) **Adult Cabaret.** A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic beverages are served, that regularly features live conduct characterized by semi nudity. Establishments may not avoid classification as an adult cabaret by offering or featuring nudity.

(3) **Adult Motion Picture Theater.** A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

(4) **Semi Nude Model Studio.** A place where persons regularly appear in a state of semi nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi nudity do so in a class operated:

(a) By college, junior college, or university supported entirely or partly by taxation; or

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) In a structure:

i. That has no sign visible from the exterior of the structure and no other advertising that indicates a seminude person is available for viewing; and
ii. Where, in order to participate in a class a student must enroll at least 3 days in advance of the class.

(5) **Sexual Device Shop.** A commercial establishment that regularly features sexual devices. This definition is not to be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only.

27-6.40.10 Vehicle Sales & Service

A. **Description.** The vehicle sales and service use category includes uses that provide for the sale, rental, ordinary maintenance, or limited repair of new or used passenger vehicles.

B. **Subcategories.** Examples of vehicle sales and service uses include the following subcategories:

(1) **Personal Vehicle Repair and Maintenance, Minor.** The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids; windshield/glass repair or replacement; emissions testing facilities; quick-service oil, tune-up and brake and muffler shops; and car washes and detailing establishments in which service is provided in enclosed bays and generally no vehicles are stored overnight. Does not include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or similar operations.

(2) **Personal Vehicle Sales and Rentals.** Establishments that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, consumer moving vehicles and equipment, motor homes, or recreational vehicles, including recreational watercraft. Typical examples include automobile dealers, auto malls, car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as personal vehicle sales and rental uses, but are instead considered accessory parking. Personal vehicle sales and rental establishments that occur in completely enclosed buildings with no outdoor storage or display are classified in the retail and entertainment use category.

(3) **Fueling Station.** Establishments engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels. Fleet vehicle fueling facilities and truck stops are classified in the industrial service use category (see also the fueling station siting and design standards of 27-7.140). Convenience stores that include fueling facilities are classified as fueling stations, rather than retail sales uses.

27-6.40.11 Wholesale Sales

A. **Description.** The wholesale sales use category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments, stored in enclosed buildings. May also include incidental retail sales and wholesale showrooms. Uses engaged in wholesale sales activities and that include more than 2 loading docks/bays or outdoor storage are classified in the "warehouse and distribution" use category.

27-6.50 Manufacturing & Industry Group

The manufacturing and Industry use group includes establishments engaged in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, human-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of the principal use. Relatively few customers come to the site. The manufacturing and industry use categories are as follows.

27-6.50.1 High-Impact Industry

A. **Description.** The high-impact industry use category includes manufacturing and industrial establishments that may be considered dangerous or noxious due to the probability or magnitude of their impacts on the environment or because of their potential for causing adverse impacts on surrounding areas, including but not limited to odors, noise, vibrations, heavy truck traffic, dust as well as public health and safety impacts.
B. **Subcategories.** Examples include repair, storage, salvage or wrecking of heavy machinery, metal and building materials; auto and truck salvage and wrecking; tire retreading or recapping; recycling operations; fuel oil distributors; solid fuel yards; lumber mills and wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; and facilities for the storage of and the operation of computer hardware, equipment for processing, storage or routing of electronic data, or similar high-technology uses generally known as data centers.

27-6.50.2 Industrial Service

A. **Description.** The industrial service use category includes businesses engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Uses that have significant offsite impacts are classified and regulated in the high-impact industry use category.
B. **Subcategories.** Examples of industrial service uses include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; building, heating, plumbing or electrical contractors; printing, publishing and lithography; janitorial and building maintenance services; laundry, dry-cleaning and carpet cleaning plants; truck stops; heavy truck and vehicle servicing and repair; and towing storage yards.
C. **Exceptions.** Contractors and others who perform services off-site are included in the office use category if equipment and materials are not stored outdoors at the site, and fabrication, or similar work, is not conducted at the site.

27-6.50.3 Manufacturing & Production, Artisan

A. **Description.** The artisan manufacturing use category is reserved for Indoor work spaces used by artists for creation of art or the practice of their artistic endeavors or by craftspeople that produce consumer goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading.
B. **Subcategories.** Typical uses include woodworking; custom furniture shops; cabinet-making; ceramic studios; jewelry manufacturing; confections and custom-made food items; and artwork including painting, printmaking and sculpture.

27-6.50.4 Manufacturing & Production, General

A. **Description.** The general manufacturing use category includes uses that do not, as part of their normal operations, generate noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration.
B. **Subcategories.** The general manufacturing use category expressly includes the following subcategories:
    (1) **Limited Manufacturing.** Indoor work spaces used for processing, fabricating, assembling, recycling, treating, or packaging finished parts or products that customarily have limited external impacts in terms of nuisance, odors, noise, vibrations, heavy truck traffic, or other public safety impacts.
    (2) **Urban Farm, Indoor.** Growing, washing, packaging and storage of fruits, vegetables and other plant products in enclosed buildings. Typical operations include greenhouses, vertical farming, hydroponic systems and aquaponic systems. Composting is limited solely to materials generated on site. May include accessory retail or wholesale sales areas limited to 3,000 square feet in area. Outdoor urban farms are classified as parks and open space. See 27-6.60.5.

27-6.50.5 Warehousing & Distribution

A. **Description.** The warehousing and distribution use category includes uses that provide and distribute goods in large quantities, principally to other commercial, manufacturing, or industrial businesses.
B. **Subcategories.** The warehousing and distribution use category expressly includes the following subcategories:
    (1) **Trucking and Transportation Terminal.** Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.
    (2) **Warehouse.** Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a self-service storage facility.

27-6.60 Civic & Institutional Group

The civic and institutional use group includes public, quasi-public, and institutional uses that provide services that benefit the public at-large. The civic and institutional use categories are as follows:

27-6.60.1 College

A. **Description.** The college use category includes Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees.
B. **Subcategories.** The college use category includes classrooms and instructional spaces, as well as on-campus residence halls, fraternity and sorority houses, administrative buildings, auditoriums and other on-campus uses and facilities that provide customary accessory and support functions for college or university uses.

27-6.60.2 Community Assembly

A. **Description.** The community assembly use category includes facilities for hosting public or private meetings including senior centers, religious institutions, and fraternal organizations.

B. **Subcategories.** This use subcategory includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include auditoriums, stadiums, convention centers, arenas, schools, or sports facilities that are separately classified and regulated. Also does not include establishments operated for gain, such as tennis or health clubs, and no part of the net earnings of such club or association may inure to the benefit of any private individual.

27-6.60.3 Cultural Facility

A. **Description.** Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

27-6.60.4 Hospital

A. **Description.** The hospital use category includes state-licensed public, private, and non-profit facilities providing inpatient medical, surgical, mental health, or emergency medical services. Hospitals may also provide outpatient treatment.

27-6.60.5 Parks & Open Space

A. **Description.** The parks and open space use category includes recreational, social, or multi-purpose uses associated with public parks, public open spaces, public play fields, public or private golf courses, or other outdoor open space or recreation areas. It also includes urban agriculture uses, such as community gardens, outdoor urban farms and beekeeping.

B. **Subcategories.** The parks and open space use category includes the following subcategories:

(1) **Community Garden.** An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be principal uses or accessory to other public or semi-public uses, such as parks, schools, community centers, or community assembly uses. This classification does not include gardens that are accessory to residential uses when access is limited to those who reside on the subject property. Sales of products produced in association with a community garden is permitted as an accessory use in zones in which retail sales & entertainment uses are allowed.

(2) **Natural Resource Preservation.** Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs. Lands that are set-aside for long-term or permanent conservation, open space, or similar non-development use require conditional use permit approval.

(3) **Parks and Recreation.** Parks, playgrounds, recreation facilities, and related open spaces that are open to the general public. This subcategory also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, boat docks, and golf courses, as well as related food concessions, utility buildings or clubhouses within a primary structure or in an accessory structure on the same site.

(4) **Cemetery.** Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

(5) **Urban Farm, Outdoor.** Growing, washing, packaging and storage of fruits, vegetables and other plant products in unenclosed areas or partially enclosed structures. Typical operations include growing beds, growing fields, hoop houses and orchards. Composting

is limited solely to materials generated on site. May include accessory retail or wholesale sales areas limited to 3,000 square feet in area. Indoor urban farms are classified as general manufacturing uses.

(6) **Homeowners Association Common Facilities.** Structures and facilities owned and operated by a homeowners association that serve the properties of that community. Examples may include homeowners association offices and maintenance facilities with screening, as well as community centers, among other possible common community facilities.

27-6.60.6 School

A. **Description.** The school use category includes public and private schools that provide basic, compulsory, state-mandated education at the primary, elementary, middle school, or high school level.

27-6.60.7 Utilities & Services

A. **Description.** The utilities and services use category includes utilities and essential public service uses and facilities.

B. **Subcategories.** The utilities and services category includes the following subcategories:

(1) **Safety Service.** Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, ambulance services and storm or civil defense shelters.

(2) **Utilities, Minor.** Facilities that need to be located in or close to the area where the service is provided. Minor utilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric distribution lines and transformers; bus turnarounds and on-street transit stops, water conveyance systems; stormwater storage and conveyance systems; and emergency communication warning/broadcast facilities.

(a) The production, collection or distribution of renewable energy, water, organic waste, or other similar resources at a neighborhood, district or campus scale are classified as minor utilities. This includes distributed energy facilities that produce or distribute energy from renewable sources; neighborhood composting areas and neighborhood stormwater facilities.

(b) District-, neighborhood- or campus-scale systems that produce or distribute energy from the biological breakdown of organic matter produced within the subject neighborhood or campus are also considered minor utilities.

(c) Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses to the subject principal use, including net metered installations and installations that generate power to sell at wholesale to the power grid.

(3) **Utilities, Major.** Facilities that typically have substantial visual or operational impacts on nearby areas. Typical uses include water and wastewater treatment facilities, high-voltage electric substations, regional electrical transmission lines, regional gas or oil pipelines, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), and sanitary landfills.

27-6.60.8 Parking Lots and Parking Structures

A. **Description.** The parking lots and parking structures category includes stand-alone parking lots and parking structures that are not associated with another use on the property.

27-6.70 Other Principal Uses

27-6.70.1 Agriculture

An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution.

27-6.80 Use-Specific Regulations

27-6.80.1 General

This section includes supplemental regulations that apply to specific use types. These regulations are in addition to the regulations of the zone in which such use is located and all otherwise applicable regulations of this UDO.

27-6.80.2 Emergency Shelters

A. **Number of Occupants.** Emergency shelters may provide temporary housing facilities for not more than 12 occupants.
B. **Age of Occupants.** No occupants under 18 years of age may occupy such facilities unless accompanied by a parent of legal guardian.
C. **Design.** Emergency shelters must be designed so that living spaces for all occupants, except family members, are clearly segregated by gender.
D. **Duration and Curfew.**
    (1) Occupants may stay in such facilities no longer than 30 days total in any given 90-day period; exceptions may be made by the staff for disabled persons.
    (2) A 10:00 p.m. curfew must be imposed on all occupants, and this curfew requirement must be communicated clearly to the occupants by the shelter staff.
E. **Staff.** Emergency shelter must be staffed by a resident manager from at least 5:00 p.m. to 8:00 a.m. daily.
F. **Government Relationships.** The applicant must provide satisfactory evidence of initial and ongoing sound relationships with related government agencies, including mental health, social services, sheriff and police departments.

27-6.80.3 Liquor Stores, Tobacco/Vape Stores and Short-Term Loan Establishments

A. **Purpose and Intent.** The purpose of this section is three-fold:
    (1) To ensure that liquor stores, tobacco/vape stores and short-term loan establishments are located so that they are separated from residential neighborhoods, libraries, parks, schools, ballfields, recreation centers and places of worship, where children are likely to be walking and playing and should not be forced to encounter such a business in their daily activities;
    (2) To ensure that liquor stores, tobacco/vape stores and short-term loan establishments are sufficiently separated from incompatible land uses to ensure an attractive and harmonious community and minimize the negative effect on land values; and

(3) To ensure that liquor stores and short-term loan establishments do not locate in close proximity to sexually oriented businesses so that the town does not inadvertently create an area that is perceived to be dominated by such businesses or that causes the concentration of the secondary effects of such businesses in one area.

B. **Allowed Location – Liquor Store and Short-Term Loan Establishment.**

(1) It is unlawful to establish, operate, or cause to be operated a liquor store or short-term loan establishment in the town, unless such liquor store or short-term loan establishment is in a zone permitting such use and is at least:

(a) 750 feet from any residential zone or residence;

(b) 750 feet from any other liquor store, tobacco/vape store or short-term loan establishment;

(c) 750 feet from any parcel occupied by a sexually oriented business; and

(d) 750 feet from any parcel occupied by any of the following protected uses:

i. Religious assembly use;

ii. School or child care center serving students in grades K-12;

iii. Public park;

iv. Boys and girls club, YMCA, YWCA, or ballfield; or

v. Public library.

(2) For the purpose of this subsection, measurements must be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the tenant space or structure occupied by the liquor store or short-term loan establishment to the closest point on a property boundary or right-of-way associated with any of the protected uses identified in paragraph A. of this subsection that exist on or before the date that a completed application for a license to operate the liquor store or short-term loan establishment is filed with the town.

(3) Any protected use listed in subparagraphs (1) or (2) of this subsection may begin operation within 750 feet of a liquor store or short-term loan establishment only if the owner of the protected use, in addition to any other requirements of this UDO, gives the town a written statement that it acknowledges the presence of the liquor stores or short-term loan establishments and voluntarily waives the separation-based protections of paragraph A. of this subsection as to the liquor stores or short-term loan establishments for as long as the that use remains. This written statement does not waive the protection of this liquor stores or short-term loan establishments section as to any liquor store or short-term loan establishment established or relocated after the written statement. If a liquor store or short-term loan establishment is discontinued for a period of 2 years or more, then it must comply with the separation requirements of this section regardless of any such written statements by protected uses.

C. **Allowed Location – Tobacco/Vape Store**

(1) It is unlawful to establish, operate, or cause to be operated a tobacco/vape store in the town, unless such tobacco/vape store is in a zone permitting such use and is at least 1,000 feet from any parcel occupied by a school or child care center serving students in grades K-12.

(2) For the purpose of this subsection, measurements must be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the property boundary occupied by the tobacco/vape store to the closest point on a property boundary or right-of-way associated with any of the protected uses identified in paragraph A. of this subsection that exist on or before the date that a completed application for a license to operate the tobacco/vape store is filed with the town.

(3) Any protected use listed in subparagraphs (1) or (2) of this subsection may begin operation within 1,000 feet of a tobacco/vape store only if the owner of the protected use, in addition to any other requirements of this UDO, gives the town a written statement that it acknowledges the presence of the tobacco/vape stores and voluntarily waives the separation-based protections of paragraph A. of this subsection as to the tobacco/vape stores for as long as the that use remains. This written statement does not waive the protection of this tobacco/vape stores section as to any tobacco/vape store established or relocated after the written statement. If a tobacco/vape store is discontinued for a period of 2 years or more, then it must comply with the separation requirements of this section regardless of any such written statements by protected uses.

27-6.80.4 Sex Offender Treatment Services

Notwithstanding any provision of this UDO, it is unlawful to establish or operate a sex offender treatment facility, unless such facility is in a zone permitting such use and is at least:

A. 750 feet from any residential zone or residence;
B. 750 feet from any sexually oriented business; and
C. 750 feet from any parcel occupied by any of the following protected uses:
    (1) Religious assembly use;
    (2) School or child care center serving students in grades K-12;
    (3) Public park;
    (4) Boys and girls club, YMCA, YWCA, or ballfield; or
    (5) Public library

For the purpose of this section, measurements must be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the tenant space or structure occupied by the sex offender treatment services establishment to the closest point on a property boundary or right-of-way associated with any of the protected uses identified in this subsection that exist on or before the date that a completed application for a license to operate the sex offender treatment services establishment is filed with the town.

27-6.80.5 Sexually Oriented Business

A. **Purpose.** It is a purpose of the regulations of this section to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the town. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the regulations of this section to condone or legitimize the distribution of obscene material.
B. **Findings and Rationale.**
    (1) Based on evidence of the adverse secondary effects of sexually oriented business establishments uses presented in hearings and in reports made available to the town council, and on findings, interpretations, and narrowing constructions incorporated in the following court cases:
        (a) City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002); City of Erie v. Pap's A.M., 529 U.S. 277 (2000); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); Barnes v. Glen Theatre, Inc., 501 U.S.

560 (1991); California v. LaRue, 409 U.S. 109 (1972); N.Y. State Liquor Authority v. Bellanca, 452 U.S. 714 (1981); and

(b) Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); Independence News, Inc. v. City of Charlotte, 568 F.3d 148 (4th Cir. 2009); McDoogal's East, Inc. v. County Comm'rs of Caroline County, 341 F. App'x 918 (4th Cir. 2009); Allno Enters., Inc. v. Baltimore County, 10 F. App'x 197 (4th Cir. 2001); Steakhouse, Inc. v. City of Raleigh, 166 F.3d 634 (4th Cir. 1999); D.G. Restaurant Corp. v. City of Myrtle Beach, 953 F.2d 140 (4th Cir. 1991); Wall Distributors, Inc. v. City of Newport News, 782 F.2d 1165 (4th Cir. 1986); Boyd v. County of Henrico, 42 Va. App. 495, 592 S.E.2d 768 (2004) (en banc); and

(c) Peek-a-Boo Lounge of Bradenton, Inc. v. Manatee County, — F.3d — 2011 WL 182819 (11th Cir. Jan. 21, 2011); Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Entm't Prods., Inc. v. Shelby County, 588 F.3d 372 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); For the People Theatres of N.Y., Inc. v. City of New York, 793 N.Y.S.2d 356 (N.Y. App. Div. 2005); Taylor v. State, No. 01-01- 00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005);

(2) And based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas — 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri — 2008; Louisville, Kentucky — 2004; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Social Change and Crime Rate Trends: A Routine Activity Approach," 44 American Sociological Review 588-608 (1979); Duncan Associates, Survey of Florida Appraisers (2007); Texas City Attorneys Association, Survey of Texas Appraisers and Crime-Related Secondary Effects (2008); "Background Analysis and Recommendations: Zoning Amendments Related to Sex Businesses," Manassas, Virginia — 2010; and "Everything You Always Wanted to Know About Regulating Sex Businesses," American Planning Association, 2000, the town council finds that:

(a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, declining property value, urban blight, litter, and sexual assault and exploitation.

(b) Sexually oriented businesses should be separated from sensitive land uses, including schools, religious assembly or institutions, parks, libraries, public recreation areas, and residential areas, to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

(c) Each of the foregoing negative secondary effects constitutes a harm that the town has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the town's rationale for the regulations of this section, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the town's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the town. The town finds that the cases and documentation relied on in this section are reasonably believed to be relevant to such secondary effects.

(3) The town hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

C. Allowed Location

(1) It is unlawful to establish, operate, or cause to be operated a sexually oriented business in the town, unless such sexually oriented business is in a zone permitting such use and is at least:

(a) 1,000 feet from any parcel occupied by another sexually oriented business;

(b) 750 feet from any residential zone or residence; and

(c) 750 feet from any parcel occupied by any of the following protected uses:

i. Religious assembly use;

ii. School or child care center serving students in grades K-12;

iii. Public park;

iv. Boys and girls club, YMCA, YWCA, or ballfield; or

v. Public library

(2) For the purpose of this section, measurements of required separation distances must be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the tenant space or structure occupied by the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the protected uses identified in paragraph A of this subsection, that exists on or before the date that a completed application for a license to operate the sexually oriented businesses is filed with the town.

(3) Any protected use listed in paragraph A of this subsection may begin operation within 750 feet of a sexually oriented business establishment only if the owner of the protected use, in addition to any other requirements of this UDO, gives the town a written statement that it acknowledges the presence of the sexually oriented business and voluntarily waives the separation-based protections of paragraph A of this subsection as to the sexually oriented business for as long as the sexually oriented business or any successor thereto remains. This written statement does not waive the protection of this section as to any sexually oriented business established or relocated after the written statement.

(4) If a sexually oriented business is discontinued for a period of two years or more, then it must comply with the separation requirements of this subsection regardless of any such written statements by protected uses.

27-6.80.7 Wireless Facility Regulations

A. **Purpose**

(1) The wireless facility regulations of this section are intended to establish general guidelines for the siting of wireless communications towers and antennas and to advance the following specific purposes:

(a) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(b) Encourage the location of towers in nonresidential areas;

(c) Minimize the total number of towers throughout the town;

(d) Promote the joint use (co-location) of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(e) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(f) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(g) Enhance the ability of the providers of telecommunications services to provide telecommunication services to the community quickly, effectively and efficiently;

(h) Promote public health and safety; and

(i) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(2) In furtherance of these purposes, the town will give due consideration to the comprehensive plan, the zoning regulations of this UDO, existing land use, and environmentally sensitive areas in approving sites for the location of towers and antennas. It is the policy of the Town of Culpeper that new telecommunications towers be built at the lowest height possible that will still allow for co-location opportunities.

B. **Applicability.** The wireless facility regulations of this section apply to all new wireless facilities or wireless support structures and modifications to existing wireless facilities or wireless support structures, except as otherwise expressly stated in this section.

C. **Exemptions**

(1) **Amateur Radio Station Operators and Receive-Only Operations.** The wireless facility regulations of this section do not apply to any tower, or the installation of any antenna owned and operated by a federally-licensed amateur radio station operator or used exclusively for receive-only operations.

(2) **Maintenance.** The wireless facility regulations of this section do not apply to routine maintenance of wireless facilities or wireless support structures or to the replacement of wireless facilities or wireless support structures within a 6-foot perimeter of wireless facilities or wireless support structures that are the same size or smaller. The town is authorized, however, to require permits to work within the right-of-way for these exempt maintenance activities.

D. **Definitions.** The following definitions apply in administering, interpreting and enforcing the wireless facility regulations of this section:

(1) **Administrative Review-Eligible Project (AREP)**. A project that provides for:

(a) The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is:

i. Not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles;
ii. Not located within the boundaries of a local, state, or federal historic district; and
iii. Designed to support small cell facilities.

(b) The co-location on any existing structure of a wireless facility that is not a small cell facility.

(2) **Antenna.** Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

(3) **Base Station.** A station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

(4) **Co-Locate.** To install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

(5) **Existing Structure.** Any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the town of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

(6) **Micro-Wireless Facility.** A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

(7) **New Structure.** A wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to the town for any required zoning approval.

(8) **Project**

(a) The installation or construction by a wireless services provider or wireless infrastructure provider of a new structure; or

(b) The co-location on any existing structure of a wireless facility that is not a small cell facility.

NOTE: The term "project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of §15.2-2316.4 of the Code of Virginia apply.

(9) **Small Cell Facility.** A wireless facility that meets both of the following criteria:

(a) Each antenna is located inside an enclosure of no more than 6 cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet in volume; and

(b) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission.

NOTE: The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

(10) **Standard-Process Project (SPP).** Any project other than an administrative review-eligible project.

(11) **Utility Pole.** A structure owned, operated, or owned and operated by a public utility, local government, or the commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

(12) **Water Tower.** A water storage lank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

(13) **Wireless Facility.** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

(a) Equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and

(b) Radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

(14) **Wireless Infrastructure Provider.** Any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

(15) **Wireless Services**

(a) “Personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)

(b) Commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and

(c) Any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using tireless facilities.

(16) **Wireless Services Provider.** A provider of wireless services.

(17) **Wireless Support Structure.** A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

E. **Small Cell Facilities**

(1) **Where Allowed.** Small cell facilities are allowed as of right in all zones, subject to compliance with all requirements of this subsection.

(2) **Zoning Permit Required.** A zoning permit must be obtained for all small cell facilities, in accordance with the regulations of this subsection, except that no zoning permit is required for the installation, placement, maintenance, or replacement of microwireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes.

(3) **Applications.**

(a) Each single zoning permit application may include up to 35 permit requests.

(b) Each permit application must identify the proposed location of each proposed small cell facility, specifically identifying the location of the existing structure on which the small cell facility will be installed, specifications showing the size of the antennas and associated equipment of each small cell facility, and a statement from the owner of the existing structure consenting to co-location of the small cell facility on the existing structure. Additionally, all zoning permit applications for small cell facilities must be accompanied by the following:

i. A technical report demonstrating that the proposed facility will not result in any material potential interference with other pre-existing communications facilities or with future communications facilities that have already been

designed and planned for a specific location or that have been reserved for future public safety communications facilities;

ii. Documentation that access to existing and planned communications facilities will not be obstructed or impacted; and

iii. Evidence that facilities do not interfere with other existing or planned utility, transportation, or other infrastructure improvements. Evidence must demonstrate that the facilities will not encroach into visibility triangles and installation of facilities will result in no adverse impacts to public safety or other critical public service needs.

(4) **Review and Action on Zoning Permits.**

(a) Within 10 business days after receipt of a zoning permit application, the Zoning Administrator must notify the applicant by electronic mail whether the application is incomplete and specify any missing information: otherwise, the application will be deemed complete.

(b) The Zoning Administrator must act to approve or deny a zoning permit application for small cell facilities within 60 days of receipt of a complete application.

(c) The 60-day review period may be extended by the Zoning Administrator in writing for a period not to exceed an additional 30 days.

(d) An application is deemed approved if the Zoning Administrator fails to act within the required time-frame (ie., 60 days, or 90 days if the 60-day review period is extended by the Zoning Administrator).

(5) **Grounds for Denial of Zoning Permit.** The Zoning Administrator is authorized to deny a zoning permit for small cell facilities only if the Zoning Administrator determine that one or more of the following statements is true:

(a) The proposal will result in potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.

(b) The installation will adversely impact public safety or other critical public service needs.

(c) The application is located within a historic district and does not comply with the regulations applicable within such historic district.

(d) The proposed installation is on publicly owned or publicly controlled property (excluding privately owned structures) and will have adverse aesthetic impacts or the application for publicly owned or publicly controlled property lacks one or more required approvals from departments, authorities, and agencies with jurisdiction over such publicly owned or publicly controlled property.

(6) **Removal of Small Cell Facilities.** A small cell facility must be removed by the wireless services provider or wireless infrastructure provider that installed the facility or is otherwise responsible for the facility upon abandonment (see 27-6.80.7.J) or within one year of the date that:

(a) The owner of the existing structure withdraws or revokes its consent for co-location of such facility: or

(b) The owner of the existing structure removes the existing structure.

F. **Administrative Review-Eligible Projects.**

(1) **Where Allowed.** Administrative review-eligible projects are allowed as of right in all zones, subject to compliance with all requirements of this subsection.

(2) **Zoning Permit Required.** A zoning permit must be obtained for all administrative review-eligible projects.

(3) **Applications.** All applications must be accompanied by the following:

(a) Evidence that facilities do not interfere with other existing or planned utility, transportation, or other infrastructure improvements. Evidence must demonstrate that the facilities will not encroach into visibility triangles and installation of facilities will result in no adverse impacts to public safely or other critical public service needs.

(b) A technical report must be submitted by the applicant demonstrating that the proposed facility will not result in any material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.

(4) **Review and Action on Zoning Permits**

(a) Within 10 business days after receipt of a zoning permit application, the Zoning Administrator must notify the applicant by electronic mail whether the application is incomplete and specify any missing information: otherwise, the application will be deemed complete.

(b) The Zoning Administrator must act to approve or deny complete zoning permit applications within the following specified time periods unless extended by mutual agreement between the applicant and the town:

i. For a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law; or

ii. For the co-location of any wireless facility that is not a small cell facility, within the lesser of 90 days of receipt of a complete application, or the period required by federal law.

(c) An application is deemed approved if the Zoning Administrator fails to act within the periods specified above or any mutually agreed-upon extensions of these specified time-frames.

(d) If the Zoning Administrator denies a zoning permit for an administrative review-eligible project:

i. The Zoning Administrator must provide the applicant with a written statement of the reasons for such denial; and

ii. If the Zoning Administrator is aware of any modifications to the proposed project that would permit the Zoning Administrator to approve the proposed project, the Zoning Administrator must identify those modifications in the written statement. The Zoning Administrator's subsequent denial of an application for a project that incorporates the modifications identified in such statement may be used by the applicant as evidence that the Zoning Administrator's subsequent denial was arbitrary or capricious in any appeal of the Zoning Administrator's action.

(5) **Grounds for Denial of Zoning Permit.** The Zoning Administrator's action to deny a zoning permit for an administrative review-eligible project must:

(a) Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and

(b) Be supported by substantial record evidence contained in a written record, which must be publicly released within 30 days following the denial.

(6) **Other Procedural Requirements.** The general procedural requirements of 27-6.80.7.H apply when reviewing and acting on standard-process projects.

(7) **Appeals.** Any applicant adversely affected by the denial of a zoning permit for an administrative review-eligible project under this subsection may appeal the decision in accordance with 27-12.140.

G. **Standard-Process Projects**

(1) **Where Allowed.** Standard-process projects require conditional use approval in all zones.

(2) **Process.** Standard-process projects must be reviewed and approved in accordance with the conditional use procedures of 27-12.50. The general procedural requirements of 27-6.80.7.H apply when reviewing and acting on standard-process projects.

H. **General Procedural Requirements**

(1) **Applicability.** The general procedural requirements of this subsection apply to the processing of all applications for administrative review-eligible projects and standard-process projects.

(2) **Prohibited Actions.** In reviewing and acting on applications, authorized decision-making bodies may not:

(a) Disapprove an application on the basis of:

i. The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;

ii. The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or

iii. The wireless facility technology selected by the applicant for use at the project;

(b) Require an applicant to provide proprietary, confidential, or other business information to justify the need for the project, including propagation maps and telecommunications traffic studies, or information reviewed by a federal agency as part of the approval process for the same structure and wireless facility, provided that the town may require an applicant to provide a copy of any approval granted by a federal agency, including conditions imposed by that agency;

(c) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application, provided that this provision does not prohibit enforcement of regulations governing wireless support structures or wireless facilities that are abandoned;

(d) Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other types of financial surety, to ensure that abandoned or unused wireless facilities can be removed, unless the town imposes similar requirements on other permits for other types of similar commercial development in which case such instrument may not exceed a reasonable estimate of the direct cost of removal of the wireless facilities;

(e) Discriminate or create a preference on the basis of the ownership, including ownership by the town, of any property, structure, base station, or wireless support structure, when promulgating rules or procedures for siting wireless facilities or for evaluating applications;

(f) Impose any unreasonable requirements or obligations regarding the presentation or appearance of a project, including unreasonable requirements relating to (i) the kinds of materials used or (ii) the arranging, screening, or landscaping of wireless facilities or wireless structures;

(g) Impose any requirement that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by the town, in whole or in part, or by any entity in which the town has a competitive, economic, financial, governance, or other interest;

(h) Condition or require the approval of an application solely on the basis of the applicant's agreement to allow any wireless facilities provided or operated, in whole or in part, by the town or by any other entity, to be placed at or co-located with the applicant's project;

(i) Impose a setback or fall zone requirement for a project that is larger than a setback or fall zone area that is imposed on other types of similar structures of a similar size, including utility poles;

(j) Limit the duration of the approval of an application, except the town may require that construction of the approved project must commence within 2 years of final approval and be diligently pursued to completion; or

(k) Require an applicant to perform services unrelated to the project described in the application, including restoration work on any surface not disturbed by the applicant's project.

(3) **Authorized Grounds for Disapproval.** The general procedural requirements of this subsection do not prohibit the town from disapproving:

(a) Any application on the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 50 feet above ground level, provided that the town follows a local ordinance or regulation that does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; or

(b) An application submitted for a standard-process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant; or

(c) An application that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be placed under ground as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, if:

i. The underground placement requirement or comprehensive plan objective existed at least 3 months prior to the submission of the application;

ii. The town allows the co-location of wireless facilities on existing utility poles, government-owned structures with the government's consent, existing wireless support structures, or a building within that area;

iii. The town allows the replacement of existing utility poles and wireless support structures with poles or support structures of the same size or smaller within that area; and

iv. The disapproval of the application does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.

(d) The town may also disapprove an application if the applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area.

I. **Voluntary Conditions.** The general procedural requirements of this subsection also do not prohibit an applicant from voluntarily submitting, and the town from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of a new structure or facility.

J. **Abandonment.** If a small cell facility or structures or equipment associated with an administrative review-eligible project or a standard-process project remain unused for a period of more than one year, they are deemed abandoned and must be dismantled and removed from the site.

27-7. Accessory Uses and Structures

27-7.10	Uses and Structures Allowed
27-7.20	Generally Applicable Regulations
27-7.30	Accessory Dwelling Units
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27-7.160	Solar Energy Systems
27-7.170	Fences and Walls
27-7.180	Outdoor Display Areas
27-7.190	Outdoor Storage Areas
27-7.200	Temporary Uses and Structures

27-7.10 Uses and Structures Allowed

Accessory uses and structures are allowed only in connection with lawfully established principal uses and principal structures. Allowed accessory uses and structures are limited to those expressly identified in this UDO as well as those that, in the determination of the Zoning Administrator, satisfy all of the following criteria:

27-7.10.1 They are customarily found in conjunction with the subject principal use and structure;

27-7.10.2 They are subordinate and clearly incidental to the principal use of the property;

27-7.10.3 They are operated and maintained by the owners or lessees of the principal use; and

27-7.10.4 They serve a necessary function for or contribute to the comfort, safety or convenience of the owners or lessees of the principal use.

27-7.20 Generally Applicable Regulations

The regulations of this section apply to all accessory uses and structures unless express provisions of this UDO establish more specific regulations for a particular type of accessory use or accessory structure.

27-7.20.1 Exempt Structures

Structures and site improvements that are no more than 8 inches above the ground, other than in-ground swimming pools, are exempt from the accessory structure regulations of this article. In-ground swimming pools are subject to generally applicable accessory structure setback regulations.

27-7.20.2 Location

Accessory uses and structures must be located on the same lot as the principal use and principal structure to which they are accessory.

27-7-20.3 Time of Establishment

Accessory uses and structures may be established only after the principal structure on the property is in place.

27-7.20.4 Setbacks

Accessory structures must be set back at least two feet from rear lot lines and interior side lot lines. Additional setback may be required per 27-2.

27-7.20.5 Lot Coverage

Accessory structures are included when calculating compliance with applicable lot coverage regulations.

27-7.20.6 Building-Type Regulations

The building type regulations for various zones included in this UDO establish regulations applicable to specific types of accessory structures. Any building type-specific accessory structure regulations apply in addition to the accessory use and structure regulations of this article.

27-7.30 Accessory Dwelling Units

27-7.30.1 Applicability

The regulations of this section govern accessory dwelling units (ADUs), which are dwelling units that occupy a permitted principal or accessory structure that is subordinate and ancillary to the principal residential use of the property. These ADU regulations do not apply to temporary family health care structures allowed under §15.2-2292.1 of the Code of Virginia.

27-7.30.2 Purpose

The ADU regulations of this section are intended to help advance the town's housing and planning policies by:

A. Accommodating additional housing units while at the same time preserving the physical form of existing neighborhoods;
B. Allowing efficient use of the town's existing housing stock and infrastructure;
C. Providing housing options and choices that respond to varying income levels, ages, household sizes, and lifestyle choices;
D. Providing a means for aging residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
E. Promoting a broader range of accessible and more affordable housing.

27-7.30.3 General Regulations for All ADUs

All accessory dwelling units are subject to the general regulations of this subsection.

A. **Where Allowed.** Accessory dwelling units are permitted by right on lots occupied by a detached house, a semidetached house, a two-unit house, or a traditional house, subject to compliance with all applicable regulations.
B. **Number.** No more than one accessory dwelling unit is allowed per lot.
C. **Methods of Creation.** An accessory dwelling unit may be created through any of the following methods:
    (1) Constructing a backyard cottage (see 27-7.70) on a lot with an detached house, a semi-detached house, a two-unit house, or a traditional house; or
    (2) Converting space within an existing accessory building on a lot occupied by a detached house, a semi-detached house, a two-unit house, or a traditional house (e.g., garage apartment) to accommodate an accessory dwelling unit; or
    (3) Constructing a new detached house, a semidetached house, a two-unit house, or a traditional house with a backyard cottage or other accessory building that contains an accessory dwelling unit.
D. **Size.** The floor area of an accessory dwelling unit may not exceed 1,000 square feet. The ADU may not have more than two bedrooms, one bathroom, one kitchen and two occupants.
E. **Setbacks.** Both backyard cottages and ADUs within accessory structures must meet the location and setback requirements identified for backyard cottages within 27-2. Portions of an accessory structure not part of the ADU need only meet the accessory structure location and setback requirements. ADU's must also be separated from the principal building by at least 15 feet.
F. **Parking.** At least one additional off-street parking space must be provided on the subject lot in addition to the parking spaces required for the principal residential uses(s). The parking space may not be in tandem with any existing parking spaces on the lot. No new or additional curb cuts are allowed on the same street as the primary dwelling driveway's curb cut.

G. **Water and Wastewater.** Accessory dwelling units must be served with public water and wastewater. All public water and wastewater facilities shall be extended from the primary dwelling. No separate meters shall be allowed. Water and wastewater tap privilege fees must be paid prior to issuance of a zoning permit.
H. **Building Regulations.** New backyard cottage accessory dwelling units and building additions/modifications to accommodate accessory dwelling units are subject to compliance with all applicable accessory structure regulations.

27-7.40 Home Occupations

27-7.40.1 Applicability

The regulations of this section apply to home occupations, which are jobs or professions conducted as an accessory use to an allowed household living use.

27-7.40.2 Purpose

The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., noise levels, traffic patterns or public safety hazards) that are not typical of residential neighborhoods.

27-7.40.3 Types of Home Occupations

These regulations establish regulations for two types of home occupations: home offices and home-based businesses. Both types of home occupations require a home occupation permit. Such permits may be revoked for uncorrected violations of applicable home occupation regulations.

A. **Home Offices.** Home offices are home occupations in which household residents use their home as a place of work, with no employees, customers or clients coming to the site.
B. **Home-Based Businesses.** Home-based businesses are home occupations in which household residents use their home as a place of work and in which either employees or customers come to the site. Typical examples include tutors, teachers, barbers, stylists, photographers, counselors, and real estate agents.

27-7.40.4 Exemptions

Nonresidential uses that are expressly allowed by this UDO in conjunction with residential uses (e.g., bed and breakfast inns and home-based day care for fewer than five children) are exempt from home occupation regulations. Family day care homes for five to twelve children are also exempt from home occupation regulations but are subject to the regulations of 27-7.60.

27-7.40.5 Allowed Uses

The home occupation regulations of this section establish performance standards for all home occupations rather than listing specific uses and activities allowed to be conducted as part of a home occupation.

27-7.40.6 Prohibited Uses

The following uses are expressly prohibited as home occupations:

A. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators) or involving the storage of batteries;
B. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
C. Equipment or supply rental businesses;
D. Tow-truck services;
E. Restaurants;
F. Funeral or interment services;
G. Animal care, shelter or boarding establishments;
H. Home-based day care for more than five children; and
I. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

27-7.40.7 Home Offices

Home offices are allowed by-right as an accessory use to a principal use in the residential dwellings category. Home offices are subject to the following regulations:

A. Home offices must be accessory and subordinate to the principal residential use of the property.
B. No clients, customers, patients, or students are allowed in conjunction with a home office.
C. Only residents of the dwelling in which the home office is located may be engaged in a home office use. No nonresident owners, employees or contractors may be present on the property.
D. No display of any material or merchandise is allowed in conjunction with a home office.
E. The use or storage of hazardous substances is prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.
F. Home offices and all related activities must be conducted entirely within the principal residential building or an allowed accessory structure.
G. Deliveries or pickups of supplies or products associated with a home office are allowed only between 8:00 a.m. and 6:00 p.m. Vehicles used for delivery and pickup are limited to vehicles with no more than 2 axles. Delivery vehicles may not block traffic on adjacent streets.
H. More than one home office is allowed, but the home office regulations of this section apply to the combined home office uses.

27-7.40.8 Home-Based Businesses

Home-based businesses are allowed as an accessory use to a principal use in the household living use category only upon approval of a home occupation permit. Home-based businesses are subject to the following regulations.

A. Individuals engaged in the home-based business must reside in the dwelling unit in which the home-based business is located as their primary place of residence.
B. Customers or clients may visit the site only from 8:00 a.m. to 8:00 p.m. No more than 2 clients or customers may be present at any one time, except that up to 3 students may be present at one time in a teaching-related home occupation (e.g., tutor or music instructor).
C. Face-to-face or walk-in retail sales activities are prohibited as a principal home-based business activity. Any face-to-face or walk-in retail sales of goods must be entirely accessory to any services provided on the site. This retail sales restriction is not intended to prohibit on-line retail sales.
D. Any tools or equipment used as part of a home-based business must be operated in a manner or soundproofed so as not to be audible beyond the lot lines of the subject property.
E. The use or storage of hazardous substances is prohibited, except at the “consumer commodity” level, as that term is defined in 49 C.F.R. Sec. 171.8.

F. Home-based businesses and all related activities, including equipment, materiel and tool storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory structure.
G. Deliveries or pickups of supplies or products associated with a home-based business are allowed only between 8:00 a.m. and 6:00 p.m. Vehicles used for delivery and pickup are limited to vehicles with no more than 2 axles. Delivery vehicles may not block traffic on adjacent streets.
H. Home-based businesses must obtain and maintain all other necessary permits and approvals required for their commercial use in order to operate, including, but not limited to: Town of Culpeper Department of Environmental Services Fats, Oils and Grease permit; and Virginia Department of Health Food Establishment Permit.

27-7.40.9 Limitations

The following limitations apply to all home occupations – both home offices and home-based business:

A. Home occupations must be accessory and subordinate to the principal residential use of the property and may not occupy more area than 49% of the gross floor area of the principal building, whether the home occupation(s) are located in the principal residential building, an accessory building, or both. For example, if a home occupation or occupations utilized 400 sq. ft. of a 2,000 sq. ft. principal building, along with 600 sq. ft. of an accessory building, this would not be permitted as the 1,000 sq. ft. total area of home occupation(s) uses would be occupying more than 49% of the 2,000 sq. ft. building as 1,000 sq. ft. is 50% of 2,000 sq. ft.
B. Nonresident employees are not permitted to utilize a residence as their place of work.
C. Home occupations that change the physical form of the residential building they occupy or that adversely affect the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home occupations must be operated so as not to create or cause a nuisance.
D. External structural alterations or site improvements that change the physical residential form of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the display of signs that are visible from outside the structure.

27-7.50 Short-Term Rentals

27-7.50.1 Descriptions

Short-term rental housing, which involves offering all or a portion of a residential dwelling unit for rent to overnight guests for fewer than 30 consecutive days is considered an accessory use to a residential dwelling use.

27-7.50.2 Regulations

All short-term rentals are subject to the following supplemental regulations:

A. Short-term rentals are prohibited in RR, RS, RT, and PUD zones.
B. Short-term rentals must comply with all licensing and registration requirements of the town and an approved license number (if required) must be included with any material advertising the short-term rental.
C. No more than 6 adults and their dependent children may occupy rooms within a short-term rental.

D. External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
E. The operator of a short-term rental must register the property annually with the town and provide the complete name of the operator and the address of each property utilized as a short-term rental.
F. Properties not registered with the town may not be utilized as a short-term rental.
G. Properties with 4 or more violations of state or local laws, ordinances, or regulations related to the short-term rental are prohibited from registering for a period of no less than one year, after which time they may request reinstatement to the Zoning Administrator. In acting on a reinstatement request, the Zoning Administrator has sole authority to determine if sufficient evidence has been provided to ensure that future violations will not occur.

27-7.60 Family Day Care Homes (5-12 Children)

27-7.60.1 Applicability

The regulations of this section apply to family day care homes for five to twelve children when conducted as an accessory use to a residential dwelling.

27-7.60.2 Notice

As required by Code of Virginia, § 15.2-2292, upon receipt of an application by a family day care home, written notice must be provided by registered or certified mail to the last known address of each adjacent property owner. If the Zoning Administrator receives no written objection from owners so notified within 30 days of the date of mailing and determines that the proposed family day care home complies with all applicable UDO regulations, the Zoning Administrator must issue the permit. If a written objection is received within the 30-day window, the applicant may apply for a conditional use permit to allow the family day care home.

27-7.60.3 Regulations

In order to be approved by the Zoning Administrator, family day care homes must comply with all of the following regulations. If the Zoning Administrator determines that an application does not comply with one or more of these regulations, the applicant may request that their application be reviewed and approved in accordance with the conditional use permit procedures of 27-12.50. In reviewing conditional use permit application for family day care homes, the town council is authorized to waive or modify the otherwise applicable regulations of this section.

A. **Other Regulations and Licenses.** The family day care home application must comply with all applicable town, county and state requirements, including obtaining a zoning permit, business license, building permit, and state family day care home license.
B. **Lot Area.** The family day care home lot must be at least 10,000 square feet in area.
C. **Employees.** No more than 2 employees are allowed in conjunction with a family day care home. The applicant must demonstrate availability of employee parking on-site in excess of the required dwelling unit parking.
D. **Drop-off and Pick-up**
    (1) Child drop-off and pick-up locations must be designated to ensure the safety of children as they arrive and depart. A designated arrival and departure zone must be located adjacent to the family day care home center in such a manner that children do not have to cross a street to enter or exit the home.

(2) Family day care homes must stagger pick-up and drop-off times so that there are never more than 2 vehicles picking up or dropping off at any one time.
(3) There must be a continuous hard-surface pathway or sidewalk connecting the drop-off and pick-up location to the entrance to the family day care home. The pathway must be kept free of any snow or ice.

E. **Exterior Appearance.** There may be no change in the outside appearance of the family day care home or lot nor other visible evidence of the conduct of a family day care home other than what may be required by the state family day care home license or provisions elsewhere in this UDO.
F. **Business Vehicles.** Only one vehicle used in connection with a family day care home is permitted.
G. **Outdoor Play Area.**
(1) At least 75 square feet of outdoor play area must be provided on-site per child except as follows: No outdoor play area is required on-site when the applicant can demonstrate the family day care home is located within 1,000 feet of an existing park or play lot that is at least twice the area otherwise required for the family day care home. The park or play lot must be public or owned by the homeowners association to which the residence belongs and must be accessed without crossing an arterial or collector road. The outdoor play area must be shown on a plat to scale submitted at the time of application for the zoning permit.
(2) Outdoor play areas must be enclosed by a fence with a minimum height of 4 feet.
(3) No play equipment may be located within required building setbacks.

27-7.70 Backyard Cottages

27-7.70.1 Applicability

The regulations of this section apply to backyard cottages, which are small, accessory buildings occupied by an accessory dwelling unit. Backyard cottages are not attached to the principal building or to any other accessory buildings.

27-7.70.2 Building Type Regulations

The accessory structure tables for each building type (See Article 27-2) identify the zones in which backyard cottages are allowed.

27-7.70.3 Allowed Use

Backyard cottages may be occupied by any allowed accessory use, including an accessory dwelling unit (see 27-7.30 for accessory dwelling unit regulations).

27-7.70.4 Number

No more than one backyard cottage is permitted on a single lot.

27-7.70.5 Additional Regulations

A. **Height**
(1) Backyard cottages may not exceed two stories in height or the height of the principal building, whichever is less.
(2) Floor-to-height regulations applicable to the principal building apply to backyard cottages.
B. **Floor Area.** The floor area of a backyard cottage may not exceed 1,000 square feet. Note: Lot coverage limitations for the subject zone may further limit the size of a backyard cottage.

C. **Location.** The accessory structure tables for each building type (See Article 27-2 and Article 27-3) establish siting and setback regulations for backyard cottages. In addition, backyard cottages must be separated from the principal building by a minimum distance of 15 feet.
D. **Materials and Roof Types.** A backyard cottage must utilize similar facade materials and roof types as the principal building on the lot.

27-7.70.6 Utilities

All water, wastewater, electric, and natural gas service serving a backyard cottage must be tied to the principal building on the lot. Separate utility meters serving backyard cottages are prohibited.

27-7.70.7 Sale of Backyard Cottage

Backyard cottages may not be sold separately from the principal detached house and lots may not be divided so that a backyard cottage is located on its own lot.

27-7.80 Outbuildings

27-7.80.1 Applicability

The regulations of this section apply to accessory buildings, other than backyard cottages, that are detached from the principal building. Typical outbuildings include detached garages, sheds, barns, workshops, and greenhouses. Open or partially enclosed carports are also included in the outbuilding category.

27-7.80.2 Building Type Regulations

The accessory structure tables for each building type (See Article 27-2) identify the zones in which outbuildings are allowed.

27-7.80.3 Allowed Use

Outbuildings may be occupied by any allowed accessory use other than an accessory dwelling unit.

27-7.80.4 Height

Outbuildings may not exceed two stories in height or the height of the principal building, whichever is less.

27-7.80.5 Location

The accessory structure tables for each building type establish siting and setback regulations for outbuildings (see Article 27-2).

27-7.80.6 Materials and Roof Type

Outbuildings must utilize similar facade materials and roof types as the principal building on the lot. Sheds under 100 square feet are exempt from this requirement.

27-7.80.7 Utilities

Any water, wastewater, electric, or natural gas service serving an outbuilding must be tied to the principal building on the lot. Separate utility meters serving outbuildings are prohibited.

27-7.90 Keeping of Fowl

27-7.90.1 Applicability

The regulations of this section govern the keeping of fowl as an accessory use. For fowl not specifically listed below, the Zoning Administrator shall determine the most appropriate comparable bird for the determination of standards. A zoning permit shall be required to document the number of fowl to be kept along with the enclosure accommodations.

Table 27-7.90 Fowl Units and Enclosure Requirements

	Fowl Units	Coop Area	Run Area
Chickens	1	2 sq. ft./bird	8 sq. ft./bird
Ducks	2	4 sq. ft./bird	15 sq. ft./bird
Geese	3	6 sq. ft./bird	20 sq. ft./bird
Turkeys	3	6 sq. ft./bird	20 sq. ft./bird
Quail	1	2 sq. ft./bird	8 sq. ft./bird

27-7.90.2 Number and Enclosures

A. Each bird type has an equivalent fowl unit value ascribed to an individual bird of that type. Combinations or birds may be kept subject to the fowl unit maximums listed in 27-7.90.2 B.
B. On a lot occupied by a detached house, semi-detached house, two-unit house, attached house or traditional house, 6 fowl units may be kept. See Table 27-7.90 for fowl units.
C. As an accessory use to a museum, school or day care center, 8 fowl units may be kept. See Table 27-7.90 for fowl units.
D. Fowl must be provided with a covered enclosure (coop) with a minimum area of two (2) square feet per bird and an uncovered, fenced outdoor run area with a minimum area of eight (8) square feet per bird. Fowl must be kept in coops or fenced run area at all times. See Table 27-7.90 for coop and run area requirements.
E. Fowl must be kept in coops or fenced run area at all times.
F. Fencing utilized in the enclosures must be in accordance with 27-7.170.

27-7.90.3 Location

Fowl and their enclosures must be located in the rear yard. Coops are also subject to any applicable setback requirements that apply to principal buildings on the lot.

27-7.90.4 Prohibited Activities

The following activities are prohibited:

A. The keeping of roosters;
B. The on-site slaughter of fowl; and
C. Retail sales activity related to the fowl unless retail sales are permitted in the subject property's zone.

27-7.110 Keeping of Other Animals

27-7.110.1 General

All livestock, fowl, and domestic animal-keeping must be conducted in compliance with customary, humane animal husbandry practices.

27-7.110.2 Swine

See Sec. 3-9 of the Town Code.

27-7.110.3 Stables, Kennels and Enclosures

See Sec. 3-10 and Sec. 14-40 of the Town Code.

27-7.110.4 Prohibited Activities

The following activities are prohibited:

A. The on-site slaughter of animals; and
B. Retail sales activity related to the animals unless retail sales are permitted in the subject property's zone.

27-7.120 Parking Structures

27-7.120.1 Applicability

The regulations of this section apply to stand-alone, accessory structures occupied by decked, multi-level motor vehicle parking.

27-7.120.2 Building Type Regulations

The accessory structure tables for each building type identify which zones allow accessory parking structures.

27-7.120.3 Location

Accessory parking structures must be located in the rear yard and be screened from view of any primary street by the principal building. Parking structures on lots with multiple primary street frontages must be screened from view of all primary streets. Parking structures, if they are the sole structure on the property, must meet all principal structure requirements.

27-7.120.4 Additional Regulations

A. **Setbacks.** Parking structures may not be located closer to any street or interior side lot line than the principal structure.
B. **Height.** The overall height of a parking structure must be lower than the tallest principal structure or three stories if no principal structure shares the property.
C. **Façade Design.** On non-primary street frontages, accessory parking structures must meet the façade regulations of a principal parking structure (See 27-3.40.12).

27-7.130 Drive-Through Facility

27-7.130.1 Applicability

The regulations of this section govern accessory drive-through facilities, which are structures or portions of a building that permit customers to purchase goods or receive services while remaining in their motor vehicle.

27-7.130.2 Building Type Regulations

The accessory structure tables for each building type identify the zones in which drive-through facilities are allowed.

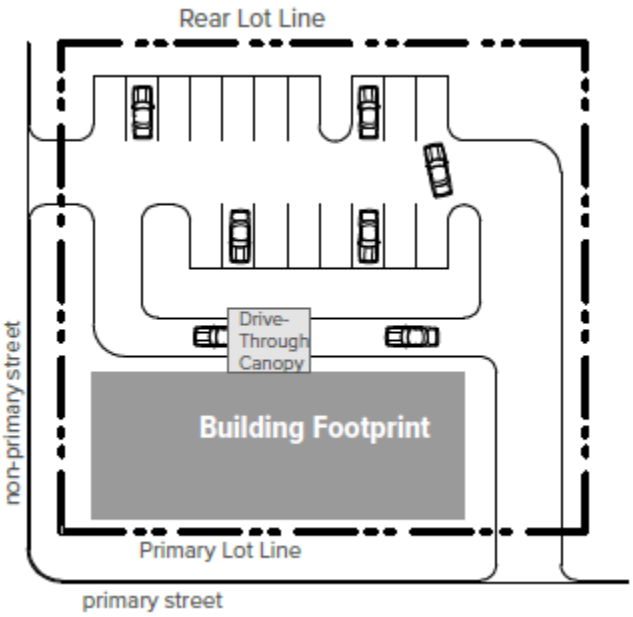
27-7.130.3 Location

The drive-through facility must be located in the rear yard or be attached to the rear of the building and be completely fully screened from view of the primary street by the principal building, except in the C and I zones. In the C and I zones drive-through facilities may be located on any non-street-facing side of the building.

27-7.130.4 Additional Regulations

A. **Vehicle Stacking.** Vehicle stacking lanes must be located in the rear yard or the interior side yard.
B. **Accessory Structures/Signs.** The menu board and speaker must be located in the rear yard or the interior side yard.
C. **Rear Buffer.** When a drive-through facility is located on a lot that abuts an R zone to the rear, the drive-through facility, including the window, any canopy, and any stacking area for vehicles, must be set back at least 50 feet from the rear lot line.
D. **Structure.** Drive-through canopies and roofs must match the roof of the principal building. Materials used for the drive-through supports or other features must be repeated from the principal building design.
E. **Lighting.** See 27-4.140.

Figure 27-7.130 Drive-Through Facility



27-7.140 Fuel Pumps

27-7.140.1 Applicability

The regulations of this section apply to motor vehicle fuel pumps and canopies. They do not apply to electric vehicle charging equipment.

27-7.140.2 Where Allowed

The accessory structure tables for each building type identify the zones in which fuel pumps are allowed.

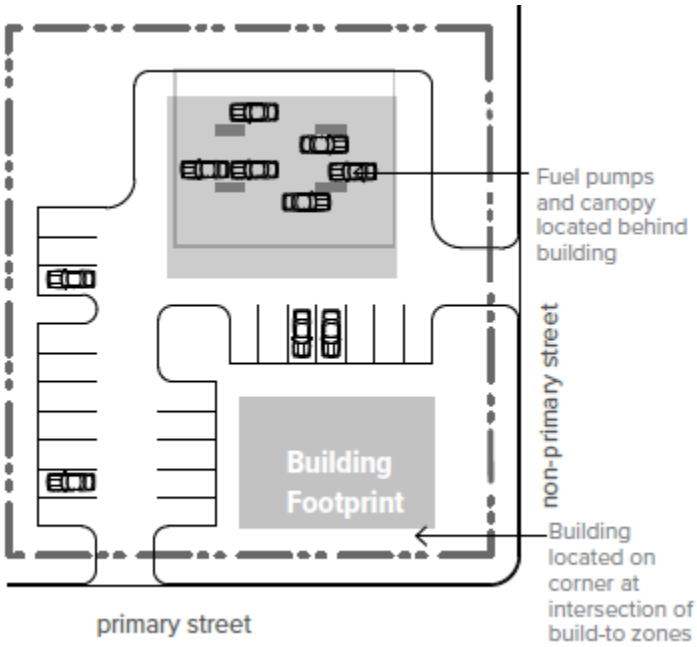
27-7.140.3 Principal Building

Fuel pumps must be accessory to a principal building, a building type allowed in the subject zone. Fuel pumps on sites without a principal building may be approved in accordance with the conditional use approval procedures of 27-12.50.

27-7.140.4 Additional Regulations

A. **Height.** Fuel pump canopies may not exceed 18 feet in height.
B. **Materials.** The roof of the canopy must match the principal building in type and material. Columns and supports must be clad in a major material used on the principal building facade.
C. **Lighting.** Fuel pump canopies may not be internally lit. The standards of 27-7.4.140 also apply.
D. **Car Wash Facility.** Accessory car wash facilities are considered and regulated as outbuildings (see 27-7.80).

Figure 27-7.140 Fuel Pumps



27-7.150 Electric Vehicle Charging

27-7.150.1 General

A. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zones.
B. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zones.

27-7.150.2 Parking

A. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking requirements.
B. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other motor vehicle.

27-7.150.3 Equipment

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

27-7.150.4 Posted Information & Maintenance

A. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
B. Public electric vehicle charging stations must be posted with signs indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

C. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or other problems are encountered.

27-7.160 Solar Energy Systems

27-7.160.1 Applicability

The regulations of this section govern accessory solar energy systems.

27-7.160.2 General

A. Solar energy systems are permitted as an accessory use to all lawfully established principal uses in all zones.
B. Accessory solar energy systems must comply with all applicable building and electrical code requirements.

27-7.160.3 Building-Mounted Systems

A. Building-mounted solar energy systems may be mounted on principal or accessory structures.
B. Building-mounted solar energy systems may not encroach into required street set-backs.
C. Only building-integrated or flush-mounted solar energy systems may be installed on street-facing building elevations.
D. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less.

27-7.160.4 Ground-Mounted Systems

A. In R and RX zones, ground-mounted solar energy systems may not be located in a street yard area.
B. Ground-mounted solar energy systems may be located within interior and rear yard areas but must be set back according the subject building type's accessory structure table from all lot lines.

27-7.170 Fences and Walls

27-7.170.1 Location

Fences and walls are not subject to compliance with accessory structure setback requirements.

27-7.170.2 Visibility at Intersections

Clear visibility must be maintained between two feet and four feet above grade within required sight distance triangles at street intersections. See 27-15.20.13 for explanation of sight distance triangles.

27-7.170.3 Maximum Height

A. Fences and walls may not exceed seven feet in height except that:
   (1) Fences and walls located in the primary (front) yard are limited to a maximum height of four feet.

(2) Fences and walls erected for the purpose preventing a person from incurring serious personal injury on the site of a school, playground, utility, or industrial use may be of a height sufficient to prevent entry; and
(3) Fences and walls located near intersections are subject to compliance with intersection visibility regulations of 27-4.10.4.

B. The height of a fence at any point must be measured from the mean ground level of the property on each side of the fence.

27-7.170.4 Materials

Fences and walls must be made of standard building materials such as wood, concrete, steel or aluminum picket, PVC, masonry, or vinyl-coated chain-link metal, except as allowed or required for buffers in 27-8. The following materials are expressly prohibited: galvanized steel chainlink, barbed-wire, chicken wire, reflective glass or other such materials or design that cause or are likely to cause unreasonable harm or nuisance to contiguous properties or occupants.

27-7.180 Outdoor Display Areas

27-7.180 Applicability

The regulations of this section govern the temporary outdoor display of merchandise or other items offered for viewing and sale as an accessory use of the principal use of the property.

27-7.180.2 Building and Site Regulations

The following regulations apply to all outdoor display areas:

A. Outdoor displays are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this UDO.
B. Outdoor displays on corner lots must be confined to a single frontage.
C. Outdoor display areas may not interfere with pedestrian or automobile traffic on the subject lot or on public rights-of-way, and may not interfere with the enjoyment or operation of adjacent properties and uses.

27-7.190 Outdoor Storage Areas

27-7.190.1 Purpose

The regulations of this section govern the outdoor storage of goods that are not typically stored or sold indoors.

27-7.190.2 General Regulations

The following regulations apply to all outdoor storage areas:

A. Outdoor storage areas may be located in a rear, interior, or side yard. Outdoor storage yards may only be located in a street yard with approval of an administrative modification if no other options exist.
B. Outdoor storage areas are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this UDO.

C. Outdoor storage areas count toward maximum building coverage limitations.
D. Materials stored outdoors may not cause a public health nuisance (see Sec. 14-36 of the Town Code).
E. No materials or wastes may be stored or deposited upon a lot in such form or manner that they may be transferred off the lot by wind or natural causes or forces.
F. All outdoor storage areas must be screened in accordance with the heavy buffer regulations of 27-4.110 using the privacy wall option.

27-7.200 Temporary Uses and Structures

27-7.200.1 Purpose

The temporary use regulations of this section are intended to permit customary temporary uses and activities that are consistent with the purposes and regulations of this UDO.

27-7.200.2 Authority to Approve

A. Unless otherwise expressly stated, all temporary uses require town approval.
B. The Zoning Administrator is authorized to establish administrative procedures governing the processing, review and approval of temporary uses.
C. The Zoning Administrator is authorized to approve a permit for temporary uses that comply with the provisions of this section and to impose conditions on the operation of temporary uses to help ensure that they do not create significant adverse impacts on surrounding uses and that they operate safely and without causing nuisances, consistent with the general purposes of this UDO.
D. Temporary uses that do not comply with all applicable regulations and all conditions of approval may be approved as conditional uses in accordance 27-12.50.
E. Special events on publicly owned land or public rights-of-way are exempt from the temporary use regulations of this section and are subject instead to the regulations in Chapter 21, Article II of the Town Code.

27-7.200.3 Authorized Uses

The Zoning Administrator is authorized to approve a permit for temporary uses and structures upon determining that the public health, safety and welfare will not be impaired and when the use is not so recurring in nature as to constitute a permanent principal use of the subject property:

A. Temporary retail sales in the form of roadside stands, farmer's markets, flea markets, craft fairs, holiday sales lots and other customary temporary retail sales uses, limited to a maximum of 30 consecutive days per permit;
B. Temporary events such as carnivals, circuses, outdoor concerts, car shows, revivals, picnics, catered events, horse shows, promotional events and similar activities;
C. Tents and temporary storage containers accessory to an allowed principal or temporary use;
D. Construction staging areas, construction offices and storage of materials related to ongoing construction for the period in which construction is ongoing and all required permits remain valid;
E. Temporary residential sales and leasing offices and model homes, when located on the same lot or in the same subdivision as the residential units actively being offered for lease or sales; and
F. Food trucks located at a fixed location.

27-7.200.4 Supplemental Regulations

A. **Temporary Retail & Food Sales and Donation Collection Containers.** Temporary retail and food sales are subject to compliance with the following provisions:

(1) No structure or infrastructure of a permanent nature may be constructed or installed;
(2) Removal of temporary structures and removal of all associated signs, trash and debris from the site and immediate vicinity upon termination of the activity must be guaranteed in writing, and such structures and material must be subsequently removed;
(3) Written approval of the owner of the site must be obtained and submitted to the Zoning Administrator. Such approval must identify the site address, owner, acknowledgment of proposed activity and dates during which the activity will occur;
(4) The proposed site must ensure safe ingress and egress and adequate parking must be provided, either on-site or immediately adjacent to the site; and
(5) A bond or other form of financial guarantee approved by the town attorney must be provided in an amount of at least $100 but not more than $20,000, depending upon the nature and extent of the activity.

B. **Temporary Events on Private Property.** Temporary events attracting more than 75 people at one time located on privately owned property are subject to the same regulations that apply to temporary retail sales (under paragraph A of this subsection) and may take place for no more than 14 consecutive days and no more than 30 total days in a calendar year.

C. **Temporary Events and Activities on Public Property.** All temporary uses and activities in the town's right-of-way or on public property are subject to section 21-46 of the Town Code.

D. **Temporary Health Care Structures.** As authorized by Code of Virginia, § 15.2-2292.1, temporary family health care structures are permitted, subject to compliance with the following provisions:
(1) Temporary family health care structures may not be established until the Zoning Administrator has reviewed and approved a permit for the structure and all applicable fees have been paid, in accordance with the town's fee and fine schedule;
(2) Temporary family health care structures must be connected to the town's water and sewer utilities through the primary residence;
(3) The owner of the subject property must provide evidence of compliance with this section on an annual basis as long as the temporary family healthcare structure remains on the property; and
(4) The Zoning Administrator is authorized to revoke the permit if the permit holder violates any provision of this section. Appeals of any permit revocation action may be taken to the Board of Zoning Appeals in accordance with the procedures of 27-12.140.

E. **Temporary Storage Containers.** Portable storage containers may be approved for temporary installation in all zones. Temporary storage containers may not remain on the subject lot for more than 30 consecutive days and no more than 60 total days in a calendar year. Containers that remain beyond these time limits are regulated as accessory structures.

F. **Food Trucks Located at a Fixed Location.** A food truck at a fixed location may be approved for renewable six month temporary use permits subject to compliance with the following provisions:
(1) The application is to locate on property in a zoning district that permits “Retail & Entertainment” as a by-right use;
(2) Written approval of the owner of the site must be obtained and submitted as part of the permit application. Such approval must identify the site address, owner, acknowledgment of proposed activity and dates during which the activity will occur;
(3) No structure or infrastructure of a permanent nature may be constructed or installed;
(4) Removal of temporary structures and removal of all associated signs, trash and debris from the site and immediate vicinity upon termination of the activity must be guaranteed in writing, and such structures and material must be subsequently removed;
(5) A bond or other form of financial guarantee approved by the town attorney must be provided in an amount of $100;
(6) The following approved permits and documentation must be submitted with the zoning application:
i. Certified Food Protection Manager (CFPM) certification;

ii. Virginia Department of Health approval;
iii. Town of Culpeper Business License;

(7) A sketch of the site identifying:
i. The proposed location of the food truck;
ii. Space for three or more parking spaces per food truck with adequate protections for on-site pedestrians; and
iii. Safe ingress to and egress from the site.

27-8. Signs

27-8.10	General
27-8.20	Sign-Related Definitions
27-8.30	Sign Permits
27-8.40	Prohibited Signs
27-8.50	General Regulations
27-8.60	A-Frame Signs
27-8.70	Feather Signs
27-8.80	Murals
27-8.90	Sign Maintenance and Removal
27-8.100	Electronic Message Displays
27-8.110	Signs in R, RX and P Zones
27-8.120	Signs in MX and NX Zones
27-8.130	Signs in C and I Zones
27-8.140	Sign-Related Measurements

27-8.10 General

27-8.10.1 Findings

In conjunction with the adoption of the sign regulations of this article and the purposes and intentions set forth in 27-8.10.2 and 27-8.10.3 the town council makes the following findings:

A. The town has a substantial and compelling interest in all of the purposes set forth in 27-8.10.2 and has a substantial and compelling interest in regulating signs in a way that avoids or reduces the harms caused by signs.
B. Unlike oral speech, signs can obstruct views, distract motorists, displace alternative uses for land, contribute to visual clutter, and pose other problems that legitimately call for regulation.
C. Regulation of the size, height, number and spacing of signs throughout the town is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the town, to protect public and private investments, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter, to provide an aesthetically appealing environment, to provide ample, meaningful opportunities for persons who desire to display information on signs to have their information seen and understood, and to provide for the orderly and reasonable display of signs for the benefit of the public.
D. The sign regulations of this article are not anticipated to entirely eliminate all of the harms that may be created by the installation and display of signs. Rather they strike an appropriate balance that preserves ample channels of communication by means of visual display while reducing and mitigating the extent of harms that may be caused by uncontrolled sign displays.
E. The sign regulations of this article do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect the findings and purposes of this article.
F. The sign regulations of this article distinguish between portions of the town designed for primarily vehicular travel and portions of the town designed for primarily pedestrians and other non-motorized travel.

27-8.10.2 Purpose

The sign regulations of this article are intended to balance the following differing, and at times, competing goals:

A. To accommodate the effective use of signs as a means of identification and communication for businesses, organizations and individuals;
B. Promoting the aesthetic and environmental values of Culpeper by providing for signs that serve as effective of means communication and do not impair the attractiveness of the town as a place to live, work, visit, and shop;
C. Protecting public investment in and the character and dignity of public buildings, streets, and open spaces;
D. Protecting the distinctive physical character of Culpeper's unique natural features, neighborhoods, street patterns, architectural features, and natural and historic resources;
E. Ensuring that signs are designed and proportioned in relation to the structures to which they are attached, adjacent structures, and the streets on which they are located;
F. Enhancing public right-of-way and other public spaces by preserving views and fostering the unobstructed growth of trees;
G. Providing an environment that safeguards and enhances neighborhood livability and property values, and promotes the development of businesses in the town;

H. Reducing hazards to motorists, bicyclists, and pedestrians caused by visual distractions and obstructions; and
I. Providing broadly for the expression of individual opinions through the use of signs.

27-8.10.3 Intent

A. **Time, Place, and Manner Restrictions.** The regulations of this article are intended to regulate the size, composition, type, location, placement, height, quantity, illumination, duration, movement, and condition of signs that may be displayed for exterior observation. The regulation of these aspects of signs and sign structures is a valid and lawful means of achieving the purposes of this article. These intentions and purposes are valid and lawful governmental interests.
B. **Content Neutrality.** The town intends to adopt and implement regulations that are content-neutral. It is not the intent to regulate the content of messages in any way. It is not the intent of this article to foreclose important and distinct mediums of expression for political, religious, or personal messages, on any sign permitted to be erected by this article. It is the intent of this article to allow political, religious, or personal (noncommercial) messages on any sign permitted to be erected by this article.
C. **Extent.** The regulations of this article are considered no more extensive than necessary to serve the substantial governmental interests promoted by this article.

27-8.10.4 Interpretation

These regulations are not intended or designed to restrict or control signs for the purpose of promoting or stifling any messages that might appear on them. The regulations must be administered and interpreted in a manner consistent with the First Amendment guarantee of free speech.

27-8.10.5 Substitution

A. Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, as long as the sign complies with all size, height, location and other applicable requirements of this article.
B. The purpose of the substitution provisions of this section is to ensure “content neutrality,” thereby avoiding any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
C. The substitution provisions of this section do not create a right to increase the total amount of signs on a lot or allow the substitution of an outdoor advertising sign for an on-premise sign.

27-8.20 Sign-Related Definitions

The definitions of this section apply in administering and interpreting the sign regulations of this article.

A-Frame Sign. A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than 4 feet in height. These are also referred to as "sandwich board" signs. They are a form of "portable sign."

Advertising. Any words, symbol, color or design used to call attention to a commercial product, service, or activity.

Awning Sign. A sign placed directly on the surface of an awning.

Banner. A temporary sign of flexible material affixed to a framework or flat surface.

Business Sign. A sign that directs attention to a product, service or commercial activity available on the premises.

Canopy Sign. A sign attached to a canopy.

Changeable Copy Sign. A sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Comprehensive Sign Plan. A plan for the signs on a property that includes multiple tenants or owners with shared parking or other facilities.

Dwell Time. The duration or interval of time that each individual advertisement or message is displayed on any sign with an electronic message display.

Electronic Message Display. Any element of a sign or sign structure capable of displaying words, symbols, figures, images, or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input or any other method or technology that allows a sign to present a series of images, messages or displays.

Feather Sign. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole. The physical structure of that may resemble a sail, bow, or teardrop.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

Flashing Sign. A sign that includes lights that flash, blink, or turn on and off intermittently.

Freestanding Sign. Any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.

Ground-Mounted Sign. A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

Illegal Sign. Any sign erected without a required permit or that otherwise does not comply with any provisions of this article.

Illuminated Sign. A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Marquee. A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee Sign. A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

Minor Sign. A wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four (4) feet in height, not illuminated, and not containing any commercial branding.

Monument Sign. A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another.

Moving Sign. A sign or part of a sign that is designed to physically move or rotate. Note: Electronic (digital) message displays are not considered moving signs.

Multi-Tenant Building. A building containing two or more businesses. This includes shopping centers, but stores with 30,000 square feet or more of gross area are subject to the sign calculations for businesses generally and are not treated as part of a multi-tenant building.

Mural. A non-commercial display painted directly on an exterior wall of a building.

Neon Sign. A sign containing exposed tubes filled with light-emitting gas.

Non-Conforming Sign. See 27-14.60.

Off-Premises Sign. A sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

On-Site Sign. A sign necessary or convenient for business invitees on the property and not primarily designed to attract attention to the business. It includes, but is not limited to, drive-through sign boards. Commercial branding may be incorporated into these signs but should constitute no more than 10% of the sign area.

Permanent Sign. A sign that is constructed of rigid, durable material that will not fade, rot, wear, tear, or deteriorate and that is securely mounted on a structure or to the ground. Permanent signs cannot be moved without removing or dismantling a foundation, fasteners, adhesives, or similar materials providing support or structural integrity for the sign.

Portable Sign. Any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

Projecting Sign. Any sign affixed to a building wall, supported only by the wall to which it is mounted, and extending (generally perpendicularly) more than 12 inches from the surface of the wall. Projecting signs may not project more than three feet from the surface of the wall to which they are attached and no closer than 12 inches from the curbline. Awning signs and marquee signs are not considered projecting signs.

Public Area. Any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Roof Sign. A sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sign. Any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area. The term "sign" does not include the display of merchandise for sale on the site of the display.

Sign Face. The portion of a sign structure bearing the message.

Sign Structure. Any structure bearing a sign face.

Temporary Sign. A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure that is permanently installed in the ground. Banners are considered temporary signs.

Vehicle or Trailer Sign. Any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Wall Sign. Any sign attached to a wall or painted on or against a flat vertical surface of a structure.

Window Sign. Any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

27-8.30 Sign Permits

27-8.30.1 Applicability

A sign permit is required prior to the display and erection of any sign or mural except as otherwise expressly stated in this article.

27-8.30.2 Signs Not Requiring Permits

A sign permit is not required for any of the following:

A. Signs erected by a governmental body, approved signs on Town infrastructure or signs required by law.
B. Flags up to 16 square feet in area not containing any commercial advertising; provided, that no freestanding pole may be erected in the public right-of-way nor be within 5 feet of a service drive, travel lane or adjoining street.
C. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with 27-14.60.
D. Temporary signs, as follows:
    (1) One sign related to the building permit activity, no more than 12 square feet in area, located on property where a building permit is active.
    (2) On any property for sale or rent in residential zones, not more than one sign with a total area of up to 12 square feet and a maximum height of 6 feet, and on any property for sale or rent in all other zones, not more than one sign with a total area of up 32 square feet and a maximum height of 8 feet.
    (3) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed within 10 days after their purpose has been accomplished.
    (4) On residential property, one or more temporary signs in accordance with 27-8.120 with a total area of no more than 12 square feet, and that are removed within 30 days after installation.
    (5) Window signs accessory to principal residential use of a property, provided that such window signs do not obstruct more than 25% of the total area of the window.
    (6) A-Frame signs as permitted in 27-8.60.
E. Not more than two minor signs per parcel. Additional minor signs are permitted in certain zones with a sign permit.
F. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
G. A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed 25% of the total area of the window or door.
H. On-site signs expressly permitted in 27-8.110, 27-8.120, and 27-8.130.

27-8.30.3 Applications

A. An application for a sign permit must be filed with the Planning and Community Development Department on forms furnished by the Department. The applicant must provide sufficient

information to determine if the proposed sign is permitted under this UDO and other applicable laws, regulations, and ordinances. An application for a temporary sign must indicate the dates intended for the erection and removal of the sign.

B. The Zoning Administrator must promptly process the sign permit application and approve the permit, deny the permit, or notify the applicant of deficiencies in the permit application within 20 business days after receipt. Any permit application that complies with all provisions of this UDO, the building code, and other applicable laws, regulations, and ordinances must be approved. A sign permit application must be denied if it does not comply with the regulations of the UDO, building code, or other applicable law, regulation, or ordinance.
C. If the application is denied, the Zoning Administrator must provide a written explanation of the reasons for denial.

27-8.30.4 Fees

A nonrefundable fee as set forth in the uncodified fee schedule adopted by the town council must accompany all sign permit applications.

27-8.30.5 Expiration & Revocation

A. If a sign is not installed within 6 months following the issuance of a sign permit, the permit expires and is void.
B. The town may revoke a sign permit under any of the following circumstances:
    (1) The town determines that information in the application was materially false or misleading;
    (2) The sign as installed does not conform to the sign permit application; or
    (3) The sign violates this UDO, building the code, or other applicable law, regulation, or ordinance.

27-8.30.6 Overlay Zones

A certificate of finding from the architectural review board is not required for the refacing of any sign. However, all colors used on signs erected in the historic overlay district must be from a color chart approved by the architectural review board as compatible with the historic district. The approved color chart may reference the products of a single paint manufacturer but any similar color, in the opinion of the Zoning Administrator, is acceptable as a substitute. Signs with colors that deviate from the approved color chart require approval of a certificate of finding.

27-8.30.7 Comprehensive Sign Plans

Comprehensive sign plans may be approved in accordance with the conditional use permit procedures in all zones. The comprehensive sign plan must establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site.

27-8.40 Prohibited Signs

In addition to signs expressly prohibited elsewhere in this UDO or by applicable state or federal law, the following signs are prohibited:

27-8.40.1 General Prohibitions

The following signs are expressly prohibited:

A. Signs that violate any law of the commonwealth relating to outdoor advertising;
B. Signs attached to natural vegetation;
C. Signs simulating, or that are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance;
D. Vehicle or trailer signs;
E. Freestanding, ground-mounted or monument signs that are more than 8 feet in height or that have the bottom edge of the sign face 6 feet or more above the grade;
F. Signs hanging from supports, except against the face of a building; and
G. Any sign displayed without complying with all applicable regulations of this UDO.

27-8.40.2 Prohibited Sign Characteristics

The following signs and sign characteristics are expressly prohibited:

A. Moving signs, except that this prohibition on moving signs does not apply to flags expressly permitted under this article;
B. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article;
C. Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed 3 months per year;
D. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas;
E. Signs that emit sound; and
F. Strings of flags visible from, and within 50 feet of, any public right-of-way.

27-8.40.3 Prohibited Sign Locations

The following signs and sign locations are expressly prohibited:

A. Off-premises signs, unless expressly permitted by this UDO;
B. Signs erected on public land other than those approved by the town, in writing, required by law without such approval, or permitted under § 24.2-310(E) of the Code of Virginia. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of a sign under this provision does not preclude prosecution of the person responsible for the sign;
C. Signs on the roof surface or extending above the roofline of a building or its parapet wall;
D. Neon signs, except in windows;
E. Window signs whose aggregate area on a window or door exceed 25% of the total area of the window or door;
F. Window signs on a floor above the first floor of a building unless the business advertised is only on the floor where the window sign is displayed; and
G. Freestanding, ground-mounted or monument signs placed on berms.
H. Signs on utility poles, including flags and flag mounts.
I. Temporary signs on light poles.

27-8.50 General Regulations

27-8.50.1 Placement

A. **Setback.** Except as otherwise permitted, all freestanding signs must be set back from any street right-of-way by a distance of at least 5 feet.

B. **Visibility at Intersections.** Signs must be installed and maintained to ensure clear visibility between 2 feet and 4 feet above grade within required sight distance triangles at street intersections. See 27-15.20.13 for explanation of sight distance triangles.

27-8.50.2 Illumination

Permitted signs may be backlit, internally illuminated, or indirectly illuminated, unless other regulations of this article specify a particular type of lighting, in which case only that type of lighting is permitted.

A. In the case of indirect lighting, the source must be shielded so that it illuminates only the face of the sign. However, shingle signs must be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited in this article. Indirect lighting must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width may not be wider than that needed to illuminate the sign.
B. Internal illumination is limited to the illumination regulations for parking lot lighting, as specified in the Facilities Standards Manual. Signs may not have an illumination spread of more than 0.5 foot candles at the lot line when abutting R zones or 1.0 foot candles when abutting other zones, shine into oncoming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event may the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign must be full-cutoff as defined by the Illuminating Engineering Society of North America (IESNA), and must have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky.

27-8.50.3 Landscaping

All non-temporary ground-mounted or monument signs must be installed with a minimum surround of 3 feet of regularly maintained floral and shrubbery landscaping in every direction.

27-8.50.4 Maximum Height

The maximum height of any freestanding ground-mounted or monument sign may not exceed 8 feet unless otherwise expressly allowed in this article.

27-8.50.5 Vertical Clearance

All signs mounted above sidewalks and other pedestrian walking surfaces must be mounted to ensure at least 8 feet vertical clearance above the walking surface directly below.

27-8.50.6 Significant Building Features

Architecturally significant features, such as building engraved monuments or plaques may not be covered or removed to accommodate signs unless expressly approved in accordance with applicable historic district regulations.

27-8.60 A-Frame Signs

27-8.60.1 On Private Property

A-frame signs and sandwich board signs are allowed on private property for establishments in all mixed-use zones, subject to the following regulations:

A. A-frame signs within 50 feet of the nearest public right-of-way require permits.
B. A minimum of 3 feet of sidewalk width must remain unobstructed at all times.
C. Signs may not obstruct visibility of vehicles, pedestrians, or on-street parking.
D. Signs may only be displayed during the hours of operation of the establishment to which such signs relate.
E. Signs must be constructed of materials that present a finished appearance and be maintained in good repair.
F. A maximum of one A-frame sign is allowed per individual business or establishment. No supplemental sign, notice, flag, balloon or other decoration may be attached to the sign.

27-8.60.2 On Public Sidewalks

A-frame signs and sandwich board signs are allowed on public sidewalks, subject to the issuance of a permit and compliance with the following regulations:

A. A minimum 3 feet of sidewalk width must remain unobstructed at all times.
B. Signs may not obstruct visibility of vehicles, pedestrians, or on-street parking.
C. Signs may only be displayed during the hours of operation of the establishment to which such signs relate.
D. Signs must be constructed of materials that present a finished appearance and be maintained in good repair.
E. A maximum of one A-frame sign is allowed per individual business occupying the building fronting the sidewalk. No supplemental sign, notice, flag, balloon or other decoration may be attached to the sign.
F. A-frame signs must be placed on the sidewalk fronting the place of business.
G. A-frame signs may not be placed within 10 linear feet of another A-frame sign, measured from the base of each sign.

27-8.70 Feather Signs

Feather signs are allowed as temporary signs, subject to the following requirements:

A. Feather signs require a permit.
B. Feather signs may remain in place for no more than 30 consecutive days and for no more than 4 occasions per parcel per calendar year. The permit application must include the date of installation and the date of removal of the signs.
C. Feather signs may not obstruct the visibility of vehicles or pedestrians and must be set back at least 5 feet from property lines and rights-of-way.
D. Feather signs may not exceed 10 feet in height.
E. The number of feather signs may not exceed one sign per 25 feet of the parcel's public street frontage. Such signs may be installed anywhere on the lot consistent with all applicable regulations of this section.

27-8.80 Murals

Murals are allowed in all zones subject to the following regulations:

A. No mural may be installed without obtaining a permit issued by the Zoning Administrator.
B. Each application for a mural shall include:
    (1) The proposed location of the mural;
    (2) A scaled rendering of the proposed mural, including mural dimensions; and
    (3) A list of proposed colors to be used if the mural will be located in the historic overlay zone, include RGB codes or Hex numbers.
C. A permit for a proposed mural may be denied only if the proposed mural is commercial or obscene in nature.
D. Murals are not counted as sign area in determining compliance with applicable maximum sign area requirements.

27-8.90 Sign Maintenance and Removal

27-8.90.1 Uniform Building Code

All signs shall be constructed and mounted in compliance with the most current edition of the Virginia Uniform Statewide Building Code.

27-8.90.2 Maintenance

A. All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition. Any sign that becomes a safety hazard or that is not kept in a reasonably good state of repair must be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
B. Any sign that constitutes a nuisance may be abated by the town under the requirements of § 15.2-900, § 15.2-906, or § 15.2-1115 of the Code of Virginia.
C. The Zoning Administrator may order the immediate removal or repair, without written notice, of any sign that presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair is chargeable to the owner or lessee as provided in Chapter 4 of the Town Code.

27-8.90.3 Removal

The owner of any sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating must, within no more than 60 days of the cessation of use or business operation, either remove the sign or replace the sign face with a blank face until such time as a use or business has resumed operating on the property.

27-8.100 Electronic Message Displays

A. **Sign Types.** Electronic message displays are allowed only if approved with a fuel pump or in accordance with the conditional use permit procedures of 27-12.50.
B. **Maximum Area.** Electronic message displays may not exceed 50% of the allowed sign area of a sign or more than 32 square feet, whichever is less.
C. **Display Type.** Electronic message displays may not display full-motion video or otherwise use multiple pictures or graphics in a series of frames to give the illusion of motion or video. This provision is intended to prohibit television screens, plasma screens, LED screens, holographic displays and other technology used to display video images.

D. **Dwell Time.** The images and messages displayed on electronic message displays must have a minimum dwell time of at least 8 seconds before changing to the next image or message.

E. **Transition.** The transition or change from one message to another on an electronic message display must be instantaneous and involve no animation or special effects.

F. **Illumination.**

(1) The brightness of any electronic message display may not exceed a maximum illumination of 5,000 candelas per square meter (NITS) during daylight hours and a maximum illumination of 300 candelas per square meter (NITS) between dusk and dawn, as measured from the brightest element on the sign's face.

(2) Electronic message displays must be equipped with a light detector or photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

G. **Separation from R and RX Zones.** Visible electronic message displays are prohibited within 100 feet of any lot in an R or RX zone. This separation distance requirement does not apply if the electronic message display is not visible from the R or RX-zoned lot. Required separation distances must be measured horizontally in a straight line from the nearest point on the electronic message display sign face to the nearest point of the lot located in the protected zone.

27-8.110 Signs in R, RX and P Zones

Unless otherwise expressly stated in this article, signs are allowed in Residential, RX and P zones in accordance with Table 27-8.110. Such signs require a sign permit in accordance with 27-8.30. See 27-8.30.2 for a listing of other signs that may be allowed without a sign permit.

Table 27-8.110 Signs in Residential, RX and P Zones

Signs Accessory to Residential Uses				
	Permanent Ground-Mounted or Monument Signs	Permanent Wall Signs Affixed to Mailbox	Flags	
Maximum Number of Signs	1 per subdivision, multi-unit residential development or neighborhood	2 per lot	Unlimited[4]	
Maximum Area (each, sq. ft.)	24	6	16	
Maximum Height (feet)	8	8	25	
Minimum Setback (feet)	5	None	5	
Illumination[1]	Indirect	Indirect	Only if required by law	
Time Limit	Unlimited	Unlimited	Unlimited	
Signs Accessory to Non-Residential Uses				
	Permanent Ground-Mounted or Monument Signs	Permanent Wall / Awning / Canopy / Projecting / Marquee Signs	Flags	Temporary Signs[2]
Maximum Number of Signs	1 per non-residential use with lot frontage of 75 feet (must have at least 75 feet)	No limit on number, but may not exceed maximum area limits	Unlimited[5]	4 per calendar year
Maximum Area (each, sq. ft.)	65	2 per foot of building frontage, not to exceed 16 total, combined[3]	16	12
Maximum Height (feet)	8	N/A	18	8
Minimum Setback (feet)	5	None	None	None
Illumination	Indirect	Indirect	None	None

Time Limit (per sign)	Unlimited	Unlimited	Unlimited	30 days

[1] Electronic message displays are prohibited on properties occupied by a principal residential use
[2] Additional temporary signs are allowed without a permit as provided in 27-8.30.2
[3] One additional wall sign is allowed per lot
[4] Cumulative total of sign and flag square footage may not exceed 52 sq. ft.
[5] Cumulative total of permanent wall/awning/canopy/projecting/marquee sign and flag signage may not exceed 32 sq. ft.

27-8.120 Signs in MX and NX Zones

Unless otherwise expressly stated in this article, signs are allowed in MX and NX zones in accordance with Table 27-8.120. Such signs require a sign permit in accordance with 27-8.30. See 27-8.30.2 for a listing of other signs that may be allowed without a sign permit.

Table 27-8.120 Signs in MX and NX Zones

	Permanent Ground-Mounted / Monument Signs	Permanent Wall / Awning / Canopy / Projecting / Marquee Signs	Flags	Temporary Signs[1]
Maximum Number of Signs	1 per business with lot frontage of 75 feet (must have at least 75 feet)	No limit on number, but may not exceed maximum area limits	Unlimited[4]	4 per calendar year
Maximum Area (each, sq. ft.)	80	2 per foot of building frontage, not to exceed 120 total, combined[2, 3]	24	16
Maximum Height (feet)	8	N/A	26	8
Minimum Setback (feet)	5	None	5	None
Time Limit (per sign)	Unlimited	Unlimited	Unlimited	30 days

[1] Additional temporary signs are allowed without a permit as provided in 27-8.30.2
[2] Additional business signs are allowed on side and rear walls of buildings. Such signs are limited to no more than one square foot of sign area for each linear foot of building length, based on the length of the wall to which they are attached.
[3] Additional business signs are allowed on freestanding canopies. Such signs are limited to no more than one square foot of sign area for each linear foot of canopy length, not to exceed 180 sq. ft. total when combined with the primary structure.
[4] Cumulative total of permanent wall/awning/canopy/projecting/marquee sign and flag sign square footage may not exceed the permissible square footage of the permanent wall/awning/canopy/projecting/marquee signs plus 24 sq. ft.

27-8.130 Signs in C and I Zones

Unless otherwise expressly stated in this article, signs are allowed in C and I zones in accordance with Table 27-8.130. Such signs require a sign permit in accordance with 27-8.30. See 27-8.30.2 for a listing of other signs that may be allowed without a sign permit.

Table 27-8.130 Signs in C and I Zones

	Permanent Ground-Mounted / Monument Signs	Permanent Wall / Awning / Canopy / Projecting / Marquee Signs	Flags	Temporary Signs[1]	On-Site Signs
Maximum Number of Signs	1 per business with lot frontage of 100 feet (must have at least 100 feet)	No limit on number, but may not exceed maximum area limits	Unlimited[5]	4 per calendar year	4

Maximum Area (each, sq. ft.)	180[2]	2 per foot of building frontage[3, 4]	24	16	16
Maximum Height (feet)	8	N/A	26	8	8
Minimum Setback (feet)	5	None	5	None	None
Time Limit (per sign)	Unlimited	Unlimited	Unlimited	30 days	Unlimited

[1] Additional temporary signs are allowed without a permit as provided in 27-8.30.2

[2] Multi-tenant commercial centers occupied by more than 4 separate businesses are allowed an additional 20 square feet for each individual business in the center provided such additional sign area is located on the same freestanding commercial sign

[3] One additional minor wall sign is allowed per lot. Additional business signs are allowed on side and rear walls of buildings. Such signs are limited to no more than one square foot of sign area for each linear foot of building length, based on the length of the wall to which they are attached.

[4] Additional business signs are allowed on freestanding canopies. Such signs are limited to no more than one square foot of sign area for each linear foot of canopy length.

[5] Cumulative total of permanent wall/awning/canopy/projecting/marquee sign and flag square footage may not exceed the permissible square footage of the permanent wall/awning/canopy/projecting/marquee signs plus 24 sq. ft.

27-8.140 Sign-Related Measurements

27-8.140.1 Sign Area

Sign area is calculated under the following principles:

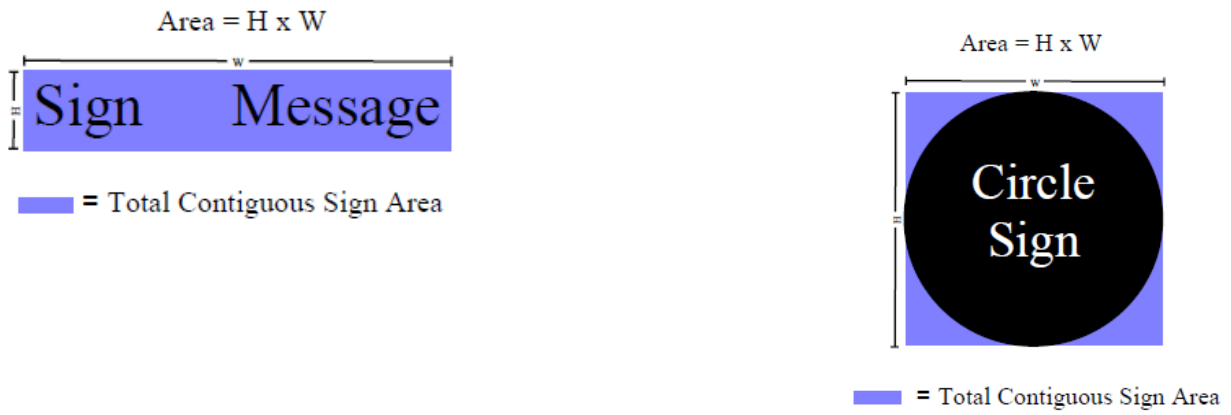
A. The area of a sign is based on the outside measurement of the perimeter of the material comprising the display area of the sign, the total area of which is in the smallest contiguous square or squares, rectangle or rectangles, triangle or triangles that will surround the entire sign, including lighting but excluding supports that are not illuminated.

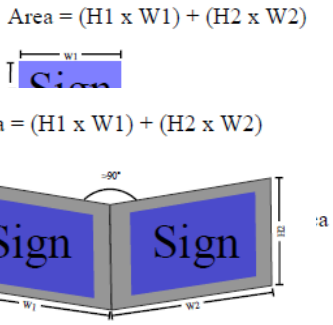
B. The area of a sign with 2 or more sign faces is computed by counting the area of all sides with display areas. For double-faced signs, one display face is measured by computing total sign area where faces are parallel or where the interior angle formed by the faces is 90 degrees or less.

C. The supports, uprights or structure on which any sign is supported is not included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background for the sign display.

D. Approved murals are not counted as sign area in determining compliance with applicable maximum sign area requirements.

Figure 27-8.140.1 Sign Measurements





27-8.140.2 Sign Height

The height of a sign is measured as the vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is construed to be the lower of:

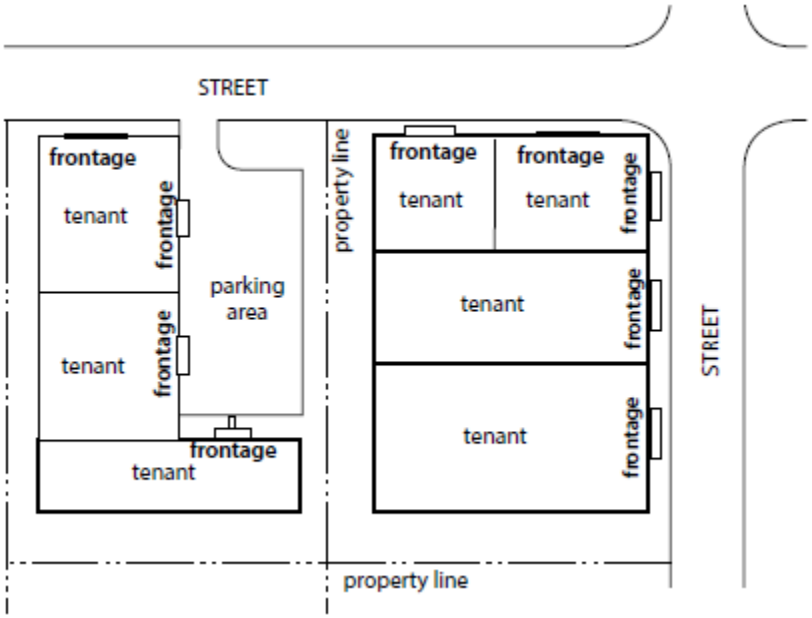
A. Existing grade before construction; or

B. Newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

27-8.140.3 Building Frontage

Building frontage is measured as the length of the main wall of a building that physically encloses usable interior space and that is the architecturally designed wall that contains the main entrance for use by the general public. Building frontage is measured at a height of 10 feet above grade.

Figure 27-8.140.3 Building Frontage



27-9. Overlay Districts

27-9.10 Historic District Overlay

27-9.20 Watershed Protection Overlay

27-9.30 Data Center Overlay

27-9.10 Historic District Overlay

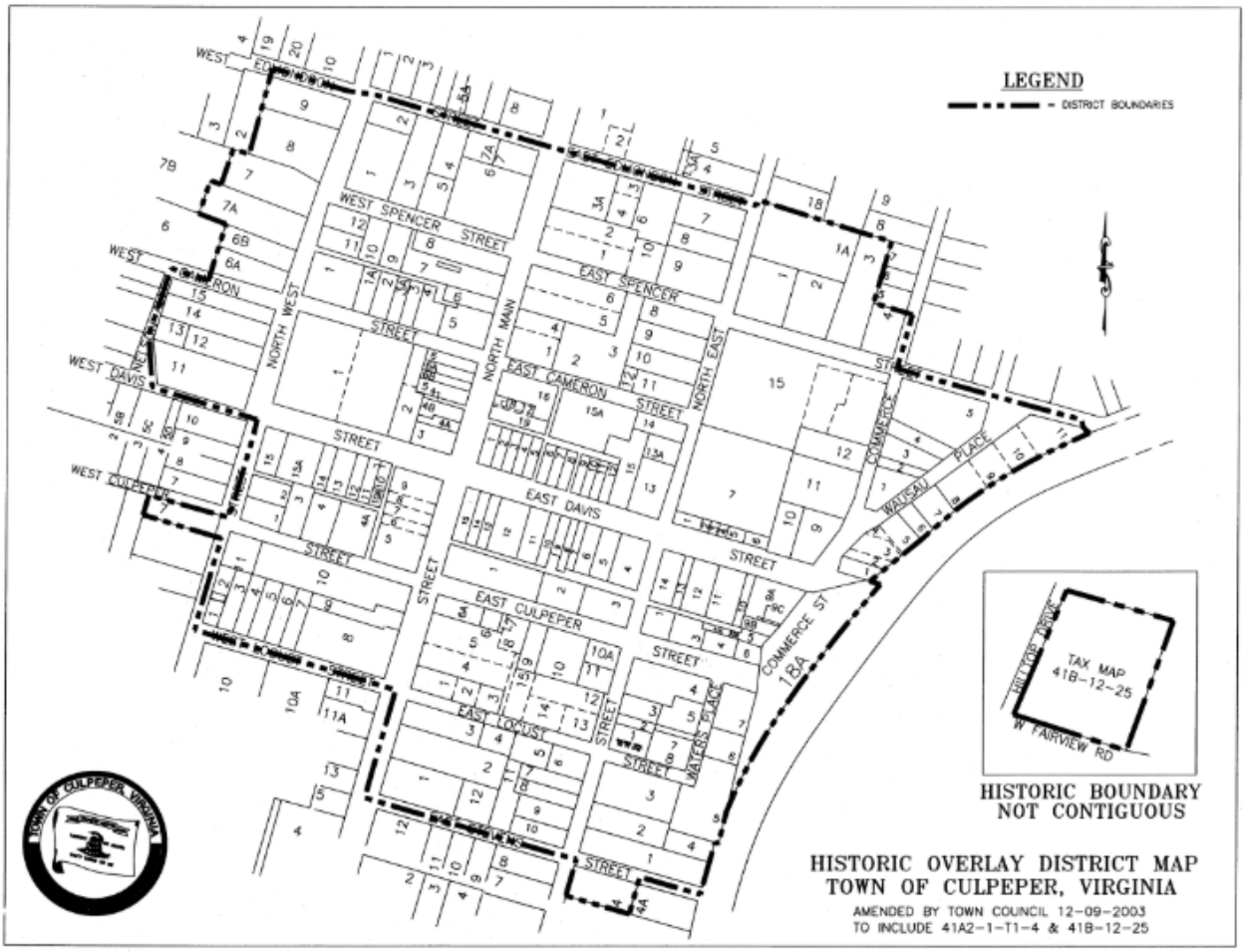
27-9.10.1 Purpose and Intent

A. To recognize areas having substantial historic resources which ought to be preserved or retained for future generations.
B. To provide protection to those areas so as to encourage the restoration and retention of historic structures therein.
C. To provide an attractive and beautiful area which will complement the historic buildings and be appropriate for the town's center.

27-9.10.2 Historic District Overlay Established

The historic district overlay zone is established within the boundaries shown on Figure 27-9.10.2. The boundary of this overlay zone shall overlay the boundaries of base zones as shown on the official zoning map. Development of property lying in this district must comply with both the requirements of the underlying zone and of the overlay zone. Where the requirements are in conflict, the requirements of this overlay zone shall take precedence.

Figure 27-9.10.2 Historic Overlay District



27-9.10.3 Evaluation Criteria for Potential Additions

The Architectural Review Board shall use the following criteria in evaluating whether properties should be incorporated into the historic district overlay. These criteria shall be used for considering whether additional buildings, structures, landscapes, site, or districts possess the necessary characteristics to complement or add to the integrity of the historic district overlay zone. The property under review must meet at least one of the following criteria:

A. Any building structure, landscape, or site designated as a National Historic Landmark, or listed on the National Register of Historic Places, or listed as a contributing resource in a National Register District, or listed on the Virginia Landmarks Register shall qualify for inclusion into the historic district overlay.
B. Association with events that have made a significant contribution to the broad patterns of history of the Town and County of Culpeper, the state, or the nation.
C. Association with the lives of persons significant in the history of the Town and County of Culpeper, the state, or the nation.
D. Possession of distinctive characteristics of a type, period, or method of construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
E. Ability to yield information important to the prehistory or history of the Town and County of Culpeper, the state, or the nation.
F. Possession of an identifiable character which reflects the architectural, cultural, landscape design, or heritage of the Town and County of Culpeper, the state, or the nation.

27-9.10.4 Certificates of Finding

A certificate of finding is required before any zoning permit is issued for construction, reconstruction, alteration, or movement of buildings or structures within the Historic District Overlay or before complete or partial demolition of historic landmark buildings or structures. See 27-12.110 for procedures governing review and approval of certificates of finding.

27-9.10.5 Historic District Residential Living

Residential dwelling units shall not be permitted on the ground level of buildings originally designed and intended for a nonresidential use.

27-9.20 Watershed Protection Overlay

27-9.20.1 Purpose

A. The purpose of the watershed protection overlay (WPO) is to achieve the protection of the public health and safety, the assurance of minimal degradation and the prevention of future deterioration in the water quality of the Lake Culpeper watershed.
B. It is intended that all development within the WPO zone should be consistent with the watershed protection policies, as adopted and incorporated into the Comprehensive Plan. In the event of any conflict between watershed protection policies of the plan and those of this UDO, the provisions of this UDO govern.

27-9.20.2 Applicability

A. Any development within the WPO, as shown on the town's official watershed protection overlay map, must comply with the WPO regulations of this section. Unless otherwise expressly stated in this UDO, these regulations are in addition to all other applicable requirements of this UDO.

B. Any property that does not drain into the Lake Culpeper watershed is not considered to be within the WPO, notwithstanding its depiction on the official map.
C. Any property that is shown on a site plan to be engineered so as not to drain into Lake Culpeper, directly or indirectly, is not considered to be within the WPO, notwithstanding its depiction on the official map unless the subsequent development fails to be developed in accordance with that plan.
D. Any property that is not in the Lake Culpeper watershed may not be developed in such a manner as to drain into the Lake Culpeper watershed.

27-9.20.3 Development Unit Density

A. Notwithstanding any requirement to the contrary, a residential development may be allowed up to 50% of the density otherwise permitted in the underlying zone. For purposes of this section, each residential dwelling unit or each 2,500 square feet of nonresidential building space equals one development unit.
B. Any land lying within the WPO, and adjacent to and a part of the tract prior to it being subdivided at a time subsequent to the regulations of this section being adopted, the use of which is limited to park, open space, agricultural or recreational use (the latter of which shall not involve the construction of buildings other than rain shelters), will be considered as part of the development tract for purposes of establishing the development unit density as well as determining water quality requirements. The permit issuing authority may accept a declaration that allocates that land respectively among the properties to be subdivided or developed.

27-9.20.4 Prohibited Uses

A. The storage of any of the following materials, except as accessory to a residential use, is prohibited in the WPO:
    (1) Hazardous materials and wastes as defined by federal regulation (SARA Title III);
    (2) Flammable or combustible substances in excess of 100 gallons or 50 pounds;
    (3) Toxic wastes and substance as defined by the EPA regulations;
    (4) Bulk and underground storage of petroleum products in excess of 1,200 gallons; and
    (5) Storage of bulk petroleum products in connection with a convenience store.
B. In addition, the following uses are prohibited in the watershed protection overlay:
    (1) Solid waste facilities;
    (2) Storage or land spreading of sludge other than that created from the removal of sediment in BMPs in the WPO;
    (3) Uses for which an NPDES or VPDES permit is required for more than one thousand (1,000) gallons of effluent, excluding stormwater management facilities;
    (4) Wastewater treatment plants, systems, or effluent discharges;
    (5) New septic systems;
    (6) Human crematoriums and animal crematoriums; and
    (7) Automobile service stations.

27-9.20.5 Resource Protection Areas (RPA)

Development in the WPO shall require buffering around lakes, on each side of streams and along tributaries. All buffers shall be left in their natural vegetative state or improved with suitable landscaping so as to increase the stormwater and pollutant/nutrient reduction capabilities of the buffer.

A. The watershed protection overlay map classifies waterbodies and watercourses as follows:
    (1) Lake Culpeper.
    (2) Primary watercourses and wet ponds.
    (3) Secondary watercourses and wetlands.
B. A buffer is hereby established from the distance of each watercourse as set out below.

(1) Lake Culpeper Minimum 200 feet from above 1 foot above normal pool elevation (384.9 ft. elevation, Lake Culpeper).
(2) Primary Watercourses and Wet Ponds. Minimum 100 feet measured from top of stream bank, or otherwise from the normal pool elevation
(3) Secondary Watercourses and Wetlands. Minimum 50 feet measured from top of stream bank or edge of mean high water.

C. No development, impervious surface or land disturbance, is allowed in any of the buffers except the following:
(1) As necessary for roads and/or utilities crossings;
(2) As desirable for uses and structures directly related to the preservation and enhancement of water quality;
(3) As desirable for parks and passive recreation uses and structures;
(4) General maintenance of such buffers, including removal of undesireable species, is permitted as long as the integrity of the buffer is maintained; or
(5) As necessary to prevent a regulatory "taking" of land, provided such intrusion is located as far as practical from the watercourse being protected.

(Note: If best management practice (BMP) credit is claimed for a buffer, specific requirements, restrictions or covenants may exist that preclude these preceding exempt activities).

27-9.20.6 Limits in Disturbed Area

The amount of land disturbed in development at any one time may not exceed 50%. Once an area has been disturbed for development, it will be considered disturbed for purposes of future development related to the same tract or any portion of that tract of land unless that area has been fully revegetated and the permit issuing authority has determined that the revegetated area is stable at which point it will not be considered disturbed area.

27-9.20.7 Maximum Impervious Surface

The maximum allowable impervious surface area for nonresidential development shall be 25% of the tract. Residential subdivisions shall be limited to a maximum of 15% impervious surface for each lot and 25% of the entire tract for subdivision development. Clustered development shall not be limited by lot as long as the maximum impervious surface for the entire tract does not exceed 25%. Nonresidential subdivisions shall be subject to 12.5% maximum impervious surface for interior roads.

In addition to streets, parking areas and other impervious surfaces, residential subdivision lots containing 10,000 square feet or less shall be assessed 2,500 square feet of impervious surface and lots containing more than 10,000 square feet shall be assessed 3,500 square feet of impervious surface for each lot.

27-9.20.8 Environmental Impact Assessment

Any development that would permit 3 or more additional development units must file with a site plan, an environment impact assessment (EIA). The EIA must fully evaluate and disclose any effect on water quality from the development proposed and must indicate the extent to which that effect may be mitigated by best management practices. The EIA should include the following information:

A. Pre- and post-development pollutant loadings and pollutant removal requirements in accordance with State standards;
B. An assessment showing the impacts on steep slopes, soils, wetlands, riparian buffers and other natural features;
C. Identification of points of concentrated discharge and overland sheet flow.
D. Demonstration that outfall locations are adequate in accordance with Erosion and Sediment Control Minimum Standard 19 and any other State standards at the time of submission;

E. Prospective Best Management Practices and their treatment potential;
F. If potential treatment is limited, at least one alternative site design and Best Management Practice (BMP) must be considered. Justification for the choice of the design must be provided.

The permit issuing authority may require that the EIA evaluate a specified alternative style of development. A style of development is a manner of development that rearranges uses and infrastructure without significantly effecting overall density. If the permit issuing authority determines that the alternate style of development is in the best interest of the public, it may require the plan be modified to incorporate the alternate style of development.

The EIA shall present mitigation measures for identified impacts and, where acceptable to the permit issuing authority, include them in the development plan as a condition of approval.

Water Quality Treatment must be provided on site to the maximum extent practicable. No offsite nutrient credits may be used until all onsite alternatives have been evaluated. Water Quality shall meet the State standard at time of submission.

27-9.20.9 Best Management Practices

All runoff from proposed development must be treated by an approved BMP. The EIA shall demonstrate how, where and when the BMP facilities will be constructed, who is responsible for maintenance of the facilities and what type of facilities are to be constructed. At a minimum, structural BMPs shall be designed to capture the 1-inch volume of runoff at each point of concentrated discharge. BMP design specifications shall be in accordance with State standards at the time of submission. This shall include sizing calculations, appropriate inlet and outlet components, installation requirements and maintenance plans. Supporting documents such as maintenance agreements, easements, deed restrictions or other details and calculations as required for each BMP are also required.

27-9.20.10 Stormwater Management Easements

Whenever a BMP facility is approved as part of an EIA plan, zoning or conditional use permit, site plan, or subdivision, the permit issuing authority must determine whether the proposed method of ownership of the facility, the access to it and the method set out for maintenance are adequate to protect the water quality of Lake Culpeper. BMP facilities shall be located on a separate tract of land and be subject to a public easement for the construction, maintenance and inspection of stormwater management facilities. Any dedication or easement must authorize the town to assign the same to a stormwater management utility.

Individual lot management plans, as required, that treat stormwater runoff primarily from a single residential lot, do not need to meet the same requirements. In these cases, easements do not need to be physically delineated as deed restrictions recorded with the lot will suffice.

27-9.20.11 Erosion Control Plan Required

Any land disturbing activity, other than those exempted by § 62.1-44.15:34 of the Code of Virginia, that disturbs or will disturb more than 5,000 square feet of area on a tract is required to file and have approved by the permit issuing authority, an erosion and sediment control plan. Temporary and permanent construction BMPs shall conform with the State standards at the time of submission.

27-9.20.12 Road Standards

Notwithstanding any requirement to the contrary, streets and vehicle accommodation areas in the WPO may be built with drainage swales that are designed to implement the intent of WPO rather than with curb and gutter.

27-9.20.13 Uses Requiring Special Plans

Golf courses must present a nutrient management plan demonstrating that fertilizers and pesticides will be contained on-site and will not impact the off-site surface water or groundwater resources.

27-9.20.14 Vesting

Notwithstanding anything to the contrary, any existing lot in the watershed protection overlay district at the date of enactment of this article, which has been or could be developed in a manner that would not violate any provision of this chapter except for the density requirement of this section, shall be entitled to have one development unit built on it.

Prior to any application for a zoning permit, the applicant shall have submitted an individual lot management plan in accordance with 27-9.20.15.

27-9.20.15 Lot Management Plan

In addition to the EIA and site plan an individual lot management plan shall be provided for each lot at the time of zoning permit application. The individual lot management plan shall include the following:

A. Show the proposed improvements to the lot;
B. Proposed grading on the lot;
C. Direction of stormwater leaving the lot and statement that this stormwater will be treated by a BMP or SWM facility prior to entering the lake;
D. Erosion and sediment control plan;
E. Setback, side and rear yard restrictions lines;
F. Amount of impervious surface proposed on the lot;
G. Lot survey; and
H. This drawing shall be prepared to scale and sealed by a duly licensed professional engineer or land surveyor.

Should the permit issuing authority find the impervious surface of the lots is exceeding the amount of impervious surface used in the design of the BMP, the permit issuing authority may withhold the zoning permit until such time as the impervious surface is reduced or additional BMP facilities are provided. This review shall be ongoing and cumulative as the lots are developed.

27-9.30 Data Center Overlay

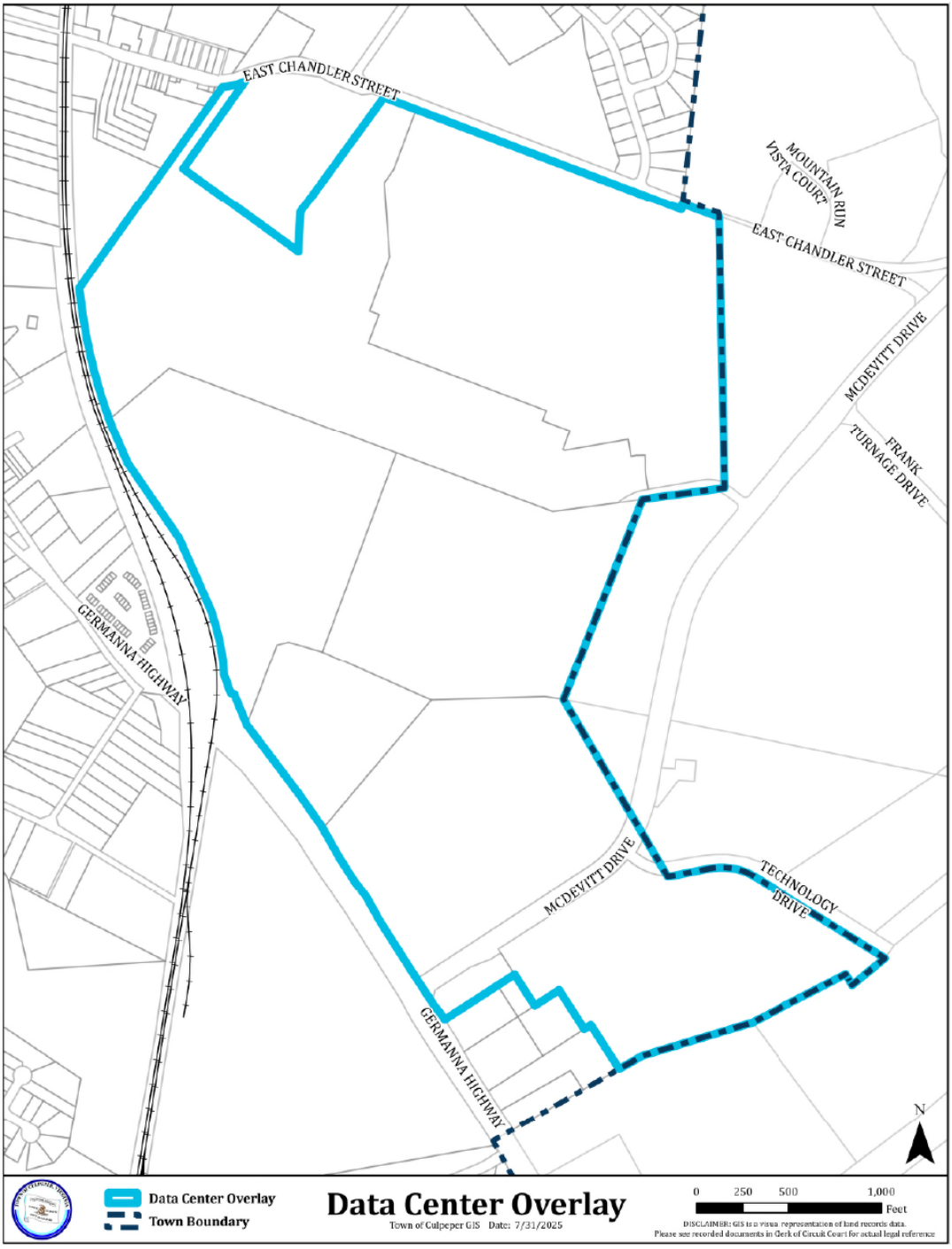
27-9.30.1 Purpose and Intent

A. To recognize areas appropriate for the development of data centers within the town limits.
B. To limit the area impacted by the mass and scaling of large structures housing data centers.
C. To limit the area impacted by the provision of the infrastructure necessary to support data center operations such as large electric transmission lines.

27-9.30.2 Data Center Overlay Established

The data center district overlay zone is established within the boundaries shown on Figure 27-9.30.2. The boundary of this overlay zone shall overlay the boundaries of base zones as shown on the official zoning map. Development of data centers may only occur on property lying in this district and must comply with the requirements of the underlying zone.

Figure 27-9.30.2 Data Center Overlay District



27-10. Flood Hazard Areas

27-10.10	General Provisions
27-10.20	Administration
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27-10.10 General Provisions

27-10.10.1 Authority and Purpose

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

27-10.10.2 Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Town of Culpeper and identified as special flood hazard areas shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the Town of Culpeper by FEMA. In addition, areas may be designed as special flood hazard areas pursuant to 27-10.20.2.

27-10.20.3 Compliance and Liability

A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
B. The degree of flood protection sought by the provisions of this article 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 human-made or natural causes, such as ice jams and bridge openings restricted by debris. This article 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 article shall not create liability on the part of Town of Culpeper or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

27-10.10.4 Records

Records of actions associated with administering this article shall be kept on file and maintained by or under the direction of the floodplain administrator in perpetuity.

27-10.10.5 Abrogation and Greater Restrictions

To the extent that the provisions are more restrictive, this article supersedes any ordinance currently in effect in floodprone 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.

27-10.10.6 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this article are hereby declared to be severable.

27-10.10.7 Penalty for Violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town of Culpeper shall be guilty of a zoning violation. Violations and associated penalties of the UDO are addressed in section 27-13.20 of the UDO.

In addition to the above penalties, the town may pursue any other available legal remedy, including an action in equity for 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 to be set by the court. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Culpeper to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

27-10.20 Administration

27-10.20.1 Designation of Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

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

27-10.20.2 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.
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. Reserved.
G. Approve applications and issue permits to develop in special 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 of Culpeper 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 special flood hazard areas and that are damaged by any cause have been substantially damaged.
    (2) Make reasonable efforts to notify owners of such substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of such 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 flood-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 National Flood Insurance Program (NFIP) flood insurance policies.

P. Notify the federal emergency management agency when the corporate boundaries of the Town of Culpeper 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 community floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

27-10.20.3 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 one (1) percent 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.

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 27-106(a)(3) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
    (3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

27-10.20.4 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.

27-10.20.5 District Boundary Changes

The delineation of any of the floodplain districts may be revised by the Town of Culpeper where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed letter of map revision (LOMR) is a record of this approval.

27-10.20.5 Interpretation of District Boundaries

Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator. A formal written determination of a floodplain district boundary is appealable to the board of zoning appeals.

27-10.20.6 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 (6) months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

27-10.20.7 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.

27-10.30 Establishment of Zoning Districts

27-10.30.1 Description of Special Flood Hazard Districts

Basis of Districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Town of Culpeper prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 26, 2021 and any subsequent revisions or amendments thereto.

The Town of Culpeper 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 article and which shall be kept on file at the Town of Culpeper offices.

A. The floodway district is in an AE zone and is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 2 of the above-referenced FIS and shown on the accompanying FIRM. The following provisions shall apply within the floodway district of an AE:
    (1) 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 of Culpeper's endorsement—for a conditional letter of map revision (CLOMR), and receives the approval of the Federal Emergency Management Agency. If this subsection is satisfied, all new

construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 27-10.40.

(2) 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.

B. The AE, or AH zones on the FIRM accompanying the FIS shall be those areas for which one (1) 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 where FEMA has provided base flood elevations:

(1) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as zones A1-30, 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 (1) foot at any point within the Town of Culpeper.

(2) Development activities in zones A1-30, AE, or AH on the Town of Culpeper's FIRM which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies—with the Town of Culpeper's endorsement—for a conditional letter of map revision, and receives the approval of the Federal Emergency Management Agency.

C. 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 (1) percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

(1) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one (1) 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 (1) 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 Floodprone 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.

(2) 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 eighteen (18) inches.

(3) During the permitting process, the floodplain administrator shall obtain:

(a) The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and

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

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

D. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area, no emergency service, medical service, or governmental records storage shall be allowed except by special exception using the variance process.

27-10.30.2 Overlay Concept

The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

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

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

27-10.40 District Provisions

27-10.40.1 Permit and Application Requirements

A. **Permit requirement.** All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a 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 of Culpeper UDO 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:
   (1) The elevation of the base flood at the site.
   (2) For structures to be elevated, the elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
   (3) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
   (4) Topographic information showing existing and proposed ground elevations.

27-10.40.2 General Standards

The following provisions shall apply to all permits:

A. New construction and substantial improvements shall be built according to this article and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.

B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground

anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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

I. 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.
J. The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

27-10.40.3 Elevation and Construction Standards

In all identified special flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 27-10.30.1 C., 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, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches.
B. **Nonresidential construction.**
    (1) New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches.
    (2) Nonresidential buildings located in all A1-30, and AE 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 (2) feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.

C. **Space below the lowest floor.** In zones A, AE, 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 (2) 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 (1) enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

(d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

(e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. **Accessory structures.** Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of subsection B of this section or, if not elevated or dry floodproofed, shall:

(1) Not be used for human habitation;

(2) Be limited to no more than six hundred (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:

(a) There shall be a minimum of two (2) 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.

(b) The total net area of all flood openings shall be at least one (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.

(c) The bottom of each flood opening shall be one (1) foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.

(d) 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 and AE 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 27-10.30 A. (1), 27-10.40.2 and 27-10.40.3.

(2) All recreational vehicles placed on sites must either:

(a) Be on the site for fewer than one hundred eighty (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 subsection E (1) of this section.

27-10.40.4 Standards for Subdivision

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 (50) lots or five (5) acres, whichever is the lesser.

27-10.50 Existing Structures in Floodplain Areas

27-10.50.1 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 (1) of the following exceptions is established before the change is made:

A. The floodplain manager has determined that:

(1) Change is not a substantial repair or substantial improvement;

(2) No new square footage is being built in the floodplain that is not compliant;

(3) No new square footage is being built in the floodway; and

(4) The change complies with this article and the VA USBC.

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.

27-10.60 Variances – Factors to be Considered

27-10.60.1 Variances

A. Variances shall be issued only upon:
   (1) a showing of good and sufficient cause,
   (2) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and
   (3) after the board of zoning appeals has determined that the granting of such variance will not result in:
      (a) unacceptable or prohibited increases in flood heights,
      (b) additional threats to public safety,
      (c) extraordinary public expense;

   and will not

      (d) create nuisances,
      (e) cause fraud or victimization of the public, or
      (f) conflict with local laws or ordinances.

B. While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

C. 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 section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:
   (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 (1) percent 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.
   (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 six hundred (600) square feet.

(14)Such other factors which are relevant to the purposes of this article.

E. 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.

F. Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in:
   (1) unacceptable or prohibited increases in flood heights,
   (2) additional threats to public safety,
   (3) extraordinary public expense;
   and will not:
   (4) create nuisances,
   (5) cause fraud or victimization of the public, or
   (6) conflict with local laws or ordinances.

G. Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

H. 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 (1) percent chance flood elevation
   (1) increases the risks to life and property and
   (2) will result in increased premium rates for flood insurance.

I. 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.

27-10.70 Glossary of Definitions

APPURTENANT or ACCESSORY STRUCTURE. A nonresidential 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 six hundred (600) square feet.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). The water surface elevations of the base flood, that is, the flood level that has a one (1) 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 article, the base flood is the one (1) percent annual chance flood.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BOARD OF ZONING APPEALS. The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this article.

COASTAL ZONE A. Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three (3) feet.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

ENCROACHMENT. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION. For the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."

FLOOD or FLOODING.

A. A general or temporary condition of partial or complete inundation of normally dry land areas from:
   (1) The overflow of inland or tidal waters; or
   (2) The unusual and rapid accumulation or runoff of surface waters from any source.
   (3) Mudflows which are proximately caused by flooding as defined in subsection (A)(2) 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 subsection (A)(1) of this definition.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

FLOOD INSURANCE STUDY (FIS). A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

FLOODPLAIN or FLOODPRONE AREA. Any land area susceptible to being inundated by water from any source.

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

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 (1) foot at any point within the community.

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.

FUNCTIONALLY DEPENDENT USE. 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. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

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:
    (1) By an approved state program as determined by the Secretary of the Interior; or
    (2) Directly by the Secretary of the Interior in states without approved programs.

HYDROLOGIC and HYDRAULIC ENGINEERING ANALYSIS. Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

LETTERS OF MAP CHANGE (LOMC). A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

LETTER OF MAP AMENDMENT (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

LETTER OF MAP REVISION (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

LOWEST ADJACENT GRADE. The lowest natural elevation of the ground surface next to the walls of a structure.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

MANUFACTURED HOME. A structure, transportable in one (1) 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 one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK or SUBDIVISION. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

NEW MANUFACTURED HOME PARK or SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this article or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, mean sea level means 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. For the purposes of determining insurance rates, new construction means structures for which the "start of construction" commenced on or after March 2, 1989 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. A structure for which construction or substantial improvement occurred on or after March 2, 1989.

PRE-FIRM STRUCTURES. A structure for which construction or substantial improvement occurred before March 2, 1989.

RECREATIONAL VEHICLE. A vehicle which is:

A. Built on a single chassis;
B. Four hundred (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. A building covered by a contract for flood insurance that has incurred flood-related damages on two (2) occasions in a ten-year period, in which the cost of the repair, on the average, equalled or exceeded twenty-five (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. A structure that:

A. Is covered under a contract for flood insurance made available under the NFIP; and
B. has incurred flood related damage:
    (1) For which four (4) or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding five thousand dollars ($5,000.00), and with the cumulative amount of such claims payments exceeding twenty thousand dollars ($20,000.00); or
    (2) for which at least two (2) separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

SHALLOW FLOODING. A special flood hazard area with base flood depths from one (1) to three (3) 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 (SFHA). The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as determined in division 3, section 27-106(a) of this article, or otherwise identified pursuant to section 27-92, or section 27-100 of this article.

START OF CONSTRUCTION. For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (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. For floodplain management purposes, structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (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. 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 article is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

27-11. Subdivision Design and Improvements

27-11.10	General
27-11.20	Lots
27-11.30	Blocks
27-11.40	Streets
27-11.50	Public Utilities
27-11.60	Off-Site Improvements and Fees
27-11.70	Easements

27-11.10 General

The provisions of this article establish the requirements for the subdivision of land within the town. Subdivisions must be designed and improvements installed in accordance with the requirements of this article.

27-11.10.1 Developer Responsibilities

All required improvements must be paid for and installed by the developer of the proposed subdivision.

27-11.10.2 Construction Specifications

Construction specifications for subdivision improvements are set forth in the Facilities Standards Manual and the latest published specifications of the Virginia Department of Transportation.

27-11.20 Lots

27-11.20.1 General

All new lots created must comply with applicable provisions of this UDO, the Facilities Standards Manual, and all other applicable ordinances and laws.

27-11.20.2 Arrangement, Design, and Shape

A. **General.** The arrangement, design and shape of lots must provide satisfactory and usable sites for building, be properly related to topography, and comply with the requirements of this UDO. Strangely shaped lots for the purposes of increasing density should not be permitted.
B. **Reserve Areas.** These regulations recognize that it may occasionally be necessary and in the public interest to create lots designated as reserve areas to be occupied by stormwater detention, common recreation, private rights-of-way or other similar non-building uses. If declared reserved for such purposes by restrictive covenants or other recorded legal documents approved by town, such reserve areas are exempt from the lot regulations of this section 27-11.20.

27-11.20.3 Street Frontage

Land must be divided in a way that affords each lot with frontage on a street that complies with the applicable provisions of this UDO with the exception of those lots created utilizing the Family Subdivision provision which must meet the access requirements of section 27-12.80.

27-11.20.4 Size

Lots must comply with the minimum lot area and lot width regulations of the subject zone. Corner lots must have sufficient width to comply with required building setbacks on both streets.

27-11.20.5 Side Lot Lines

Side lot lines must be approximately at right angles or radial to the street line.

27-11.20.6 Access to Arterial Highways

If a property with frontage along a major street or highway is proposed to be subdivided or developed, decision-making bodies are authorized to restrict access to the respective street or highway and require that the developer take one or more of the following actions:

A. Create through lots that back onto the arterial street or highway and front onto and take access from a parallel street, coupled with the installation of a fence or wall and a vegetative visual screen along the arterial street or highway frontage;
B. Provide a frontage road separated from the major street or highway;
C. Establish deed restrictions or other legally enforceable means of preventing private driveway access to the arterial street or highway;
D. Provide a cross-access easement to abutting properties that front on the same arterial street or highway; or
E. Provide a mutual, reciprocal, non-exclusive easement (mutual access easement) to ensure perpetual access to the subject property.

27-11.20.7 Separate Ownership

Property to be subdivided must be in single ownership or undivided interests of two or more owners.

27-11.20.8 Business or Industrial Lots

Lots intended for commercial or industrial use must be designed specifically for such purposes, with adequate space set aside for any necessary improvements, such as off-street parking and loading facilities.

27-11.30 Blocks

27-11.30.1 General

All new blocks created must comply with the regulations of this section 27-11.30.

27-11.30.2 Arrangement, Design and Shape

The arrangement, design and shape of blocks must be suitable for the proposed development and be laid out in a pattern that ensures the connectivity of streets and non-motorized travel routes and provides for efficient provision of public and safety services via multiple routes.

27-11.30.3 Depth

Blocks must have a depth that accommodates at least two rows of lots, except when reverse frontage along major streets is provided or when prevented by topographic conditions or other physical constraints, such as property size or location next to railroads, water bodies or public parks or open spaces.

27-11.30.4 Length

To provide safe and convenient motorized and non-motorized travel routes within and among neighborhoods and minimize out-of-direction travel, blocks within new residential subdivisions may not exceed 600 feet.

27-11.40 Streets

27-11.40.1 General

All new streets created must comply with the regulations of this section 27-11.40.

27-11.40.2 Facilities Standards Manual

The arrangement, character, ownership, extent, width, construction, grade, and location of all new streets must comply with the Facilities Standards Manual, provided that construction of public streets is not required for lots of three acres or more.

27-11.40.3 Arrangement and Layout

A. The arrangement and layout of all streets must conform to the comprehensive plan.
B. When streets are not shown on the comprehensive plan, the arrangement and layout of new streets must:
    (1) Create an integrated system of streets and non-motorized transportation facilities that provide for safe and efficient access to lots and movement of people;
    (2) Provide for the efficient movement of through traffic by providing an interconnected network of streets and non-motorized transportation facilities to avoid isolation of areas and over-reliance on arterial streets and highways; and
    (3) Be uncomplicated, so that emergency services, public services, and visitors can find their way to their intended destinations.

27-11.40.4 Connectivity

A. All streets within and contiguous to any subdivision must be designed and constructed to ensure coordination with other existing and planned streets within the general area in terms of arrangement, character, extent, width, grade, location, and drainage. Existing and planned streets include streets depicted on the comprehensive plan and existing and planned streets in existing and approved adjacent subdivisions.
B. All streets within a new subdivision must provide connections to the existing street system. Streets must be extended to the outer perimeter of the subdivision if such a connection would provide for continuance of the street network and encourage interconnectivity between developments. An exemption may be granted when such a connection is not feasible.
C. No more than 80 individual residential units may be accessed by a single public street.

27-11.40.5 Street Names and Numbers

All new street names must comply with the Facilities Standards Manual and Next Generation 911 Safety Standards.

27-11.40.6 Alleys

Private alleys are permitted in accordance the Facilities Standards Manual.

27-11.50 Public Utilities

27-11.60.1 Public Water

Developers must install water facilities in accordance with the Facilities Standards Manual.

27-11.60.2 Public Sewer

Developers must install sewer facilities in accordance with the Facilities Standards Manual.

27-11.60.3 Private Water and Sewer

Nothing in this UDO is intended to prohibit the installation of privately-owned water or sewer facilities in areas where public water and sewer facilities or both are not available. Private water and sewer facilities

are subject to compliance the regulations of the State Water Control Board, State Health Department, and other applicable state or town regulations governing private water and sewer facilities. Private water or sewer systems serving more than one dwelling unit are subject to the same specifications as those governing public water and sewer systems.

27-11.60.4 Storm Sewer

Developers must install storm sewer facilities in accordance with current Department of Environmental Quality regulations.

27-11.60.5 Electrical And Lighting

A. The Town of Culpeper's Light and Power Department is equipped with state of the art electric generation and distribution equipment. All subdivisions utilizing the town's light and power must comply with the requirements and regulations found in Chapter 24 of the Town Code and the Facilities Standards Manual.
B. Developers must install street lighting for all new subdivisions in accordance with the Facilities Standards Manual.

27-11.60.6 Fire Protection

Developers must install fire protection equipment and improvements in accordance with the Facilities Standards Manual.

27-11.60 Off-Site Improvements and Fees

27-11.70.1 General

In accordance with § 15.2-2243 of the Code of Virginia, developers are responsible for payment of a pro rata share of the cost of providing reasonable and necessary water, sewer, and drainage facilities, including stream assessments and stream restoration, that are located outside the proposed subdivision if such off-site improvements are necessitated or required, at least in part, to provide necessary service to the proposed subdivision. If the offsite facilities are already constructed as of the date of payment of the pro rata share, the developer must also pay interest on the pro rata share, as established by agreement between the town and the builder of the facilities.

27-11.70.2 Payments and Expenditures

All pro rata payments received for off-site improvements under this section must be expended only for necessary engineering and related studies and the construction of those facilities identified in the established sewer, water, and drainage program. Payments received must be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program.

27-11.70.3 Improvement Program

A. The town’s Planning and Public Works Departments are responsible for establishing, by regulation, a general water, sewer, and drainage improvement program for each area having related and common water, sewer, and drainage conditions and within which the land owned or controlled by the developer paying the pro rata share of off-site facilities is located.
B. Such regulation must set forth and establish reasonable standards to determine the developer's proportionate share of total estimated cost of ultimate water, sewer, and drainage facilities required

to adequately serve a related and common area, when and if fully developed in accordance with the adopted comprehensive plan. Such share is limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or to the proportion of such total estimated cost which the increased water flow, sewage flow, or increased volume and velocity of stormwater runoff to be actually attributed to the subdivision bears to total estimated volume and velocity of such water, sewage, or stormwater runoff from such area in its fully developed state. In calculating the pollutant loading caused by the subdivision or development or the volume and velocity of stormwater runoff, the planning department must take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the developer and give appropriate credit for such facilities and practices.

27-11.70 Easements

27-11.70.1 Utility Easements

Easements for all utilities required for the subdivision and provided by the town must be dedicated to the town and shown on preliminary and final plans as well as record plats. Easements dedicated to the town must be accepted by the town in accordance with § 15.2-1803 of the Code of Virginia. The acceptance must appear on the face of the instrument or in a separately recorded agreement. Easements must be dedicated to the town for purposes of functional maintenance. Landowners are responsible for routine maintenance responsibilities, such as mowing and tree trimming.

27-11.80.2 Access Easements

Access easements must be dedicated to the appropriate party. The acceptance must appear on the face of the instrument or in a separately recorded agreement.

27-11.80.3 Drainage Easements

When required, drainage easements must be designed in accordance with the Facilities Standards Manual and be dedicated to the town.

27-13.80.4 Common and Shared Easements

The town is authorized to require dedication of common or shared easements for cable television, gas, telephone and electric service or other utilities, as appropriate and provided by law. The location of such easements must be adequate for use by public service corporations and franchised operators expected to occupy them. Such easements may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of the County.

27-12. Procedures

27-12.10	Common Provisions
27-12.20	Preapplication Meetings
27-12.30	UDO Text Amendments
27-12.40	Zoning Map Amendments (Rezonings)
27-12.50	Conditional Use Permits
27-12.60	Major Subdivisions
27-12.70	Minor Subdivisions
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27-12.80	Family Subdivisions
27-12.90	Vacation of Subdivision Plats
27-12.100	Site Plans
27-12.110	Certificates of Finding
27-12.120	Zoning Variances
27-12.125	Reasonable Accommodations
27-12.130	Administrative Modifications
27-12.140	Appeals of Administrative Decisions
27-12.150	Posting of Properties
27-12.160	Zoning Permits

27-12.10 Common Provisions

27-12.10.1 Applicability

The common provisions of this section apply to all of the procedures in this UDO unless otherwise expressly stated.

27-12.10.2 Code of Virginia

The review and approval procedures of this UDO are intended to comply with the provisions of the Code of Virginia. If any provision of this UDO is in conflict with any provision of the Code of Virginia or if this UDO fails to incorporate a provision required for implementation of the Code of Virginia, provisions of the Code of Virginia govern.

27-12.10.3 Review & Decision-Making Authority

Table 27-12.10.3 provides a summary of review and decision-making authority under this UDO. If this summary table conflicts with the detailed, written procedures contained elsewhere in UDO, the detailed, written procedures govern.

Table 27-12.10.3 Review and Decision-Making Summary

Procedure	Zoning Administrator	Architectural Review Board	Board of Zoning Appeals	Planning Commission	Town Council
UDO Text Amendment	△			◪	●
Zoning Map Amendments (Rezonings)	△			◪	●
Conditional Use Permits	△			◪	●
Major Subdivisions:					
Construction Plan	●				
Final Plat	●				
Minor Subdivisions, Boundary Line Adjustments, Lot Consolidations & Easement Plats:					
Final Plat	●				
Site Plans	●				
Certificate of Finding	△	●			
Zoning Variances	△		●	◪	
Subdivision Exceptions	△			△	●
Administrative Modifications	●				
Appeals of Administrative Decisions	△		●		
△ = review and report ◪ = recommendation ● = final decision					

27-12.10.4 Applications and Fees

A. **Applicability.** The application and fee provisions of this subsection apply to zoning applications filed by "eligible applicants."

B. **Eligible Applicants.** When the procedures of this article allow an application to be filed by an "eligible applicant," such application must be submitted by the owner of the property that is the

subject of the application or by an authorized agent authorized in writing to act on behalf of the property owner. If there are multiple owners of the subject property, they must all sign the application or a power of attorney, letter, or other document consenting to the application filing.

C. **Form of Application.** Applications required under this UDO must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, including at least the following:
   (1) A list of the names and addresses of all owners of record of the property that is the subject of the application; and
   (2) Maps, plats, surveys, dimensioned site plans, engineering documents, environmental reports, traffic studies, and other materials and information, as required by this UDO or application checklists established by the official responsible for accepting the application.

D. **Application Fees.** All applications filed by property owners must be accompanied by the required application fee as established in the town's fine and fee schedule.

E. Completeness, Accuracy and Sufficiency
   (1) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required application filing and notification fees.
   (2) The official responsible for accepting the application must make a determination of application completeness within 7 days of application filing.
   (3) If an application is determined to be incomplete, the official responsible for accepting the application must provide notice to the applicant along with an explanation of the application's deficiencies and return the application and any application fee to the applicant. Notice of an incomplete application may be provided by personal service, electronic mail or first-class mail. If the official responsible for accepting the application takes no action, the application is deemed complete and officially submitted on the date it was filed.
   (4) Applications deemed complete will be placed in the first available application processing cycle and will be reviewed by staff and other review and decision-making bodies, in accordance with applicable review and approval procedures of this UDO.
   (5) The official responsible for accepting the application is authorized to request that applications or plans be revised before being acted upon or being placed on an agenda for possible action if the official determines that:
      (a) The application or plan contains one or more significant inaccuracies or omissions that will hinder timely or competent evaluation of the plan's/application's compliance with UDO requirements or other regulations;
      (b) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's or application's compliance with UDO requirements or other regulations; or
      (c) The decision-making body does not have legal authority to approve the application as filed.
   (6) Failure to revise an application in accordance with paragraph (5), above may result in the application or plan being denied or recommended for denial.

27-12.10.5 Application Processing Cycles

Town officials responsible for accepting applications, after consulting with review and decision-making bodies, are authorized to promulgate cycles and timelines for processing applications, including deadlines for receipt of complete applications.

27-12.10.6 Public Hearing Notices

A. Notice of public hearings must be provided in accordance with the Code of Virginia and the applicant must post the property subject to the application in accordance with 27-12.150.

27-12.20 Preapplication Meetings

27-12.20.1 General

Preapplication meetings provide an early opportunity for staff and applicants to discuss application submittal requirements, approval procedures, regulations, and other issues before submitting a formal application for review and approval under this UDO.

27-12.20.2 Applicability

Preapplication meetings are encouraged before filing any application for approval under this UDO. Such meeting is strongly encouraged before filing any application, but especially for any of the following:

A. Zoning map amendment (Rezoning);
B. Conditional Use Permit;
C. Zoning Variance;
D. Minor Subdivision;
E. Major Subdivision; or
F. Administrative Modification

27-12.20.3 Guidelines

The Zoning Administrator is authorized to establish guidelines for preapplication meetings, including information that must be provided and available alternatives to face-to-face meetings, such as virtual meetings, telephone conversations and email correspondence.

27-12.30 UDO Text Amendments

The town council may amend the text of this UDO in accordance with the requirements of the Code of Virginia. Amendments may be initiated by either the town council or planning commission. The amendments will be processed as outlined for zoning map amendments (rezonings) in 27-12.40.

27-12.40 Zoning Map Amendments (Rezonings)

27-12.40.1 General

Amendments to the zoning map that change the zoning classification of property or that modify zone boundaries must be processed in accordance with the zoning map amendment procedures of this section. These zoning map amendment procedures must also be followed in amending proffers that have been accepted by the town council in conjunction with a previous zoning map amendment.

27-12.40.2 Preapplication Meeting

At least 30 days before filing a zoning map amendment application, the applicant is strongly encouraged to attend a preapplication meeting (see 27-12.20).

27-12.40.3 Initiation

A. Zoning map amendments applications may be filed by an eligible applicant, as defined in 27-12.10.4. They may also be initiated by:
   (1) Resolution or motion of the planning commission; or
   (2) Resolution of the Town Council.
B. Applications filed by eligible applicants must be filed in the Planning & Community Development Department at least 30 days before the date of the planning commission public hearing.

27-12.40.4 Required Public Hearings

A. The planning commission must hold at least one public hearing on a proposed zoning map amendment before making its recommendation to the town council.
B. Following receipt of the planning commission recommendation, the town council must hold at least one public hearing before acting on a proposed zoning map amendment.

27-12.40.5 Public Hearing Notice

A. The Planning & Community Development Department must provide notice of the planning commission's and town council's required public hearings in accordance with §§ 15.2-2204 and 15.2-2285 (C) of the Code of Virginia.
B. The applicant must post the property subject to the zoning map amendment request in accordance with 27-12.150.

Figure 27-12.40 Zoning Map Amendments (Rezonings)



27-12.40.6 Planning Commission

A. The planning commission must act to recommend approval of the zoning map amendment as proposed, approval of the zoning map amendment with modifications, or denial of the zoning map amendment.
B. The planning commission must make its recommendation on the proposed zoning map amendment within 100 days after the first public hearing at which it is considered by the planning commission. If the planning commission fails to make a recommendation within the 100-day period, such inaction is deemed to be a recommendation of approval.

27-12.40.7 Town Council

A. The town council must act to adopt the zoning map amendment, deny the zoning map amendment, or refer the matter back to the planning commission or a town council committee for further consideration and recommendation, If referred back to the planning commission or town council committee, the commission or committee must make its recommendation within the required time-frame for an action provided in paragraph B. of 27-12.40.6.
B. The town council is authorized to accept, in its sole discretion, amended proffers after its public hearing on the zoning map amendment has begun if it concludes that the amended proffers do not materially affect the overall proposal. If amended proffers are submitted after the public hearing is closed, the town council is authorized to accept, in its sole discretion, the amended proffers after holding another public hearing.
C. The town council may not adopt a zoning map amendment allowing a more intensive use, or including more land, than was contained in the required public hearing notice without an additional public hearing and renotification pursuant to §§ 15.2-2204 and 15.2-2285 (C) of the Code of Virginia.
D. An affirmative vote of at least a majority of the members of the town council is required to approve a zoning map amendment.

27-12.40.8 Proffers

Pursuant to §§ 15.2-2303 and 15.2-2303.4 of the Code of Virginia, the town council may accept proffers in conjunction with zoning map amendments as follows:

A. **Purpose.** Proffers are reasonable conditions proposed by the applicant governing the use of parcels being rezoned. The conditions are in addition to the regulations in this UDO that apply in the subject zone.
B. **Form.** Proffers must be in writing and be in a form that is approved by the town attorney.
C. **Proffers Addressing Impacts from New Residential Development.** For zoning map amendments that propose new residential development or new residential uses as defined in § 15.2-2303.4 of the Code of Virginia, any proposed proffers addressing the impacts resulting from the new residential development or new residential uses must comply with the requirements of § 15.2-2303.4 of the Code of Virginia.
D. **Deadline to Submit.** The applicant must submit proffers by the following deadlines:
    (1) **Before the Planning Commission's Public Hearing.** Proposed proffers must be submitted to the Planning & Community Development Department at least 14 days before the planning commission's public hearing on the zoning map amendment.
    (2) **Before the Town Council's Public Hearing.** Proposed proffers, signed by the owners of all parcels subject to the zoning map amendment or their approved representatives, must be submitted to the Planning & Community Development Department before the town council's public hearing on the zoning map amendment. The Planning & Community Development Director may establish written guidelines that require signed proffers to be submitted a reasonable period of time before the public hearing to allow town officers and employees and members of the public adequate time to review the proffers.

27-12.40.9 Review and Approval Criteria

The decision to amend the zoning map is not controlled by any one standard. In acting on a zoning map amendment, the town council may consider any factors consistent with the Code of Virginia, including:

A. Whether and the extent to which the proposed zoning map amendment is consistent with the goals and policies of the Comprehensive Plan and other applicable adopted plans and planning documents;
B. The existing uses and types of development in the area;
C. The suitability of subject property for various uses;
D. The trends of growth or change; and
E. The current and future land use requirements of the town.

27-12.40.10 Effect of Approval

The town council's adoption of a zoning map amendment constitutes acceptance of any proffers. In addition:

A. **Part of Zoning Regulations.** The zone classification and any accepted proffers are deemed part of the zoning regulations applicable to the property that was the subject of the zoning map amendment.
B. **Effect of Accepted Proffers.** Once proffered and accepted by the town council in conjunction with an adopted zoning map amendment, any proffers continue in effect until a subsequent zoning map amendment changes the zoning of the subject property; provided that the proffers continue in effect if the subsequent zoning map amendment is part of a comprehensive implementation of a new or substantially revised zoning map or UDO.

27-12.40.11 Notice of Decision

Within 10 days after a final decision on a zoning map amendment application, the Planning & Community Development Director must provide the applicant with written notice of the decision and make a copy of the decision available to the public in the Planning & Community Development Department. Such notice is not required if the zoning map amendment was initiated by the planning commission or town council.

27-12.40.12 Appeals

Pursuant to § 15.2-2285 (F) of the Code of Virginia, a person aggrieved by a zoning map amendment decision of the town council may appeal the decision to the circuit court within 30 days.

27-12.40.13 Successive Applications

A property owner may not submit an application for a zoning map amendment that is substantially the same as a denied application for a zoning map amendment for the same parcels for one year from the date of the denial by the town council. This provision does not impair the right of the town council to propose a zoning map amendment on its own motion.

27-12.50 Conditional Use Permits

27-12.50.1 General

Conditional use permit approval is required whenever a requirement for such approval is expressly stated by the provisions of this UDO. Applications of conditional use permit approval must be processed in accordance with the procedures of this section.

27-12.50.2 Preapplication Meeting

At least 30 days before filing a conditional use permit application, the applicant is strongly encouraged to attend a preapplication meeting (see 27-12.20).

27-12.50.3 Application Filing

Conditional use permit applications must be filed by an eligible applicant, as defined in 27-12.10.4. Applications must be filed with the Planning & Community Development Department.

27-12.50.4 Required Public Hearings

A. The planning commission must hold at least one public hearing on a conditional use permit application before making its recommendation to the town council.
B. Following receipt of the planning commission recommendation, the town council must hold at least one public hearing before acting on a conditional use permit application.

27-12.50.5 Public Hearing Notice

A. The Planning & Community Development Department must provide notice of the planning commission's and town council's required public hearings in accordance with §§ 15.2-2204 (A) and (B) of the Code of Virginia, as otherwise required for conditional use permit applications, and § 15.2-2204 of the Code of Virginia.
B. The applicant must post the property subject to the conditional use permit request in accordance with 27-12.150.

27-12.50.6 Planning Commission

The planning commission must act to recommend approval the conditional use permit application as proposed, approval of the application with changes to be made prior to action on the application by the town council, or denial of the application.

27-12.50.7 Town Council

A. The town council must act to approve the conditional use permit application, deny the application, defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the town council, or refer the matter back to the planning commission or a town council committee for further consideration and recommendation.
B. An affirmative vote of at least a majority of the members of the town council is required to approve a conditional use permit application.

27-12.50.8 Review and Approval Criteria

In reviewing and acting on conditional use permit applications, the planning commission and town council must consider the following criteria:

A. **Consistency with the Comprehensive Plan.** Whether the proposed conditional use will be consistent with the Comprehensive Plan.
B. **Compliance with Applicable Regulations.** Whether the proposed conditional use complies with all applicable zoning and subdivision regulations of this UDO.
C. **Adverse Impacts.** Whether the proposed conditional use will adversely affect nearby properties or the public health, safety, and general welfare.
D. **Compatibility.** Whether the proposed conditional use will be compatible with the existing and proposed development in the surrounding area and the types, scale, and intensity of uses allowed in the subject zone.
E. **Water Quality.** If the proposed conditional use is located within the Watershed Protection Overlay (WPO), whether it will be designed and operated in a manner that will protect water quality.

27-12.50.9 Authorized Conditions

A. In acting on conditional use permit applications, the planning commission is authorized to recommend and the town council is authorized to impose reasonable conditions to address any possible adverse impacts of the conditional use. Conditions may pertain to but are not limited to the following:
    (1) Preventing or minimizing pollutants of any kind, noise, parking and traffic congestion, flood, and other hazardous, deleterious or otherwise undesirable substances or conditions.
    (2) Providing adequate police and fire protection.
    (3) Providing adequate improvements pertaining to transportation, water, sewage, drainage, recreation, landscaping, outdoor lighting, screening and buffering.
    (4) Establishing special requirements relating to building setbacks, off-street parking, ingress and egress, hours of operation, outside storage of materials, duration and intensity of use, building heights, and other particular aspects of occupancy or use.
    (5) The period by which the use or the construction of any structure required for the use must begin.
    (6) The materials and methods of construction or specific design features; provided that any condition imposed in connection with a residential conditional use permit:
        (a) Must be consistent with the objective of providing affordable housing if the applicant proposes affordable housing; and
        (b) Must consider the impact of the condition on the affordability of housing.
B. Except as the town council may specify in a particular case, any condition imposed on a conditional use is deemed to be essential and nonseverable from the conditional use permit itself. Any

condition determined to be unreasonable, invalid, void, or unlawful invalidates the conditional use permit.

Figure 27-12.50 Conditional Use Permits



27-12.50.10 Notice of Decision

Within 10 days after a final decision on a conditional use permit application, the Planning & Community Development Director must provide the applicant with written notice of the decision and make a copy of the decision available to the public in the Planning & Community Development Department.

27-12.50.11 Lapse of Approval

An approved conditional use permit lapses and becomes null and void two years after it is approved by the town council, unless a zoning permit for the work or improvements authorized has been issued and the project is commenced and thereafter diligently pursued to completion.

27-12.50.12 Revocation

The town council may revoke a conditional use permit if it determines, after a public hearing, that the permittee or any successor has not complied with any conditions of the permit. Notice of the public hearing must be given as provided in 27-12.50.5.

27-12.50.13 Successive Applications

A property owner may not submit a conditional use permit application that is substantially the same as a denied application for a conditional use permit for the same parcels for one year from the date of the denial by the town council.

27-12.60 Major Subdivisions

27-12.60.1 Applicability

The major subdivision procedures of this section apply to all subdivisions that are not classified as minor subdivisions (see 27-12.70.2), including subdivisions of 4 or more lots, or any size subdivision requiring new streets or extension of public water, sewer, or other public improvements.

27-12.60.2 General Process

The major subdivision review and approval process is a multi-step process requiring:

A. Approval of a construction plan; and
B. Approval and recordation of a final record plat.

27-12.60.3 Preapplication Meeting

At least 30 days before filing a preliminary subdivision plan for a major subdivision, the applicant is strongly encouraged to attend a preapplication meeting (see 27-12.20).

27-12.60.5 Construction Plans

A. **General.** The construction plan review process allows town staff to determine whether construction plans for the major subdivision are in compliance with all applicable regulations.
B. **Plan Submittal.** Construction plans must be filed with the Planning & Community Development Department and contain all materials identified by the Department as necessary to deem the application complete.
C. **Review and Distribution to Review Agencies.** Upon receipt of a complete application for construction approval, the Zoning Administrator must review the construction plan for compliance with applicable regulations and forward a copy of the final plan to the technical review committee for review and comment. The Zoning Administrator is also authorized to distribute plans to other review agencies and specify a date by which review agency comments must be received.
D. **Action by Zoning Administrator.**
A. Once the construction plan submittal or resubmittal is determined to be complete, the Zoning Administrator must act to approve or disapprove the construction plan.
B. If approved, one copy of the construction plan bearing certification of such approval must be returned to the subdivider. If disapproved, all of the reasons for disapproval in writing must be provided to the subdivider with references to the duly adopted ordinances, regulations or policies.
C. Approval of a construction plan must be indicated by the dated signature of the Zoning Administrator.
D. An application may be given a final disapproval if there is no action by the applicant for a period of six months provided there is notice given to the applicant at least 30 days prior to the final disapproval.
E. **Expiration of Construction Plans.** An approved construction plan remains valid and in effect for a period of 5 years from the date of construction plan approval.

27-12.60.6 Final Record Plats

A. **Approval.**
    (1) Once the final record plat submittal or resubmittal is determined to be complete by containing all materials identified by the Department of Planning & Community Development as necessary, the Zoning Administrator must act to approve or disapprove the final record plat plan.

(2) If approved, one copy of the final record plat bearing certification of such approval must be returned to the subdivider. If disapproved, all of the reasons for disapproval in writing must be provided to the subdivider with references to the duly adopted ordinances, regulations or policies.
(3) Approval of a final record plat must be indicated by the dated signature of the Zoning Administrator in order to be recorded.
(4) An application may be given a final disapproval if there is no action by the applicant for a period of six months provided there is notice given to the applicant at least 30 days prior to the final disapproval.

B. **Public Improvements.** Before any final record plat is finally approved, satisfactory arrangements must be made for performance bond, cash, cash bond, or other form of surety to cover the cost of necessary public improvements, in lieu of construction, to the satisfaction of the Director of Public Works. The subdivider must be released from performance agreements, bonds or sureties pursuant to § 15.2-2245 of the Code of Virginia, as follows:
(1) Upon completion of at least 30% of the facilities, a partial release must be granted within 30 days after receipt of written notice by the subdivider of completion of part or all required facilities, unless the Director of Public Works notifies the subdivider in writing of specified defects or deficiencies and suggested corrective measures or of non-receipt of approval by a local, state or federal agency;
(2) No more than 3 partial releases will be granted in any 12-month period;
(3) The town will retain 10% of the performance agreement, bond, or surety pending final acceptance and completion;
(4) A final release must be granted within 30 days after receipt of written notice by the subdivider of acceptance and completion of all construction, development and required facilities, unless the Director of Public Works notifies the subdivider or developer in writing of specified defects or deficiencies and suggested corrective measures or of non-receipt of approval by a local, state or federal agency. Acceptance requires that the public facility is accepted by and taken over for operation and maintenance by the state agency, town or other public authority responsible for maintaining and operating such facility.
(5) If the subdivision is vacated, the performance agreement, bond or surety may be released.

C. **Acceptance of Dedication.** All subdivisions that provide for dedication for public use of any right of way or property must comply with § 15.2-2241(5) of the Code of Virginia.

D. **Release by Zoning Administrator.** The Zoning Administrator is authorized to release the approved final record plat for recording only after the subdivider files the deed of dedication and applicable fees.

E. **Deadline for Recordation.** The subdivider must record the final record plat within six months of the date that the Zoning Administrator releases the approved final record plat for recording. If recording does not occur within this 6-month time-frame the Zoning Administrator is authorized to void the final plat approval and return the voided final plat to the subdivider.

F. **Expiration of Recorded Plats.** An approved final record plat remains valid and in effect for a period of five years from the date of final plan approval. Extensions to approved record plats may be granted by the planning commission upon application of the subdivider filed prior to the expiration date.

27-12.70 Minor Subdivisions

27-12.70.1 General

The minor subdivision approval procedures of this section provide an expedited approval process for small subdivisions that do not require the installation or extension of public streets or infrastructure.

27-12.70.2 Applicability

A. Property owners may elect to use the minor subdivision procedures of this section in lieu of the major subdivision procedures of 27-12.60 for subdivisions that will result in the creation of no more than three lots, including the parent tract and any remnants if such subdivision meets all the following criteria:
   (1) All lots will have frontage on an existing street;
   (2) No new streets or street extensions will be created;
   (3) No public facilities (infrastructure) will be installed or extended; and
   (4) The subdivision will not impede reasonable subdivision or development of the remainder of the parent tract or abutting property.

B. No application for minor subdivision approval of the same parent tract may be filed for five years following the date of any previously approved minor subdivision from the same parent tract.

27-12.70.3 General Process

The minor subdivision review and approval process requires approval of a final record plat as outlined in 27-12.60.6. No final subdivision plan approval is required. The applicant is strongly encouraged to attend a preapplication meeting before initiating the minor subdivision approval process (see 27-12.20).

27-12.75 Boundary Line Adjustments, Lot Consolidations & Easement Plats

27-12.75.1 General

The boundary line adjustment, lot consolidation and easement plat approval procedures of this section provide an approval process for small changes to lots that does not involve the creation of any new lots and that do not require the installation or extension of public streets or infrastructure, as well as easements.

27-12.75.2 General Process

The boundary line adjustment, lot consolidation and easement plat review and approval process requires approval of a final record plat as outlined in 27-12.60.6.

27-12.80 Family Subdivisions

27-12.80.1 General

Family subdivisions shall comply with the provisions of this UDO, other portions of Town Code, the Facilities Standards Manual and other laws and regulations of the town except where they specifically conflict with a provision of this section.

27-12.80.2 Eligibility

Family subdivisions shall be permitted in zoning districts zoned Rural Residential (RR), or Residential Suburban (RS) only, as the single division of a lot or parcel for the purpose of sale or gift to any non-minor member of the immediate family of the property owner. For the purposes of this provision, "immediate family" shall be defined as any person who's relationship to the property owner is:

A. A natural or legally defined child;
B. Sibling;
C. Parent;
D. Grandparent;
E. Grandchild;
F. Spouse;
G. Step-child;
H. Step-parent;
I. Step-sibling;
J. Aunt;
K. Uncle;
L. Niece; or
M. Nephew

Family divisions may be transferred jointly to a member of the immediate family and their spouse. The provisions of this section shall not apply to transfers of undivided interests by one or more co-tenants or joint tenants of any parcel to one or more of the other co-tenants or joint tenants. Family divisions of property held in trust for a family member are permitted subject to the provisions of section 27-12.80.3 D.

27-12.80.3 Provisions

A. Only one such division shall be allowed per family member as grantee and this shall be certified as such by the owner at the time of application to the Department of Planning and Community Development.
B. Family division lot size shall conform to the minimum lot size requirements of the zoning district in which they are located in accordance with the provisions of this UDO or be a minimum of one acre, whichever is less.
C. Before any parcel of land can become eligible for subdivision through the family division process, the current owner(s) must have continuously owned the parcel of land for a period of at least 15 years.
D. A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family, of beneficiaries of a trust, of land held in trust, may be permitted. All trust beneficiaries must (i) be immediate family members, (ii) agree that the property should be subdivided, and (iii) agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years.
E. The following requirements apply to the remnant lot of a family subdivision.
    (1) The remnant lot created by subdivision under this section shall conform to all standards identified within this UDO, the Facilities Standards Manual and any other applicable laws and regulations enforced with the town.
    (2) If the remnant lot was nonconforming prior to the family subdivision, the nonconformity cannot be expanded by a family subdivision and in all other aspects it must conform to all standards identified within this UDO, the Facilities Standards Manual and any other applicable laws and regulations enforced with the town.
F. All divisions pursuant to this section shall conform to the following requirements:
    (1) The deed of conveyance shall conform to the requirements of section 27-12.80.3 H. below.

(2) Each and every lot created by such a division, including any remaining land or remnant lot, shall have perpetual ingress and egress to a dedicated, recorded public street, either by being located on such street or by a recorded, platted, permanent easement of at least twenty (20) feet in width ("private street"), linking such lot to such a public street.

(a) No private street may be approved unless the instrument creating the easement provides for a perpetual maintenance agreement, as a covenant running with the land, binding on all property owners having rights in the easement. At a minimum, road maintenance agreements must include provisions describing the methodology for calculating the cost share for each parcel and a mechanism for collecting road maintenance fees. The instrument creating the easement shall also provide for easements for the benefit of all parcels adjoining the easement for present or future facilities providing cable television, gas, telephone, electric, water, sewer or other service to the parcels. Such instrument shall be in a form acceptable to and approved by the Town Attorney. Every final plat prepared pursuant to this provision shall depict the exact placement and dimensions of the easement as part of the property survey and shall designate the easement as a "private street, not to be maintained by VDOT or the Town of Culpeper ".

(b) Prior to the approval of any family division, the owner creating the family division and the proposed transferee shall execute an affidavit as provided for in section 27-12.80.3 G.

(c) If the family division is approved, the plat of subdivision shall contain a notice in a form to be approved by the Town Attorney, which notice shall state, at a minimum, that the plat and the division are pursuant to the requirements of this section 27-12.80, and that further transfer of the lots or parcels shown on the plat is limited in accordance with the provisions of section 27-12.80.3 F.(2)(d).

(d) Except as otherwise provided in section 27-12.80.3 I. below, no transferee under this provision shall further transfer or subdivide any lot created hereunder for a period of fifteen (15) years from the date of the transfer.

(3) The plat shall conform to 27.12-70.

G. The affidavit required in section 27-12.80.3 F.(2)(b). shall conform to the following requirements:

(1) The affidavit shall be in a form approved by the Town Attorney.

(2) The affidavit shall include:

(a) The names of the owner and the proposed transferee;

(b) The relationship between the owner and the proposed transferee;

(c) Information concerning any prior conveyances pursuant to this section 27-12.80 or this UDO or any predecessor provision of the Town of Culpeper Subdivision Ordinance affecting either the owner or the proposed transferee; and

(d) The purpose of the proposed division.

(3) The affidavit shall contain a certification by the proposed transferee that the proposed transferee understands and agrees that the property is subject to the requirements of section 27-12.80.3 F(2)(d).

H. The deed of conveyance for any family division shall conform to the following requirements:

(1) The deed shall be in a form approved by the Town Attorney.

(2) The deed shall be executed by both the transferor and the transferee.

(3) The deed shall contain a provision that the property is subject to the requirements of section 27-12.80.3 F(2)(d).

I. The foregoing provisions are subject to the following exceptions:

(1) Notwithstanding the provisions of sections 27-12.80.3 D. or 27-12.80.3 F(2)(d), the town council may approve a conveyance within the fifteen (15) year time period where the grantor demonstrates a bona fide financial or economic hardship or disaster which necessitates such conveyance. Upon such modification of a restrictive covenant, a locality

shall execute a writing reflecting such modification, which writing shall be recorded in accordance with VA Code § 17.1-227.

(2) Nothing herein shall be construed as preventing:

(a) Any sale or conveyance resulting from a deed of trust foreclosure;

(b) Any conveyance for the purpose of conveying legal title to any trustee in a bona fide deed of trust; or

(c) Any transfer pursuant to any judicial decree of partition or divorce, including any property settlement incorporated into a divorce decree.

27-12.90 Vacation of Subdivision Plats

27-12.90.1 If No Lots Have Been Sold

If no lot has been sold within an approved subdivision, the subdivision plat, or part thereof, may be vacated by:

A. With the consent of the town council, a duly executed and recorded written declaration that the plat is to be vacated pursuant to § 15.2-2271(1) of the Code of Virginia; or
B. Ordinance of the town council pursuant to § 15.2-2271(2) of the Code of Virginia.

27-12.90.2 If Lots Have Been Sold

If any of the lots within an approved subdivision have been sold, a plat, or part thereof, may be vacated by:

A. A written declaration that the plat is to be vacated, recorded and duly executed by the owners of lots shown on the plat and the town council, pursuant to § 15.2-2272(1) of the Code of Virginia;
B. Ordinance of the town council pursuant to § 15.2-2271(2) of the Code of Virginia.

27-12.90.3 Streets, Alleys and Easements

Any interest in streets, alleys, or public easements granted to the town may be vacated pursuant to § 15.2-2270 of the Code of Virginia.

27-12.100 Site Plans

27-12.100.1 General

Site plan review and approval is required in order to ensure a competent evaluation of whether proposed buildings, uses, and structures, and other site improvements comply with all applicable regulations of this UDO.

27-12.100.2 Applicability

All of the following require site plan review in accordance with the procedures of this section:

A. Any development that involves the provision of public improvements, such as curbs, parking, water, sewer and stormwater facilities and improvements involving land disturbance;
B. All new buildings and structures except those expressly exempted under 27-12.100.3;
C. All additions to existing buildings, except those expressly exempted under 27-12.100.3;

D. Any development that meets the threshold for VDOT review as set forth in § 15.2-2222.1 of the Code of Virginia.

27-12.100.3 Exemptions

A. Site plan review is not required for construction of or additions to detached houses, two-unit houses, or semi-detached houses, but the Zoning Administrator is authorized to require submittal of engineered house location survey and grading plan, certified by an engineer, architect, or land surveyor authorized by the Commonwealth of Virginia. Right-of-way, sidewalks, curb and gutter, lighting and landscaping improvements as required by this UDO must be provided and shown on the survey and grading plan. However, for infill lots in developed areas of town, improvements and right-of-way dedication are limited to the prevailing improvements on the street pursuant to and consistent with 27-11.40.4.

B. Site plan review is not required for construction of or additions to accessory buildings, but the Zoning Administrator is authorized to require submittal of scaled drawing demonstrating compliance with all applicable requirements of this UDO.

C. When a change of use of an existing building or structure can be accomplished without adding or constructing parking spaces or constructing additional public improvements, the Zoning Administrator is authorized to waive the requirement for site plan review, subject to the following:

(1) The applicant must submit an electronic file and 3 hard copies of an as-built plan showing the following:

(a) The size, location and use of existing buildings;

(b) The total number of existing, paved parking spaces and their location in relationship to the existing buildings;

(c) The location of existing water and wastewater lines and existing landscaping; and

(d) Ingress and egress to the property.

(2) The Zoning Administrator must review required as-built plans to determine compliance with applicable provisions of this UDO. Based on this review, the Zoning Administrator must act to approve the as-built plan or deny approval of the as-built plans.

27-12.100.4 Previously Approved Plans

The Zoning Administrator is authorized to consult previously approved development plans or site plans to determine compliance with this UDO if the subject site was constructed in substantial compliance with the approved plan.

27-12.100.5 Site Plan Approval Authority

Site plan review and approval authority rests with the Zoning Administrator.

27-12.100.6 Site Plan Preparation

Site plans involving engineering, architecture, landscape architecture or land surveying must be certified by an engineer, architect, landscape architect, or land surveyor authorized to practice by the Commonwealth of Virginia.

27-12.100.7 Application Filing

Site plans must be filed by an eligible applicant, as defined in 27-12.10.4. Applications must be filed with the Planning & Community Development Department.

27-12.100.8 Site Plan Review

Upon receipt of all materials necessary for the Department of Planning & Community Development to deem an application complete, the Zoning Administrator must review the proposed site plan and distribute it to the technical review committee for a determination of whether the construction and improvements identified on the site plan comply with all applicable regulations. The Zoning Administrator is also authorized to distribute plans to other review agencies and specify a date by which review agency comments must be received.

27-12.100.9 Action

A. Once the site plan submittal or resubmittal is determined to be complete, the Zoning Administrator must act to approve or disapprove the site plan.

B. If approved, one copy of the site plan bearing certification of such approval must be returned to the applicant. If disapproved, all of the reasons for disapproval in writing must be provided to the applicant with references to the duly adopted ordinances, regulations or policies.
C. Approval of a site plan must be indicated by the dated signature of the Zoning Administrator.
D. An application may be given a final disapproval if there is no action by the applicant for a period of six months provided there is notice given to the applicant at least 30 days prior to the final disapproval.

27-12.100.10 Notice of Decision

On the date of final action on the site plan, the Zoning Administrator must provide the applicant with written notice of the decision. If the site plan is disapproved, the notice must state the reasons for disapproval, which may be contained in a separate document or written on the site plan itself.

27-12.100.11 Financial Guarantees

A. Before the issuance of a zoning permit, the applicant must submit an agreement to construct required physical improvements located within the public right-of-way or easements connected to any public facility in form and substance as approved by the town. Such agreement must be accompanied by a surety bond or other town-approved financial guarantee in the amount of the estimated cost of the required physical improvements with contingency, as determined by the departments, divisions, or agencies responsible for such improvements.
B. The required agreement and financial guarantee must be provided for the completion of all covered work within the time specified in the agreement. The time period may be extended upon written application by the applicant, signed by all parties, including the sureties, to the original agreement.
C. The Town Manager, or their designee, is authorized to determine the adequacy, conditions and acceptability of any proposed financial guarantee.

27-12.100.12 Compliance with Approved Plan

A. Unless otherwise expressly provided in this UDO, the construction standards for all off-site improvements and on-site improvements required by UDO must conform to town design and construction standards and the approved site plan.
B. Inspections during the installation of off-site improvements and required on-site improvements must be made by the department or agency responsible for such improvements, as are required to certify compliance with the approved site plan and applicable town standards.
C. The applicant must notify the Zoning Administrator and Director of Public Works in writing at least 3 days before beginning any street or storm sewer work shown on the approved site plan.
D. The applicant must provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent, together with one set of approved plans, profiles and specifications, available at the site at all times when work is being performed.
E. Upon satisfactory completion of the installation of the required improvements, the owner must be provided with written approval from the Director of Public Works. The Town Manager, or their

designee, is authorized to approve a release or partial release of any bond or financial guarantee for such improvements upon notice by the Director of Public Works that the improvements have been satisfactorily completed.

F. The installation of improvements as required in this UDO does not in any way obligate the town to accept such improvements for maintenance, repair or operation. Acceptance of improvements is subject to existing regulations concerning acceptance of each type of improvement.

27-12.100.13 Amendments

The Zoning Administrator is authorized to approve revisions to approved site plans. All proposed revisions must comply with applicable UDO provisions and town standards.

27-12.100.14 As-Built Plans

Upon satisfactory completion of all required improvements shown on an approved site plan, the applicant must submit the completed as-built site plan and electronic file. Such plan must be submitted at least one week before the anticipated occupancy of any building.

27-12.100.15 Appeals

An applicant for site plan approval may appeal the decision of the Zoning Administrator to the circuit court. Appeals of site plan decisions must be filed within 30 days as prescribed in § 15.2-2259 of the Code of Virginia.

27-12.110 Certificates of Finding

27-12.110.1 General

The certificate of finding procedures of this section establish a public review process for evaluating the architectural compatibility of proposed construction, reconstruction, building alterations, and demolition within the town's Historic Overlay District (HOD).

27-12.110.2 Applicability, Exemptions

A certificate of finding is required, in accordance with the procedures of this section, before any zoning permit is issued for construction, reconstruction, alteration, or movement of buildings or structures within the HOD or before complete or partial demolition of historic landmark buildings or structures, except that the following do not require a certificate of finding:

A. Interior building alterations;
B. Refacing of existing signs, unless such signs include colors that are not included on the approved color chart;
C. Exterior building color, provided the color is from or closely resembles a color from the color chart approved by the architectural review board;
D. Banner signs installed on public infrastructure, including their color;
E. Any construction or modification of a structure that would not be visible when viewed from a point located 4 feet above the centerline of an existing public street within 600 feet of part of the structure being constructed or modified; and
F. Ordinary repair and maintenance.

27-12.110.3 Application Filing

Certificate of finding applications must be filed by an eligible applicant, as defined in 27-12.10.4. Applications must be filed with the Planning & Community Development Department and include information that will enable the Architectural Review Board to determine if all applicable standards will be met, such as:

A. Scaled drawings;
B. Façade elevations;
C. Samples of proposed building materials;
D. The scope of work for the project;
E. Specifications and details, as needed; and
F. Drawings showing surrounding building context.

27-12.110.4 Hearing and Final Action

The Architectural Review Board must hold a hearing, open to the public, on the certificate of finding application and, following the hearing, act to approve the application, approve the application with conditions, defer the application to allow for consideration of additional information, or deny the certificate of finding application.

27-12.110.5 Review and Approval Criteria

A. In acting on certificate of finding applications, the Architectural Review Board must evaluate whether the proposed activity is architecturally compatible with the historic structures in the HOD.
B. In making a determination of whether a proposed structure, modification or demolition is architecturally compatible, the architectural review board must balance the importance of the historic structure or detail sought to be preserved, or restored, and the costs of construction or alteration that would be historically sensitive. In making that determination, the architectural review board must utilize the U.S. Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, Department of Interior, and practical and economic considerations.
C. When reviewing historic buildings and structures, the Architectural Review Board must also utilize the Historic District Handbook and Design Guidelines.
D. In making a determination related to a proposed demolition of a structure, the Architectural Review Board uses 6 criteria to evaluate the request:
    (1) Demolition should be considered as a last resort. Evidence of attempts to utilize alternate solutions to salvage the property should be provided.
    (2) The architectural significance of a building or structure.
    (3) The historical significance of a building or structure.
    (4) Whether a building or structure is linked, historically or architecturally, to other buildings or structures, so that their concentration or continuity possesses greater significance than the particular building or structure individually.
    (5) The condition and structural integrity of the building or structure, as indicated by documentation prepared by a qualified professional or licensed contractor, or other information, provided to the Architectural Review Board for examination.
    (6) Inordinate hardship.

27-12.110.6 Appeals

A. **Appeals to Town Council.** If the Architectural Review Board denies a certificate of finding the owner of the property or applicant for such certificate is authorized to appeal such decision to the town council by filing a written notice of appeal with the Planning and Community Development Department within 30 days of the Architectural Review Board's decision.
B. **Appeals to Circuit Court.** Within 30 days of the town council's decision on the appeal, the applicant or owner of the subject property is authorized to appeal the town council decision to the

circuit court by filing an appeal setting forth the alleged illegality of action by the town council. The filing of such appeal stays the decision of the town council pending the outcome of the appeal to the circuit court except that the filing of such appeal does not stay the decision of the town council if the decision denies the right to raze or demolish a historic landmark, building, or structure.

27-12.110.7 Demolition; Owner Rights

A. The owner of any historic structure for which a certificate of finding for its razing or demolition has been denied on appeal by the town council is authorized to raze or demolish the subject structure as a matter of right pursuant to § 15.2-2306 of the Code of Virginia, provided that the owner files an application with the town council within one year of the date of denial of the certificate of finding by the town council stating the owner's intent to exercise that right, and submits a bona fide offer to sell the subject structure and land at a price reasonably related to its fair market value to any entity as allowed by law that is willing to preserve and restore such structure. The owner must demonstrate the basis for the determination of fair market value as well as the steps taken to secure a bona fide offer to purchase the property.
B. If no bona fide contract binding on all the parties has been executed for the sale of the subject structure and land before the time set out in this UDO, the application is deemed approved.

27-12.110.8 Expiration

Any certificate of finding of architectural compatibility shall expire of its own limitation two years from the date of issuance if the work authorized thereby is not commenced by the end of such two year period unless the certificate of finding is approved in order to address an outstanding violation of this chapter, in which case the certificate shall expire of its own limitation six months from the date of issuance if the work authorized is not commenced by the end of such six month period. Further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of six months after being commenced. Prior to the expiration of a certificate of finding of architectural compatibility, upon written request and for reasonable cause, the Architectural Review Board may extend the validity of any such certificate for a period not to exceed one year.

27-12.120 Zoning Variances

27-12.120.1 General

The Board of Zoning Appeals is authorized to approve zoning variances in accordance with the procedures of this section.

27-12.120.2 Prohibited Zoning Variances

The zoning variance procedures of this section may not be used to:

A. Permit a use or expansion of a use otherwise prohibited in the subject zone;
B. Waive, modify or otherwise vary any of the review and approval procedures of this UDO;
C. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by another authorized decision-making body or the state or federal government;
D. Waive, vary or modify provisions over which jurisdiction for regulatory relief is assigned to another decision-making body;

E. Waive, modify or otherwise vary any of the subdivision design and improvement regulations of this UDO; or
F. Waive, vary or modify provisions for which zoning variances are expressly prohibited.

27-12.120.3 Preapplication Meeting

At least 30 days before filing a zoning variance application, the applicant is strongly encouraged to attend a preapplication meeting (see 27-12.20).

27-12.120.4 Application Filing

Zoning variance applications must be filed by an eligible applicant, as defined in 27-12.10.4. Applications must include a scaled plan and be filed with the Planning & Community Development Department.

27-12.120.5 Notice of Hearing

A. The Planning & Community Development Department must provide notice of the Board of Zoning Appeals' required public hearing in accordance with § 15.2-2204 of the Code of Virginia.
B. The applicant must post the property subject to the variance request in accordance with 27-12.150.

Figure 27-12.120 Zoning Variances



27-12.120.6 Hearing and Final Action

The Board of Zoning Appeals must hold a public hearing on the zoning variance application and, following the close of the hearing, act to approve the zoning variance application, approve the variance application with conditions, or deny the zoning variance application.

27-12.120.7 Authorized Conditions

In approving a zoning variance, the Board of Zoning Appeals is authorized to impose conditions, as follows:

A. **Nature of Conditions.** The Board of Zoning Appeals may impose reasonable conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest.
B. **Financial Guarantee to Ensure Compliance.** The Board of Zoning Appeals also may require that the applicant provide a financial guarantee to ensure ongoing compliance with the conditions imposed.

C. **Conditions Deemed Essential and Nonseverable.** Except as the Board of Zoning Appeals may specify in a particular case, any condition imposed on a variance is deemed to be essential and nonseverable from the zoning variance itself and any condition determined to be invalid, void or unlawful invalidates the zoning variance.

D. **Reasonable Accommodation.** The Board of Zoning Appeals is authorized to require that any zoning variance granted to provide a reasonable modification to a property or improvements requested by, or on behalf of, a person with disabilities expire when the person benefited by the zoning variance is no longer in need of the modification or improvements allowed by the zoning variance, subject to the provisions of state and federal fair housing laws and the Americans with Disabilities Act, as applicable.

27-12-120.8 Review and Approval Criteria

The Board of Zoning Appeals is authorized to grant a zoning variance if the evidence presented by the applicant shows that the requested variance is in accord with the considerations outlined within VA Code § 15.2-2309.2.

27-12.120.9 Notice of Decision

Within 10 days after a final decision on a zoning variance application, the Planning & Community Development Director must provide the applicant with written notice of the decision and make a copy of the decision available to the public in the Planning & Community Development Department.

27-12.120.10 Effect of Approval

The property upon which a property owner has been granted a zoning variance will be treated as conforming for all purposes under state law and this UDO; however, a structure permitted by a zoning variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under this UDO. If an expansion is proposed within an area of the site or part of the structure for which a zoning variance is required, the approval of an additional zoning variance is required.

27-12.120.11 Lapse of Approval

An approved zoning variance lapses and becomes null and void two years after it is approved by the Board of Zoning Appeals, unless a zoning permit for the work or improvements authorized has been issued and the project is commenced and thereafter diligently pursued to completion.

27-12.120.12 Successive Applications

An applicant may not submit a zoning variance application that is substantially the same as the denied application within one year after the date of the denial by the Board of Zoning Appeals.

27-12.120.13 Appeals

Any person aggrieved by a decision of the Board of Zoning Appeals on a zoning variance may appeal the decision to the circuit court in accordance with § 15.2-2314 of the Code of Virginia.

27-12.125 Reasonable Accommodations

27-12.125.1 General

The reasonable accommodations request procedures of this section establish a process for evaluating the appropriateness of proposed deviations from the requirements of this UDO in order to permit an individual to use and enjoy a dwelling or structure. These accommodations must be in accordance with provisions of state and federal fair housing laws or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable.

27-12.125.2 Request Submission Requirements

If this Code prevents an individual with a disability from having an equal opportunity to use and enjoy a dwelling or structure and a reasonable accommodation would allow that person to have an equal opportunity for such use or enjoyment, the owner or tenant of the dwelling or structure may submit a reasonable accommodation request to allow such reasonable accommodation. The reasonable accommodation request must contain:

A. The Code section that is a barrier to equal opportunity for use and enjoyment;
B. The property to which the requester wishes the reasonable accommodation to apply;
C. The accommodation being requested and an explanation of how the person's disability requires that accommodation;
D. The identity of the individual needing the accommodation; and
E. The medical documentation for the need for the accommodation.

27-12.125.3 Zoning Administrator Action

A. Reasonable accommodation requests shall be submitted to the Zoning Administrator who shall evaluate the request and identify:
    a. Potential impacts of the accommodation request on public health, safety or welfare, the Town's finances or administration, or the fundamental nature of the zoning ordinance, if any; and
    b. Potential alternatives to the accommodation request if the requested accommodation is unreasonable.
B. If the requested accommodation would impose either (i) an undue financial and administrative burden or (ii) a fundamental alteration to the nature of the zoning ordinance, the Zoning Administrator shall offer to engage in a good-faith interactive process to determine if there is an alternative accommodation that would effectively address the disability-related needs of the requester.
C. If the reasonable accommodation request can be granted with a variance, the Zoning Administrator shall deny the request and refer the requester to the process for obtaining a variance.

27-12.125.4 Presentation to Town Council

Completed requests for reasonable accommodation that cannot be granted with a variance shall be presented to the Town Council for action within 90 days of their submission to the Zoning Administrator.

27-12.125.5 Validity

A. If granted, the reasonable accommodation will be memorialized in the zoning record for the affected property and expire when the identified individual no longer requires the accommodation or is no longer residing at, or utilizing, the identified property.

B. Reasonable accommodations granted under this provision are personal to the individual requiring them and may not be transferred.

27-12.130 Administrative Modifications

27-12.130.1 General

The administrative modification procedure of this section establishes a streamlined, administrative process for the Zoning Administrator to review and act on requests for modifications from certain zoning regulations, in accordance with § 15.2-2286 the Code of Virginia.

27-12.130.2 Authorized Administrative Modifications

A. The Zoning Administrator is authorized to grant an administrative modification to modify any zoning-related provision of this UDO with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if such modification meets the requirements of this section.
B. The administrative modification procedures may not be used to vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body.

27-12.130.3 Application Filing

Administrative modification applications must be filed by an eligible applicant, as defined in 27-12.10.4. Applications must be filed with the Planning & Community Development Department.

27-12.130.4 Notice of Application Filing

A. The Planning & Community Development Department must provide written notice of the filing of an administrative modification application to owners of property that abut the subject property at least 21 days before acting on the administrative modification. The costs of providing property owners notification is the responsibility of the applicant.
B. The notice must indicate that abutting property owners may object to granting of the administrative modification by filing a written objection in the Planning & Community Development Department and the date by which such written objection must be received.
C. The applicant must post the property subject to the modification request in accordance with 27-12.150.

27-12.130.5 Action by Zoning Administrator

The Zoning Administrator must review the application and take action to:

A. Approve the application (authorize the administrative modification);
B. Approve the application (authorize the administrative modification) subject to conditions of approval; or
C. Deny the application.

27-12.130.6 Review and Approval Criteria

A. Administrative modification applications may be approved only when the Zoning Administrator finds that all of the following decision-making criteria are met:
    (1) That strict application of the subject regulation would produce undue hardship;

(2) That such hardship is not shared generally by other properties in the same zone and the same vicinity;
(3) That approval of the administrative modification will not be of substantial detriment to adjacent property and the character of the zone will not be changed by the granting of the administrative modification.

B. The Zoning Administrator's findings must be in writing and be provided to the applicant within 10 days after a final decision on an administrative modification application. A copy of the decision must also be made available to the public in the Planning & Community Development Department.

27-12.130.7 Lapse of Approval

An approved administrative modification lapses and becomes null and void two years after it is approved by the Zoning Administrator, unless a zoning permit for the work or improvements authorized has been issued and the project is commenced and thereafter diligently pursued to completion.

27-12.140 Appeals of Administrative Decisions

27-12.140.1 Applicability

A. **Zoning.** The Board of Zoning Appeals is authorized to hear and decide appeals when it is alleged there has been an error in any order, requirement, decision, or determination made by the Zoning Administrator or any other administrative official in the administration and interpretation of the zoning regulations of this UDO.
B. **Subdivision.** The town council is authorized to hear and decide appeals when it is alleged there has been an error in any order, requirement, decision, or determination made by the Zoning Administrator or any other administrative official in the administration and interpretation of the subdivision regulations of this UDO.

27-12.140.2 Standing to Appeal

An appeal to the Board of Zoning Appeals or town council may be taken by any person aggrieved by any decision of the Zoning Administrator or town administrative official in the administration and interpretation of the zoning or subdivision regulations of this UDO.

27-12.140.3 Filing of Appeal

Any appeal must be provided in writing and received by the Planning & Community Development Department within 30 days after the date of the administrative decision being appealed, provided that any appeal of a notice of violation involving temporary or seasonal commercial uses, parking commercial trucks in residential zones, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations, must be received by the Planning & Community Development Department within 10 days after the date of the decision. The written notice of appeal must include a statement of the alleged error or improper decision, the date of that decision, and the grounds for the appeal.

27-12.140.4 Effect of Filing

The filing of an appeal stays all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board of Zoning Appeals or town council that, by reason of the facts stated in

the certificate, a stay would in the Zoning Administrator's opinion cause imminent peril to life or property. If the Zoning Administrator makes such a certification, the proceedings are stayed unless either the town council or the circuit court grants a restraining order for good cause shown.

27-12.140.5 Transmittal to Board of Zoning Appeals or Town Council

Upon receipt of a complete notice of appeal, the administrative official whose decision is being appealed must transmit to the Board of Zoning Appeals or town council, as appropriate, all papers constituting the record upon which the action appealed is taken.

27-12.140.6 Notice of Hearing

A. **Zoning.** For appeals of the zoning regulations, the Planning & Community Development Department must provide notice of the hearing as well as written notice to the parties to the appeal in accordance with § 15.2-2204 of the Code of Virginia.
B. **Subdivision.** For appeals of the subdivision regulations, the Planning & Community Development Department must provide written notice to the parties to the appeal.

27-12.140.7 Hearing and Final Decision

A. The Board of Zoning Appeals must hold a public hearing to consider the appeal. Town council may hold a public hearing if desired.
B. Following the close of the hearing, the determining body must take action on the appeal.
C. In acting on appeals, the determining body has all the powers of the administrative official from whom the appeal is taken. The determining body may affirm or reverse, wholly or in part, or modify the decision being appealed. The concurring vote of a majority of the determining body is necessary to reverse an administrative decision.
D. In acting on the appeal, the determining body must grant to the administrative official’s decisions a presumption of correctness, placing the burden of on the appellant to rebut the presumption of correctness by a preponderance of the evidence presented.

27-12.140.8 General Review Criterion

The decision of the determining body must be based on its judgment of whether the administrative official's decision was correct. The determining body must also consider any applicable ordinances, laws, and regulations in making its decision.

27-12.140.9 Notice of Decision

Within 10 days after a final decision on an appeal of an administrative decision, the Planning & Community Development Director must provide the applicant with written notice of the decision and make a copy of the decision available to the public in the Planning & Community Development Department.

27-12.140.10 Appeals

Any person aggrieved by a decision of the Board of Zoning Appeals may appeal the decision to the circuit court in accordance with § 15.2-2314 of the Code of Virginia.

27-12.150 Posting of Properties

27-12.150.1 Applicability

The posting of properties shall apply to all applications requesting a zoning map amendment, conditional use permit, zoning variance, administrative modification, and any other applications where the Zoning Administrator deems it appropriate to post the property.

27-12.150.2 Posting Content

The posted notice shall contain the date, location and time of the public hearing, the nature of the proposed change, the property affected, such other information as may be necessary to provide adequate identification of the application, and where further information on the application may be obtained. The applicable posting sign and the latter information shall be prepared by the Department of Planning & Community Development and provided to the Applicant.

27-12.150.3 Posting

A. The Applicant shall, at least 15 days before the date of the hearing, post a notice of the public hearing on the land or building involved in any rezoning, special exception, special permit or variance application. The Applicant shall complete an affidavit that posting in accordance with these provisions was done, and shall file such affidavit with the Department of Planning & Community Development within three days after posting of the property.
B. Said notice shall be posted at reasonable intervals along every street abutting the subject property or, if there is no abutting street, then along the exterior boundary lines of the subject property and within a distance of 300 feet along every street providing access thereto. Such signs shall be posted so as to assure the greatest public visibility practical.
C. Said notice shall be placed on all parcels of land involved in an application unless the hearing involves an application for a comprehensive amendment to the Zoning Map initiated by resolution of intention by the Planning Commission or the Board, or unless the hearing body may specifically waive or modify such a requirement.

27-12.150.4 Maintenance and Removal

A. The Applicant shall be responsible for maintaining the signs in good condition until the public hearing, and shall replace damaged signs as soon as practical. Replacement signs will be made available through the Department of Planning & Community Development upon Applicant request. It shall be a violation of this section to damage or remove a public notice sign erected under these provisions, and each sign shall carry a warning to this effect.
B. All posted notice notices shall be removed by the applicant no later than seven days after the conclusion of the hearing to which they pertain.

27-12.160 Zoning Permits

27-12.160.1 Applicability

A zoning permit shall be required prior to the erection, construction, alteration, relocation, conversion, extension or enlargement of a structure.

27-12.160.2 Change of Use

No occupied or vacant land, and no existing or new structure, shall hereafter be changed in use in whole or in part unless the owner has first applied for and secured a zoning permit for the change of use.

27-12.160.3 Validity

An approved zoning permit is valid for two years after it is approved by the Zoning Administrator. Thereafter, a new zoning permit shall be necessary. The duration may be for a shorter period if determined appropriate by the zoning administrator and shall be clearly indicated on the zoning permit.

27-13. Administration and Enforcement

27-13.10 Review and Decision-Making Bodies

27-13.20 Violations, Penalties and Enforcement

27-13.10 Review and Decision-Making Bodies

27-13.10.1 Zoning Administrator

The Zoning Administrator has those powers and duties expressly stated in this UDO, including the following:

A. To interpret and administer the provisions of this UDO,
B. To investigate complaints of violations of this UDO;
C. To enforce the provisions of this UDO to ensure compliance;
D. To refuse to issue any permit for any building or for the use of any premises that would violate any of the provisions of this UDO;
E. To order, in writing, the remedy of any condition found in violation of this UDO; and
F. To bring legal action to ensure compliance with this UDO, including injunction, abatement or other appropriate action or proceeding.

27-13.10.2 Technical Review Committee

A. **Composition.** The Technical Review Committee may be composed of representatives of the following town Departments and affiliated agencies:
    (1) Town Manager's Office;
    (2) Planning & Community Development;
    (3) Public Works;
    (4) Light and Power;
    (5) Environmental Services;
    (6) Culpeper Soil and Water Conservation District;
    (7) Culpeper County Building Official;
    (8) Virginia Department of Transportation; and
    (9) Other persons or agencies as determined by the Zoning Administrator.
B. **Powers and duties.** The Technical Review Committee is delegated authority to and responsibility for technical review and compliance with the town's ordinances and regulations in relation to submitted site plans and subdivisions. The Committee produces reports identifying any technical deficiencies of submitted plans.

27-13.10.3 Planning Commission

A. **Created.** The planning commission is established in conformance with a resolution adopted by the town council, on July 8, 1975: and in accordance with Section 15.2-2210 of the Code of Virginia.
B. **Membership**
    (1) **Composition.** The planning commission consists of five members appointed by the town council. All members must be residents of the Town of Culpeper and qualified by knowledge and experience to make decisions on questions of growth and development. New members are required to complete a certified planning commissioner course within two years of their appointment. At least half of the members must own real property in the Town of Culpeper. One planning commission member may be a member of the town council.
    (2) **Appointment and Terms.** Members of the planning commission are to be appointed for a term of four years, after initial appointments. The town council member of the planning commission serves until the expiration of their term on the town council. Any vacancy in membership must be filled by appointment by the town council, and for the remainder of the unexpired term only. Members of the planning commission are eligible for reappointment and may be removed by the town council in accordance with state law.

(3) **Organization.** The planning commission must adopt bylaws governing election of officers, holdings of meetings, and keeping of records. The bylaws are subject to approval by the town council.
(4) **Quorum.** Three members of the planning commission constitutes a quorum for the conduct of business. A simple majority of those members present is required to take action. Conduct of the meetings must follow policies adopted by the town council governing meetings.
(5) **Powers and Duties.** The planning commission is responsible for conducting those duties expressly identified in this UDO, including holding public hearings, conducting reviews, and making recommendations to town council on UDO text amendments, zoning map amendments, conditional use permits, and other matters required by town council. The planning commission also reviews and recommends changes to the Comprehensive Plan. The planning commission, in coordination with Town staff, public authorities, and state agencies reviews and may act on officially submitted proposed land development activities. Members may act as representatives to other authorities, boards, and commissions of the town.

27-13.10.4 Board of Zoning Appeals

A. **Created.** There is hereby created a Joint Board of Zoning Appeals, upon the lawful enactment of ordinances by the Board of Supervisors of Culpeper County and the town council in accordance with Section 15.2-2308 of the Code of Virginia.
B. **Membership.**
(1) **Composition.** The Board of Zoning Appeals consists of five members, consisting of two members from the county, two members from the town, plus one member from the area at large. Members are appointed by the judge of the circuit court for the county following a recommendation from the local government(s).
(2) **Appointment and Terms.** Members of the Board of Zoning Appeals are to be appointed for a term of five years, after initial appointments.
(3) **Organization.** The Board of Zoning Appeals must adopt bylaws governing election of officers, holdings of meetings, and keeping of records.
(4) **Quorum.** Three members of the Board of Zoning Appeals constitutes a quorum for the conduct of business. A simple majority of those members present is required to take action.
(5) **Powers and Duties.** The Board of Zoning Appeals is responsible for conducting those duties expressly identified in this UDO, including holding public hearings on variances and appeals of the Zoning Administrator actions and decisions.

27-13.10.5 Architectural Review Board

A. **Created.** There is hereby created a board to be known as the architectural review board.
B. **Membership**
(1) **Composition.** The architectural review board consists of five members who must have demonstrated interest, competence or knowledge in historic preservation. In making appointments to the Architectural Review Board, the town council must endeavor to appoint at least one member who is an architect or architectural historian and at least one additional member who has professional training or equivalent experience in architecture, history, architectural history, planning, or archaeology. All five members must be:
(a) Residents of the town, or
(b) Property owners or business owners in the historic overlay, or
(c) Licensed architects or architectural historians.
Additionally, the town council may select one of its members to act as a liaison to the board, with the right to attend and participate in all meetings of the board, but not entitled to vote.

(2) **Appointment and Terms.** The members are to be appointed by the town council for terms of office of four years from the date of appointment. Vacancies occurring during the term of a member will be filled for the unexpired portion of the term only. Members serve without compensation except for justifiable out-of-pocket expenses.
(3) **Organization.** The architectural review board must adopt bylaws governing election of officers, holding of meetings and keeping of records. The bylaws are subject to approval by the town council.
(4) **Quorum.** Three members of the architectural review board constitutes a quorum for the conduct of business. A simple majority of those members present is required to take action. Conduct of the meetings must follow the board's adopted bylaws.
(5) **Powers and Duties.** The architectural review board has those powers and duties expressly identified in this UDO, including:
    (a) Undertake studies and review information related to historic structures and properties in the Town; identify and recommend additional properties or areas to be designated as an historic overlay; identify and recommend boundary changes to the existing historic overlay;
    (b) Recommend to town council guidelines for applying historic overlay regulations, including methods for revitalizing structures to preserve their historic character, an inventory and ranking of historic structures, a synopsis and ranking of historic aspects of construction and information related to costs of renovation; and
    (c) Review and act on certificate of finding applications (see 27-12.110).

27-13.20 Violations, Penalties and Enforcement

27-13.20.1 Purpose

The regulations of this section establish the procedures by which the town will seek to ensure compliance with the provisions of this UDO. It also sets forth the remedies and penalties that apply to violations of this UDO. The provisions are intended to promote voluntary compliance and correction of violations whenever possible.

27-13.20.2 Responsibility for Enforcement

The Zoning Administrator is responsible for enforcing the provisions of this UDO in accordance with the Code of Virginia and is authorized to appoint one or more deputies to assist in enforcement.

27-13.20.3 Violations

All of the following constitute violations of this UDO and are subject to the remedies and penalties provided for in this UDO.

A. To use or modify land, buildings, or other structures in any way that is not consistent with the requirements of this UDO;
B. To erect a building or other structure in any way not consistent with the requirements of this UDO;
C. To install or use a sign in any way not consistent with the requirements of this UDO;
D. To engage in the use of a building, structure, or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this UDO, without obtaining such required permits or approvals;
E. To engage in the use of a building, structure, or land, the use or installation of a sign, or any other activity for which a permit or approval has been granted under this UDO or under previous zoning

regulations of the town, that is in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;

F. To violate the terms of any permit or approval granted under this UDO, or under previous zoning and subdivision regulations of the town, or any condition imposed on the permit or approval;
G. To subdivide land without obtaining subdivision plat approval and recording the approved plat with the Clerk of the Circuit Court of Culpeper County;
H. To obscure, obstruct, or destroy any notice required to be posted under this UDO;
I. To violate any lawful order issued by any authorized town official;
J. Obtain a permit or approval required under this UDO through the use of false or misleading information; or
K. To continue any violation after receipt of notice of a violation.

27-13.20.4 Continuing Violations

Each day that a violation remains uncorrected after receiving notice of the violation from the town constitutes a separate violation of this UDO.

27-13.20.5 Persons Subject to Penalties

A. Any person who violates the provisions of this UDO may be held jointly and severally responsible for the violation and subject to the remedies and penalties set forth in this article or the town's adopted Fine and Fee Schedule.
B. For the purposes of this article, "person" includes an individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in this article for UDO violations include but are not limited to the owner, tenant, or occupant of the land or structure that is in violation of this UDO, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes an UDO violation.

27-13.20.6 Remedies and Enforcement Powers

The town has all remedies and enforcement powers allowed by law, including, without limitation, all of the following:

A. **Revoke Permits**
   (1) A permit, certificate, or other form of authorization required under this UDO may be revoked by the Zoning Administrator or by the town council in the case of a conditional use permit when the Zoning Administrator or town council, as applicable, determines:
      (a) That there are unapproved, significant departures from approved plans or permits;
      (b) That the development permit was procured by false representation or was issued by mistake; or
      (c) That any of the provisions of this UDO, or any approval previously granted by the town, are being violated.
   (2) Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can reasonably be served with notice, the notice must be posted in a prominent location.
   (3) The notice of revocation must explain the reasons for revocation and include an explanation that the Zoning Administrator's decision may be appealed in accordance with 27-12.140.
   (4) No person may continue to use land or buildings in the manner authorized by a permit or certificate after the permit or certificate is revoked.

B. **Stop Work.** With or without revoking permits, the Zoning Administrator may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this UDO, or of a permit or other form of authorization, issued under this or previous zoning regulations.

C. **Correct and Abate.** Any violation or attempted violation of this UDO may be restrained, corrected, or abated by injunction or other appropriate proceeding in accordance with the Code of Virginia.

D. **Civil and Criminal Penalties**

(1) **Criminal Offense.** Any person, firm, corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this UDO other than one for which a civil penalty is authorized is guilty of a misdemeanor and, upon conviction of such misdemeanor, is subject to a fine of not less than $10.00 nor more $1,000.00 for each violation.

(2) **Civil Penalties.** Any person who violates any of the specified provisions of the UDO that does not result in an injury to any person is subject to a fine in the amount specified in a schedule of fines as set by the town council or as specified in the Code of Virginia.

(a) Notwithstanding the designation of civil violations in the uniform schedule of penalties, civil penalties may not be imposed for:

i. Enforcement of the Uniform Statewide Building Code;
ii. Activities related to land development or activities related to the construction or repair of buildings and other structures;
iii. Violation of an erosion and sediment control ordinance; and
iv. Violation of any zoning provision relating to the posting of signs on public property or public rights-of-way.

(b) Any person summoned for a violation of any of the sections listed in the uniform schedule may make an appearance in person or in writing to the Town Treasurer before the date fixed for trial. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such person must be informed of their right to stand trial on any or all of the alleged violations, and that a signature to an admission of liability will have the same force and effect as a judgment of court.

(c) If a person charged with a violation does not waive trial and admit liability, the violation will be tried in the Culpeper District Court in the same manner and with the same right of appeal as provided for by law. The burden is on the town to show the liability of the violator by a preponderance of evidence.

(d) An admission of liability or finding of liability is not a criminal conviction for any purpose. The designation of a particular violation for a civil penalty pursuant to this section is in lieu of criminal sanctions, and, except for any violation resulting in injury to a~~n~~ person or persons, such designation precludes the prosecution of a violation as a criminal misdemeanor. Nothing in this section shall preclude action by the Zoning Administrator under §§ 15.1-491(d) or 15.2-2286(4) of the Code of Virginia, or action by the town under § 15.2-2208 of the Code of Virginia.

(e) Each day during which the violation is found to have existed constitutes a separate offense, but in no event may specified violations arising from the same operative set of facts be charged more frequently than once in any 10-day period, and, in no event may a series of specified violations arising from the same set of facts result in civil penalties that exceed a total of $3,000.00.

E. **Other Penalties, Remedies and Powers.** The town may seek such other penalties and remedies as are provided for in the Code of Virginia.

F. **Continuation of Previous Enforcement Actions.** Nothing in this UDO prohibits the continuation of previous enforcement actions, undertaken by the town pursuant to previous zoning and subdivision regulations.

27-13.20.7 Notice of Violations

A. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, the person responsible for such violation must be notified in writing, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator is authorized to take any other action allowed by law to ensure compliance and prevent further violations.
B. Upon determining that delay in abating the violation would pose imminent peril to life or property, the Zoning Administrator may seek immediate enforcement without prior written notice. The person responsible for the violation must be notified as soon as is reasonably possible.

27-13.20.8 Appeals

Except as otherwise expressly stated in this UDO or in the general statutes, a determination made by the Zoning Administrator or other administrative officials that a zoning violation has occurred may be appealed by the affected party in accordance with the appeal procedures of 27-12.140.

27-14. Nonconformities

27-14.10	General
27-14.20	Vested Rights
27-14.30	Nonconforming Lots
27-14.40	Nonconforming Uses
27-14.50	Nonconforming Structures
27-14.60	Nonconforming Signs
27-14.70	Other Nonconformities
27-14.80	Removal of Nonconforming Status

27-14.10 General

27-14.10.1 Scope

The regulations of this article govern nonconformities, which are lots, uses, buildings, signs, and other structures and improvements that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more provisions of this UDO.

27-14.10.2 Purpose

Occasionally, lots, uses, buildings, signs, and other structures and improvements that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) are made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through amendments to the zoning map or the text of applicable zoning regulations). The regulations of this article are intended to clarify the effect of this "nonconforming" status and avoid confusion with "illegal" uses and activities (i.e., those established in violation of applicable zoning regulations). The regulations of this article are also intended to:

A. Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
B. Promote maintenance, reuse and rehabilitation of existing buildings; and
C. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

27-14.10.3 Authority to Continue

Any nonconformity that existed on the effective date specified in 27-1.10.3 or any situation that becomes nonconforming upon adoption of any amendment to this UDO may be continued in accordance with the regulations of this article unless otherwise expressly stated.

27-14.10.4 Determination of Status

A. The burden of proving that a situation has nonconforming status rests entirely with the subject landowner.
B. The Zoning Administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.
C. Appeals of the Zoning Administrator's decision on nonconforming status determinations may be appealed in accordance with the appeal procedures of 27-12.140.

27-14.10.5 Repairs and Maintenance

A. Nonconformities must be maintained to be safe and in good repair.
B. Repairs and normal maintenance that do not increase the extent of nonconformity and that are necessary to keep a nonconformity in sound condition are permitted unless otherwise expressly prohibited by this UDO.
C. Nothing in this article is intended to prohibit:
    (1) Modifications to nonconforming structures that are necessary to bring them into compliance with the Americans with Disabilities Act (ADA); or
    (2) Modifications to nonconforming structures necessary to ensure their structural integrity and safe condition, as directed in an order from a duly authorized town or county official.

27-14.10.6 Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected merely by change of title or possession or by right of possession of property.

27-14.20 Vested Rights

Pursuant to § 15.2-2307.A of the Code of Virginia, the regulations of this article are not intended to authorize the impairment of any vested right.

27-14.30 Nonconforming Lots

27-14.30.1 Description

A nonconforming lot is a lawfully created lot that does not comply with currently applicable minimum lot area or minimum lot width regulations of the zone in which the lot is located.

27-14.30.2 Use of Nonconforming Lots

A nonconforming lot may be used in accordance with the use regulations of the subject zone, and buildings may be erected on such a nonconforming lot, subject to compliance with all other applicable regulations of this UDO.

27-14.30.3 Lots Created Prior to March 7, 1968

Where a lot in a residential zoning district has less area and less width than required in this UDO and was recorded under one ownership prior to March 7, 1968, such lot may be occupied by a single-family dwelling. Such lot recorded under one ownership on March 7, 1968, shall conform to the following setback, side yard and rear yard requirements:

D. Setback, 15 feet.
E. Side yard, six feet; 15 feet from right-of-way of side street.
F. Rear yard, 25 feet.

27-14.40 Nonconforming Uses

27-14.40.1 Description

A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zone in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another zone or land use) are also deemed to be nonconforming uses. Nonconforming uses may remain, subject to the regulations of this section.

27-14.40.2 Change of Use

A nonconforming use may be changed to another use only if the new (changed) use is allowed by right in the subject zone or if town council approves a conditional use permit if the use requires such approval.

27-14.40.3 Expansion of Use

Nonconforming uses may not be expanded or extended unless the expansion reduces or eliminates the nonconformity.

27-14.40.4 Loss of Nonconforming Status

A. If a nonconforming use is changed to a conforming use all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.
B. If a nonconforming use is discontinued for 24 consecutive months, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

27-14.40.5 Nonconforming Single Family Detached Dwellings in the NX District

A. If a single family detached dwelling was constructed prior to the effective date identified in 27-1.10.3 on property zoned NX, it shall be considered nonconforming, but shall be treated as a Traditional House if functioning as a single family dwelling.

27-14.50 Nonconforming Structures

27-14.50.1 Description

A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with applicable building/structure siting and height regulations of the zone in which it is located.

27-14.50.2 General

Nonconforming structures may remain, subject to the regulations of this section, if:

A. Such structures are maintained in their then structural condition; and
B. The uses of such structures comply with applicable zoning regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered.

27-14.50.3 Use

A nonconforming structure may be used for any use allowed in the zone in which the structure is located.

27-14.50.4 Alterations and Expansions

Alterations, including enlargements and expansions, are prohibited unless the proposed alteration or expansion complies with all applicable building siting and height regulations, and does not increase the extent of the existing nonconformity. A building with a nonconforming side setback, for example, may be expanded to the rear as long as the expansion complies with applicable rear setbacks and all other building siting and height regulations. On the other hand, building additions on the side, may not increase or extend the side setback nonconformity.

27-14.50.5 Movement

A nonconforming structure may be moved to another location on the lot only if the movement or relocation eliminates or reduces the extent of nonconformity.

27-14.50.6 Nonconforming Single Family Detached Dwellings in the NX District

If a single family detached dwelling was constructed prior to the effective date identified in 27-1.10.3 on property zoned NX, it shall be considered nonconforming, but shall be treated as a Traditional House if functioning as a single family dwelling.

27-14.60 Nonconforming Signs

27-14.60.1 Description

A nonconforming sign is a sign that was lawfully established in accordance with all regulations applicable to the sign at the time of establishment or a sign that is accessory to a nonconforming use.

27-14.60.2 General

Nonconforming signs may remain except as otherwise expressly stated in the regulations of this section. Upon notice from the Zoning Administrator, a property owner must submit verification that the subject sign was lawfully established in accordance with all regulations applicable at the time of its established. Failure to provide verification constitutes cause for the Zoning Administrator to issue an order to remove the sign or bring it into compliance with applicable regulations.

27-14.60.3 Expansion or Enlargement

A nonconforming sign may not be enlarged and the features of a nonconforming sign (such as illumination) may not be increased or expanded to bring the sign further out of compliance with applicable regulations. The sign face of a nonconforming sign may be changed or replaced as long as new sign face is equal to or less than the area of the sign face that is being changed or replaced.

27-14.60.4 Movement

Nonconforming signs may not be moved to another location of the subject lot or to another lot unless such movement brings the sign into compliance with all applicable regulations.

27-14.60.5 Damage or Destruction

A nonconforming sign that is damaged or destroyed by any means to an extent of up to 50% of its sign face area may be restored if such restoration occurs within two years after such damage or destruction but the sign may not be enlarged in any manner. A nonconforming sign that is damaged or destroyed to an extent of more than 50% of its sign face area may not be reconstructed but may be replaced with a sign that is in full compliance with applicable regulations.

27-14.60.6 Replacement

A nonconforming sign that is changed to become conforming or is replaced by a conforming sign loses its nonconforming status.

27-14.60.7 Abandoned Signs

Pursuant to § 15.2-2307.G of the Code of Virginia, the Zoning Administrator, after making a reasonable attempt to notify the subject property owner, may order the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign is deemed abandoned if the business for which the sign was erected has not been in operation for a period of two years or more. Following the expiration of the two-year period, any abandoned nonconforming sign must be removed by the owner of the property on which the sign is located once written notice has been given. If, following such two-year period, reasonable attempts have been made to notify the property owner, the town through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal is chargeable to the property owner. This provision is not intended to prevent the town from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

27-14.70 Other Nonconformities

27-14.70.1 Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming use, nonconforming structure, or nonconforming sign—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more regulations of this UDO. One common example is a site that does not comply with current landscaping or screening requirements.

27-14.70.2 General

Nonconforming development features may remain, but the nature and extent of nonconforming site features may not be increased.

27-14.80 Removal of Nonconforming Status

27-14.80.1 Procedure

Notwithstanding any provisions of this article prohibiting the continuation, reconstruction, or expansion of nonconformities, a nonconforming use or structure may be deemed to be in conformity with this UDO and may be allowed to continue and to expand in the same manner as a conforming use or structure, if such conforming status is approved in accordance with the conditional use procedures of 27-12.50.

27-14.80.2 Effect of Approval

If conforming use or structure status is conferred through conditional use approval, the use or structure will no longer be treated as nonconforming and will be allowed to continue as a conforming use or structure. Unless otherwise expressly provided in the conditional use permit, conforming status applies only to the use or structure for which the conditional use approval is issued and not to any other use or structure that may be located on the lot. After approval, if the use or structure for which conforming status is conferred is abandoned or discontinued for a period of 180 consecutive days, the use or structure will re-acquire nonconforming status.

27-15. Measurements & Definitions

27-15.10 Language and Interpretation

27-15.20 Measurements

27-15.30 Definitions

27-15.10 Language and Interpretation

27-15.10.1 Meanings and Intent

A. Words and terms expressly defined in this UDO, including those defined in 27-15, have the specific meanings assigned unless the context indicates another meaning.
B. Words that are not expressly defined in this UDO have the meaning assigned in Webster's Third New International Dictionary Unabridged, published by Merriam Webster Incorporated, unless in the opinion of the Zoning Administrator, established customs or practices of the town justify a different or additional meaning.

27-15.10.2 Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

A. “And” indicates that all connected items or provisions apply; and
B. “Or” indicates that the connected items or provisions may apply singularly or in combination.

27-15.10.3 Computation of Time

A. References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular town government working days, excluding Saturdays, Sundays and holidays observed by town government.
B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by town government, that day is excluded.
C. A day concludes at the close of business and any materials received by the town after that time will be considered to have been received the following day.

27-15.10.4 Tenses and Usage

A. Words used in the singular include the plural. The reverse is also true.
B. Words used in the present tense include the future tense. The reverse is also true.
C. The words “shall,” “will,” and “must” are mandatory.
D. The phrase "may not" means that the subject act is prohibited.

27-15.10.5 Use Definitions

See 27-6 for an explanation of the use categorization system used in this UDO and for use type definitions.

27-15.10.6 Abbreviations

Certain terms are sometimes abbreviated in this UDO. Abbreviations have the meanings assigned below:

ADA – Americans with Disabilities Act;
BTZ – Build-To-Zone;
FEMA – Federal Emergency Management Agency;
FIRM – Flood Insurance Rate Map;
FIS – Flood Insurance Study;
ft. – Feet;
in. – Inches;
max. – Maximum;
min. – Minimum;
r.o.w. – Right-of-Way;
sq. ft. – Square Feet;
UDO – Unified Development Ordinance

27-15.10.7 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this UDO. In case of any difference of meaning or implication between the text of this UDO and any heading, drawing, table, figure, or illustration, the text controls.

27-15.10.8 Versions and Citations

All references in this UDO to other town, county, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, zoning ordinance requirements for compliance are no longer in effect.

27-15.10.9 Lists and Examples

Unless otherwise expressly indicated, lists of examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

27-15.10.10 Public Official and Agencies

References in this UDO to town officials, agencies, and staff are references to those of the Town or County of Culpeper, as appropriate.

27-15.20 Measurements

The following provides methods for measuring the regulations in this UDO.

27-15.20.1 Fractions and Rounding Generally

When calculations required under this UDO result in fractions, any fractional result is rounded up to the next whole number, unless otherwise stated.

27-15.20.2 Generally Parallel & Perpendicular

A. "Generally parallel," when stated related to lot lines or building facades, means less than 30 degrees off the lot line.
B. "Generally perpendicular", when stated related to lot lines or building facades, means more than 60 degrees off the lot line or facade in any direction.

27-15.20.3 Lot Area

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot.

27-15.20.4 Lot Depth

Lot depth is measured as the mean horizontal distance between a lot's primary (front) and rear lot lines.

27-15.20.5 Lot Width

Lot width is the mean horizontal distance measured along the minimum primary (front) setback line between the side lot lines of a lot. If no minimum primary (front) setback is required, lot width is measured along the primary (front) lot line.

27-15.20.6 Primary Street Building Frontage

A. **Definition.** The minimum amount of building façade required along and generally parallel to a primary street frontage.
B. **Measurement: Minimum Percentage of Building Frontage.** The minimum percentage of primary frontage must be equal to or greater than the width of the principal structures, as measured within

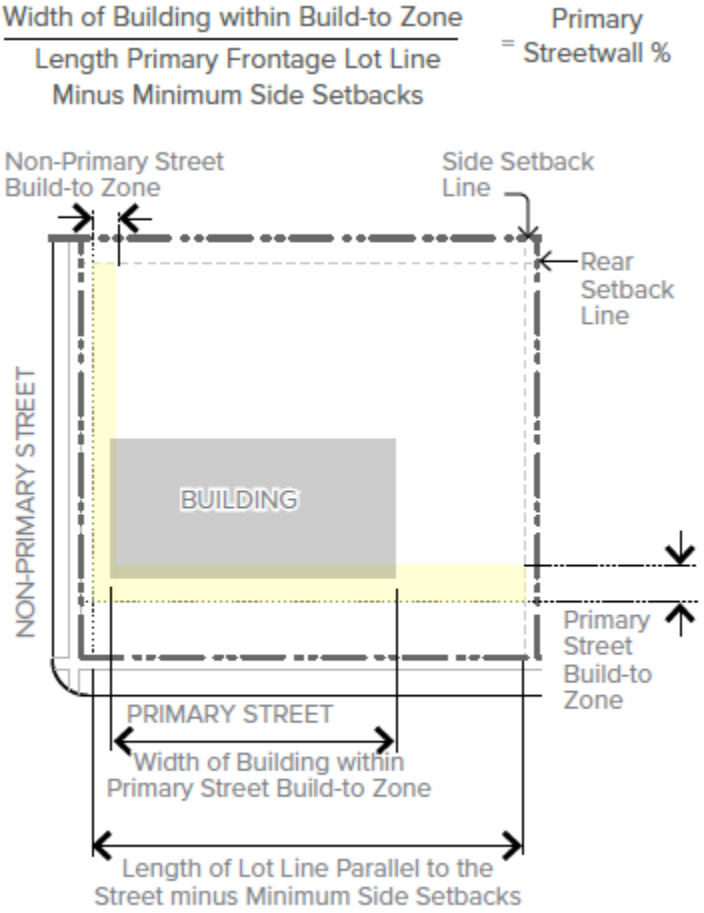
the primary build-to zone, divided by the length of the lot line parallel to the primary street, minus minimum required side setback(s) and any minimum non-primary setback. See Figure 27-15.20.6.

C. **Measurement: Maximum Building Frontage.** The maximum building frontage is the total measurement along all primary facades that are generally parallel and facing the lot line, measured from the edge of the facade horizontally to the opposite edge of the facade, sometimes referred to as the building width.

D. **Height.** The primary street building facade being measured must meet the minimum height required for the building type.

E. **Courtyards and Other Allowances.** Courtyards and other allowances may be listed in the supplemental regulations for the building type as exceptions to the building frontage requirements. The length of the courtyard opening or expanded build-to zone may be counted as primary building frontage.

Figure 27-15.20.6 Measuring Primary Streetwall



27-15.20.7 Build-To Zones & Setbacks

The following applies to required setbacks and build-to zones. See 27-2 for the building type regulations.

A. **Definitions.** See 27-15.30 for definitions of build-to zone and setback.

B. **Measurement: Setbacks.** Required setbacks are measured from the applicable lot line, right-of-way line, or specific location referred to in the applicable regulation, to the nearest exterior building wall or nearest point of a feature.

C. **Measurement: Build-to Zones.** Build-to zones are established between a minimum and a maximum allowed setback line and typically apply to street facades. All building facades generally parallel to the applicable lot line must fall within the build-to zone.

D. **Generally Applicable Rules of Measuring Setbacks & Build-to Zones.**
   (1) Street (primary and non-primary) setbacks and build-to zones are measured from the actual right-of-way line of the street. (Alleys are not considered streets and typically abut side or rear lot lines.)
   (2) Side or interior-side setbacks are measured from the nearest side lot line that does not abut a street.
   (3) Rear setbacks are measured from the rear lot line.
   (4) On through-lots, the required primary or nonprimary setback or build-to zone must be provided for each street frontage, depending on whether the abutting street is a primary or non-primary street. (See 27-15.30 for definitions.) Generally applicable regulations apply per 27-2.50 and supplemental building regulations for the building type may have additional requirements.

E. **Minimum Pedestrian Area.** See building type regulations in 27-2 requiring a minimum pedestrian streetscape area. Where the minimum area does not exist, the build-to zone is measured from the edge of the expanded streetscape area into the lot.

F. **Balcony Facades.** Upper-story recessed balcony facades are not required to be located within the build-to zone.

G. **Allowed Encroachments.** Allowed encroachments into setbacks or beyond build-to-lines or build-to zones are as follows, unless otherwise established in the building type regulations:
   (1) **Minor Building Projections in All Yards for All Building Types.** Roof overhangs, eaves, chimneys, bays, and other architectural features, such as cornices, may encroach up to two feet into any yard no closer than one foot from the lot line.
   (2) **Porches in Front Yards.** Porches, stoops, decks, awnings encroaching into setbacks or beyond build-to-lines or build-to zones into street yards are regulated in the building siting and supplemental regulations section for each building type. See 27-2.
   (3) **Steps and Ramps in Front Yards.** Steps and ramps in front yards may encroach fully into any street yard up to within 1 foot of any lot line.
   (4) **Stoops, Decks, Steps in Rear and Side Yards.** Stoops, awnings, decks, ramps, and steps may encroach into the side or rear yard up to within 1 foot of any lot line.

H. **Setbacks on Irregular Lots.** Setbacks are measured from lot lines towards the center of the lot as follows:
   (1) When lot lines are curvilinear, setbacks must be measured parallel to the curvilinear lot line.
   (2) When there are multiple rear lot lines, the rear setback must be measured from each of rear lot lines.
   (3) When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

I. **Contextual Setbacks.** The mean yard depth of existing abutting and adjacent buildings is used to determine the applicable contextual setback for the subject lot. The contextual setback is determined by calculating the mean yard depth that exists on the nearest two lots on either side of the subject lot.
   (1) If one or more of the lots required to be included in the contextual setback calculation are vacant, the vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.

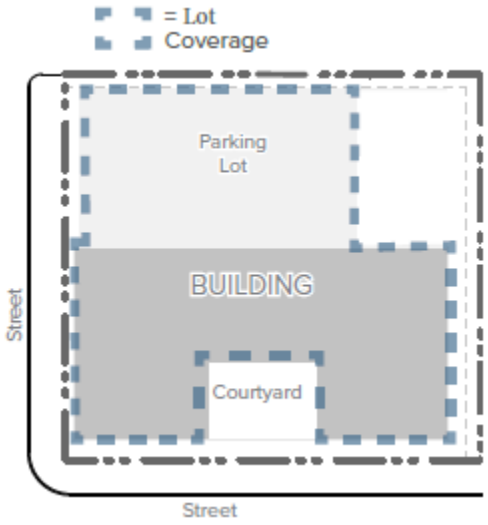
(2) Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley are not used in computing the contextual setback.
(3) When the subject lot is a corner lot, the mean street yard depth will be computed on the basis of the nearest two lots with frontage on the same street as the subject lot.
(4) When the subject lot abuts a corner lot with frontage on the same street, the mean yard depth will be computed on the basis of the abutting corner lot and the nearest two lots with frontage on the same street as the subject lot.

27-15.20.8 Lot Coverage

Lot coverage is measured as the percentage of a lot covered by buildings, structures, pavement, and other surfaces except the following:

A. **Semi-Pervious Materials.** Semi-pervious materials, such as semi-pervious pavers, semi-pervious asphalt, and semi-pervious concrete, counts towards the site coverage, calculated at 75% of the area of the semipervious material.
B. **Green Roofs.** Green, or vegetated, roofs count towards the building portion of the site coverage. The site coverage of any portion of a building with a green roof is calculated at 80% of the area of the green roof.

Figure 27-15.20.8 Lot Coverage



27-15.20.9 Attached Garage and Door Location

A. **Garage Setback Measurement.** Where building type regulations provide a minimum attached garage setback, the following applies:
(1) **Dimensional Setback.** The attached garage setback is measured from the primary facade of the building, located generally parallel and facing the lot primary line. The setback is intended to promote the use of the area directly behind the primary facade of any building for people and not the parking of vehicles.
(2) **No Closer to Lot Line Than Primary Facade.** The garage facade facing a primary lot line must be located farther from the lot line than the primary facade.
B. **Garage Door Location.** Where building type regulations govern the location of a garage door, any garage door must be located on one of the designated facades of the building.

27-15.20.10 Building Height

A. **Minimum Height.** The building must meet any minimum required height along all primary street facades and for a depth of at least 30 feet into the building. All building facades located within the build-to zone shall meet the required minimum building height.

B. **Maximum Height.** Maximum heights are specified in number of stories. This requirement applies to the entire building. The maximum number of stories may not be exceeded due to sloped sites. Heights must step with the grade in order to not exceed the maximum allowable height. See Figure 27-15.20.10 B. See definition of grade in 27-15.30. Stories must be represented on the exterior of the building without necessarily corresponding with the number of interior floors. For example, a large retail use in a commercial center building type may have only one floor but have a building height of 40 feet with an exterior appearance of three stories.

Figure 27-15.20.10 A. Measuring Building Height

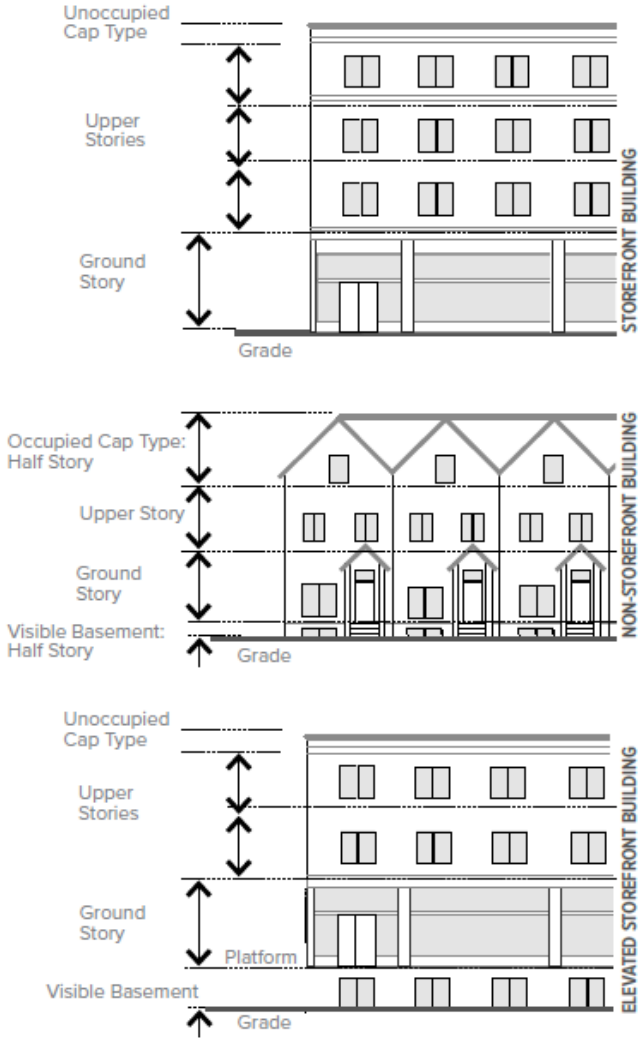


Figure 27-15.20.10 B. Measuring Height Along A Sloped Street



See 27-3.40.8 for ground story at sloping sites on mixed-use zone buildings.

C. **Ground Story Floor Elevation.** For the mixed-use zones, the ground story elevation above grade is set by the building type regulations. The range of elevation is measured between the elevation of the public sidewalk along the street and the ground story floor elevation.

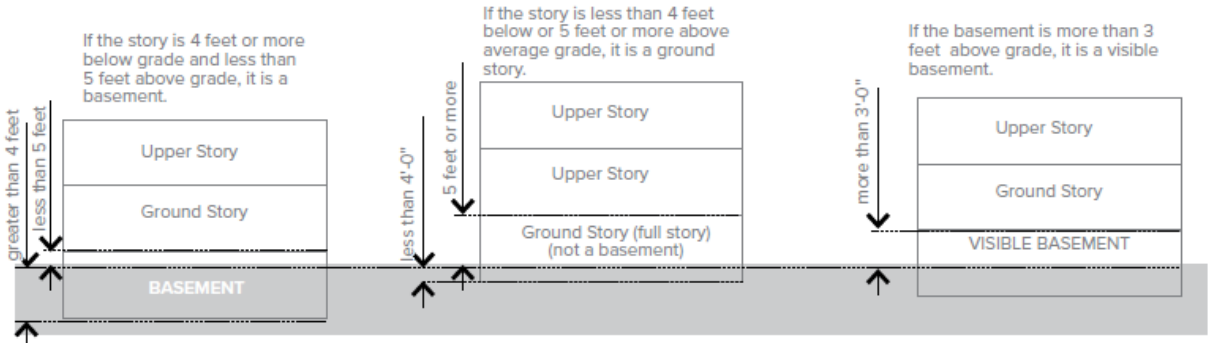
D. **Towers.** When expressly allowed in the building type tables, towers may exceed the overall maximum height of the subject building type per 27-3.10.7.

E. **Roof Type.** Roof types per 27-3.10 allowed by building type regulations (see 27-2) add additional height to the building beyond the maximum story height.

F. **Half Stories.** Half stories are stories either located fully within the roof type or in a visible basement.
   (1) **Roof.** Where occupied building space is allowed within the roof type (see 27-3.10), any space within the roof within the floor to floor height counts as a half story towards the overall allowable height.
   (2) **Visible Basement.** See Figure 27-15.20.10 F for diagram and explanation of a visible basement.
   (3) **Two Half Stories.** If a building has both a half story within the roof and a half story that is a visible basement, the combined height of the two half stories is considered one full story.

G. **Basements.** See Figure 27-15.20.10 F for illustration and explanation of basements and 27-15.30 for definitions of basements and visible basements.
   (1) A basement that is not a visible basement does not count towards the minimum or maximum height of a building.
   (2) Any building may have a basement, unless expressly prohibited in this ordinance.
   (3) A basement may contain any use allowed within the building, including those allowed only in upper stories.

Figure 27-15.20.10 F. Basements & Visible Basements



H. **Story Height.** Each story is measured with a range of permitted floor-to-floor heights. See Figure 27-15.20.10 A.
   (1) **Measurement.** All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required along a minimum of 80% of each facade's horizontal length for each story.
   (2) **House Stories.** For house building types in the R zones, floor-to-floor story heights must measure between 8 and 16 feet.
   (3) **Ground Story.** When noted as a separate story height, the ground-story height must extend from the primary street facade into the building a minimum of 30 feet. The remainder of the ground-story may meet either the primary frontage ground-story heights or the height range permitted for all stories.
   (4) **Single-Story Buildings and Top-Story Measurement.** For single-story buildings and the uppermost story of a multi-story building, the floor-to-floor height is measured from the floor of the story to the ceiling, unless a specific height is provided for a single-story building.
   (5) **Mezzanines.** Mezzanines may be included within the allowed floor-to-floor height of any story. Mezzanines occupying more than 30% of the floor area below and extending above the story's allowable floor-to-floor height must count as an additional story and must comply with minimum transparency requirements for the subject building type.

(6) **Taller Spaces.** Spaces exceeding the allowable floor-to-floor heights of the building type are permitted for a maximum of 20% the length of street facades.

(7) **Exterior Stories vs. Interior Floors.** Stories must be represented on the exterior of the building without necessarily corresponding with the number of interior floors. For example, a large retail use in a commercial center building type may have only one floor but have a building height of 40 feet with an exterior appearance of three stories.

27-15.20.11 Transparency

A. **Definition of Transparency.** For the purposes of this zoning ordinance, transparency is the measurement of the percentage of a facade that contains highly transparent, low-reflectance glass.

(1) **Storefront.** When transparency is required separately for primary street ground-story facades, glass must be a minimum of 60% transmittance factor and a reflectance factor of not greater than 0.25.

(2) **All Other Windows.** Transparency for all window, door glass, and other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25.

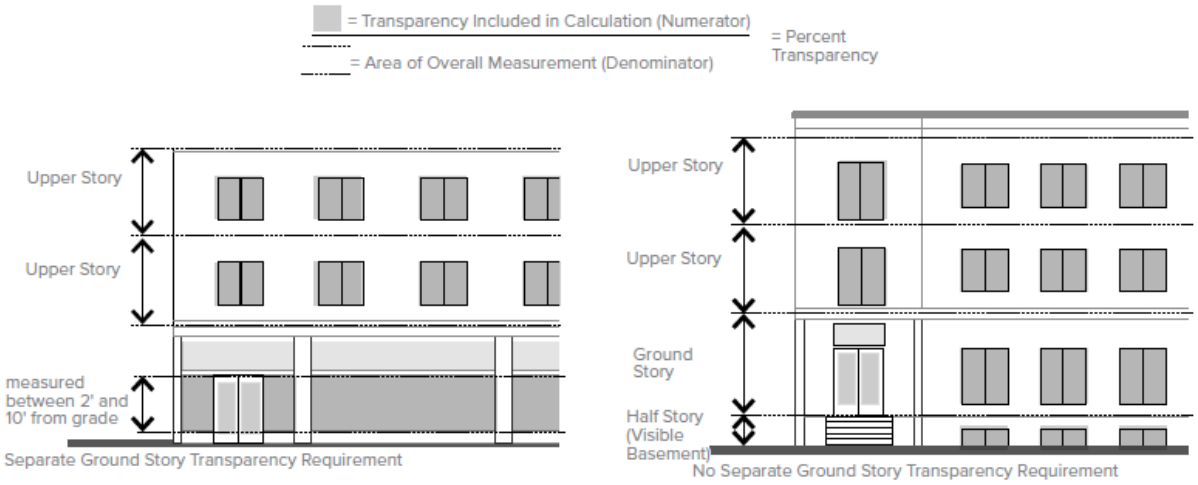
(3) **False Windows.** The use of false or faux windows, where the window is visible from the exterior with no opening from the interior, to meet the transparency requirement is not allowed.

B. **Measurement.** Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground-story transparency as defined below. See Figure 27-15.20.11 B.

(1) Transparency requirements must be met with windows or glass in doors that comply with applicable transmittance and reflectance factors.

(2) The measurement may include the frame, mullions, and muntins, but may not include trim or casing.

Figure 27-15.20.11 B. Measuring Transparency Floor-to-Floor

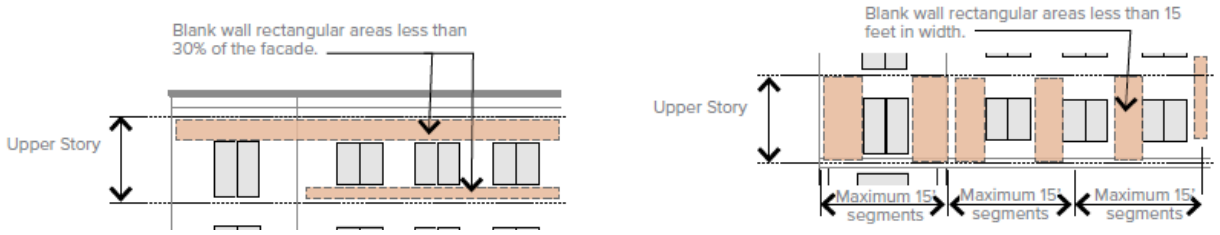


C. **Blank Wall Segments.** Where applicable per the building type regulations (see 27-2), blank wall segments on all facades must meet the following:

(1) No rectangular areas greater than 30% of a story's facade, as measured floor to floor, may be blank wall, without transparency. See Figure 27-15.20.11 C.

(2) No horizontal segments of a story's facade greater than 15 feet in width may be blank wall, without transparency. See Figure 27-15.20.11 C.

Figure 27-15.20.11 C. Blank Wall Segments

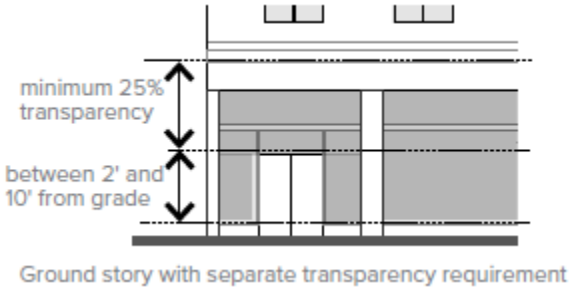


D. **Minimum Ground-Story Transparency.** When a separate minimum ground-story transparency is required per the building type's requirements of 27-2, the ground-story transparency is measured between 2 feet and 10 feet from the average grade at the base of the facade.

E. **Mezzanines.** Mezzanines are treated as a separate story and must include the required upper-story transparency amounts.

F. **Tall Stories.** Stories that are 18 feet or taller in height must include additional transparency consistent with the following standards. See Figure 27-15.20.11 F.

Figure 27-15.20.11 F. Measuring Transparency on Taller Stories



(1) **Separate Ground-Story Transparency Required.** When a separate minimum ground-story transparency is required per the building types requirements of 27-2, the facade design must fulfill that requirement in addition to the minimum transparency for the remainder of the ground-story.

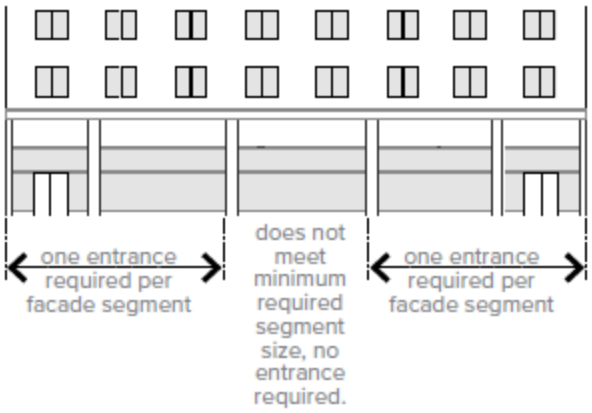
(2) **No Separate Ground-Story Transparency Required.** Except on a ground-story facade to which a primary frontage ground-story façade transparency requirement applies, a tall-story is treated as 2 separate stories, divided in half horizontally, with the minimum transparency per story applied to each half.

G. **Half Stories.** All half story facades located within the roof structure and within visible basements must meet the minimum required transparency.

27-15.20.12 Building Entrances

Entrances must be provided consistent with the entrance location and number requirements established for the subject building type and consistent with Figure 27-15.20.12.

Figure 27-15.20.12 Entrances



27-15.20.13 Sight Distance Triangles

Intersection sight distance must be measured presuming a stop condition of a minor street at any major street.

A. **Height.** Sight distance shall be based on a height of eye of 3.5 feet and an object height of 3.5 feet.
B. **Distance.** Sight distance triangles are measured based upon the operation speed limit of the major street with different distances for 25, 35 and 45 mile-per-hour roadways per Table 27-15.13.
    (1) **Left-Viewing Triangle.** The left-viewing triangle is measured from the driver's position stopped at the minor roadway, measured at 4 feet from the centerline or left edge of pavement of the minor roadway and 14.5 feet from the edge of the nearest travel lane of the major roadway. See Figure 27-15.13.
    (2) **Right-Viewing Triangle.** The right-viewing triangle is measured from the drivers position stopped at the minor roadway, measured at 4 feet from the centerline or left edge of pavement of the minor roadway and 4 feet from the centerline of the major roadway in the lane of incoming traffic. See Figure 27-15.13.
    (3) **Dedicated Right-of-Way.** Dedicated right-of-way is required to preserve sight distance at intersections. An easement may be considered as an alternative to dedicated right-of-way.
C. **Administrative Modification.** The Zoning Administrator may grant an administrative modification based upon the following:
    (1) Review and recommendation of all relevant town departments and agencies responsible for transportation-related ordinances and requirements.
    (2) The applicant must clearly demonstrate adequate sight distance, given the roadway's design, and that the request is sufficiently protective of persons and property.

Figure 27-15.20.13 Sight Triangle Measurement

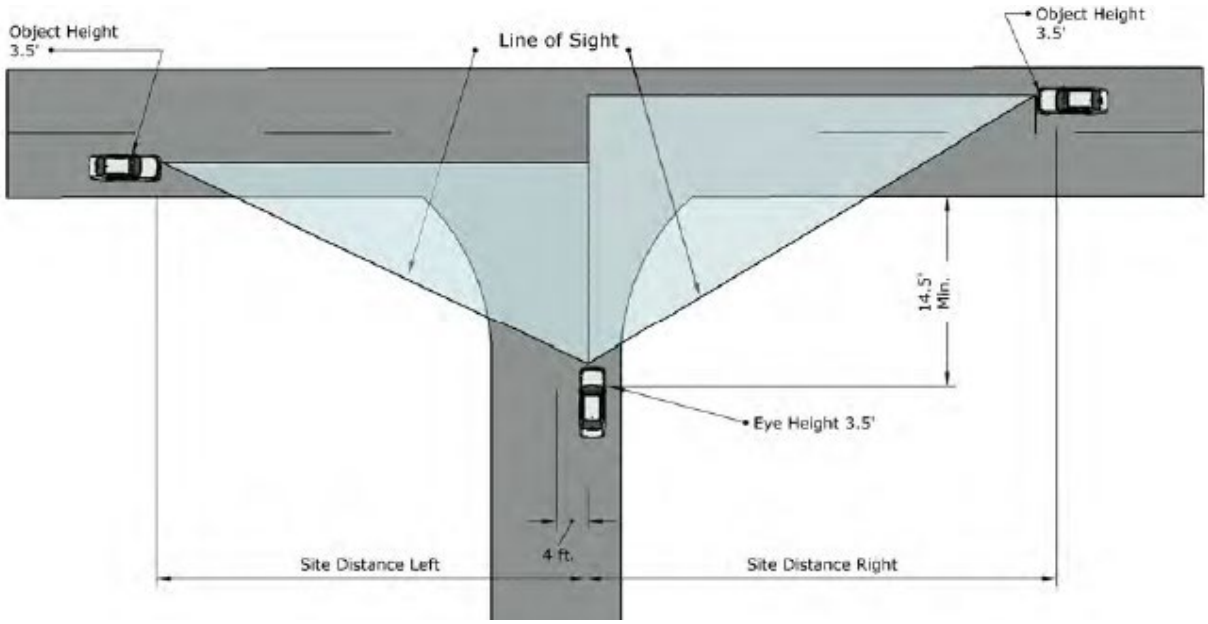


Table 27-15.20.13 Sight Distances Along Major Streets

Major Street	25 MPH	35 MPH	45 MPH
2-Lane			
Right Sight Distance	280 ft.	390 ft.	500 ft.
Left Sight Distance	280 ft.	390 ft.	500 ft.
Undivided, 4-Lane or 3-Lane			
Right Sight Distance	315 ft.	440 ft.	565 ft.
Left Sight Distance	295 ft.	415 ft.	530 ft.
Divided 4-Lane			
Right Sight Distance	340 ft.	480 ft.	615 ft.
Left Sight Distance	295 ft.	415 ft.	530 ft.

27-15.30 Definitions

It should be noted that in addition to the definitions found below, there are additional definitions found in 27-6.80.7.D related to wireless facility regulations, 27-8.20 related to signs, 27-10.70 related to flood hazard areas.

ABUT OR ABUTTING. To touch or share a contiguous boundary or border.

ACCESSIBLE PARKING SPACE. A motor vehicle parking space that is accessible for persons with disabilities.

ACCESSORY. Secondary, ancillary, or incidental.

ACCESSORY BUILDING or STRUCTURE. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental to the principal structure and use, is subordinate in area, extent or purpose to the principal structure and use, and is customarily provided or required for the principal structure and use. This term does not include portable storage containers.

ACCESSORY USE. A use that is clearly incidental to and customarily found in connection with the principal use; is subordinate to and serves a principal use; is subordinate in area, extent and purpose to the principal use; and contributes to the comfort, convenience or necessity of occupants, business or industry of the principal use; and is located on the same lot as the principal use; except as may be allowed for off-site parking. Religious assembly is allowed as an accessory use in a single-unit detached house if conducted in accordance with the Uniform Statewide Building Code and if parking is provided in accordance with the off-street parking regulations of this UDO (see also the accessory use regulations of 27-6.)

ADJACENT. Near or in the immediate vicinity (not necessarily contiguous).

ADJACENT GROUND ELEVATION. The mean elevation of the surface of the ground between a point touching the exterior wall of a building and a point located 3 feet from such wall measured perpendicularly from the wall.

AGENT. A person duly authorized to act on behalf of the owner of the subject property.

ALLEY. A public or private right-of-way affording only secondary access to abutting properties, typically at the rear or side of a lot.

ALTERATION. Any change in the total floor area, use, adaptability or external appearance of an existing structure including any change or rearrangement in the supporting members of a structure, such as bearing walls, columns or beams, or additions or reductions in usable space, but not including superficial changes such as paint colors or siding materials.

AMENDMENT. Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a zoning district (zone); or any repeal, change, addition or abolition of any part of the zoning map.

APPLICANT. The owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

AWNING. A roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and they may be raised or retracted to a position adjacent to the building.

BASEMENT. That portion of a building having more than 4 feet of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of 7.5 feet or more. See Figure 27-15.20.10 F.

BASEMENT, VISIBLE. A basement having more than 3 feet of its floor-to-ceiling height above the average finished grade of the adjoining ground. See Figure 27-15.20.10 F.

BAY. A portion of a building between two vertical components, or a protruding or recessed portion of a facade.

BERM. A vegetated, elongated earthen mound intended to screen, buffer, and mitigate noise.

BEST MANAGEMENT PRACTICE (BMP). A structural device that temporarily stores or treats stormwater runoff to reduce flooding and remove pollutants.

BIKE LANE. That portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

BIKE TRAIL. A completely separate right-of-way designed for alternative transportation use. Cross flows by pedestrians and motorists are minimized. This may also be referred to as a multi-use trail.

BIKEWAY. Any facility that provides for bicycle travel, including bike trails and bike lanes.

BLOCK FACE. All lots abutting one side of a street between the two nearest intersecting streets.

BUILDING. Any structure having a roof supported by walls that is solidly enclosed with structural materials, glass or other solid material that does not allow air to flow through.

BUILDING, PRINCIPAL. A building in which the principal use of subject lot is conducted.

BUILD-TO ZONE. An area in which the street facade of a building must be placed, dictated by the minimum and the maximum distance a structure may be placed from the lot line. See 27-15.20.7.

CAMPING UNIT. Tents, tent trailers, travel trailers, camping trailers, pick-up campers, motor homes, yurts, cabins, or any other device or vehicular-type structure as may be developed marketed and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

COMMON USABLE OPEN SPACE. Public or private space that allows for pedestrian and/or recreation activity that includes landscaping, sidewalks, outdoor seating, plazas, picnic areas, gazebos, playgrounds, etc. These areas are typically broken up within the development but are linked by sidewalks or multi-purpose trails. These areas are not intended to accommodate motorized travel. Private yards and street rights-of-way are not considered common usable open space. No more than 50% of required open space may be located in the floodplain or on slopes that exceed a 4:1 grade, or 25% slope.

COMPREHENSIVE PLAN. The current comprehensive plan of the town, as adopted by the town council in accordance with § 15.2-2226 of the Code of Virginia.

CONCEPT DEVELOPMENT PLAN. A general, conceptual plan of development for a site, showing the type, location and density of land uses, public amenities, open spaces, transportation facilities, and other major features of the development.

CONDOMINIUM. Real property or interests therein that is lawfully submitted for approval as a condominium in accord with the provisions of the Condominium Act (§ 55-79 of the Code of Virginia).

CONSERVATION EASEMENT. An easement granting a right or interest in real property that retains land or water areas predominately in their natural, scenic, open, or wooded condition, preserving such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

CONTRIBUTING STRUCTURE. A structure that by itself, or in conjunction with other structures or places, has important historic, cultural or architectural interest, including a historic landmark.

COUNTY. Culpeper County.

COURTYARD. A courtyard is any open air, uncovered landscape, sidewalk, patio, terrace, or deck area, enclosed on at least three sides and with a maximum opening of 50% of any street facade.

CUL-DE-SAC. A street with only one outlet and having an appropriate vehicle turnaround area.

DECISION-MAKING BODY. The official or body with authority to issue a final permit or approval under this UDO.

DECK. An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.

DEVELOPER. An owner of property that is being subdivided or developed. See also "agent."

DEVELOPMENT. Any manmade change to improved or unimproved real estate including, but not limited to, construction or substantial structural alteration of buildings or other structures, the placement of manufactured homes, filling, mining, dredging, grading, paving, excavation or drilling operations.

DRIVE-IN OR DRIVE-THROUGH FACILITY. A structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. See also 27-7.130.

DWELLING. A building or portion thereof used exclusively for residential purposes, including single-unit, two-unit, and multiple-unit buildings, but not including hotels, motels, boardinghouses, dormitories, or recreational vehicles (see also "dwelling unit").

DWELLING UNIT. One or more rooms in a dwelling designed for independent housekeeping by one household with separate toilets and cooking facilities. One or two dwelling units on the upper story or stories of a building with non-residential uses on the ground floor shall be considered “multifamily” rather than “single-unit” or “two-unit”.

EASEMENT. A grant of one or more property rights by the owner to, or for the use by another specified party or parties, such as the public, a corporation, or another person or entity, including easements appurtenant and easements in gross (see also "conservation easement").

ELECTRIC VEHICLE. Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. “Electric vehicle” includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

ELECTRIC VEHICLE (EV) CHARGING STATION. A public or private parking space that is served by battery charging station equipment.

ELECTRIC VEHICLE CHARGING STATION, PRIVATE (RESTRICTED-ACCESS). An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

ELECTRIC VEHICLE CHARGING STATION, PUBLIC. An EV charging station that is accessible to and available for use by the general public.

ELECTRIC VEHICLE PARKING SPACE. Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle adjacent to an electric vehicle charging station for the purpose of charging an electric vehicle.

ENGINEER. An engineer licensed by the state.

FACADE, NON-PRIMARY. A building facade generally parallel and facing the right-of-way line along a non-primary street.

FACADE, PRIMARY. A building facade generally parallel and facing the right-of-way line along a primary street.

FACADE, REAR. Any facade of a building generally parallel to and facing the rear lot line.

FACADE, SIDE. Any facade of a building generally parallel to and facing a side or interior side lot line.

FACADE, STREET. Any facade of a building generally parallel to and facing any street right-of-way.

FACILITIES STANDARDS MANUAL (FSM). A design manual establishing mandatory standards for the construction of public and private facilities constructed as a portion of subdivisions or development plans within the corporate limits of the town.

FAMILY. See "Household."

FENCE. A human-made barrier, other than a building or a berm, erected for the purpose of physically enclosing an area of land and/or of providing visual, audio, or other screening of buildings or areas of land. The height of a fence at any point along its length shall be measured from the mean ground level of the property on each side of the fence.

FILL. Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans, for purposes of creating a new elevation of the ground.

FLOODPLAIN. See 27-10.70.

FOOT-CANDLE. A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

FRONTAGE, STREET. The portion of a lot or building abutting or directly adjacent to a street right-of-way.

FRONTAGE, PRIMARY. The portion of a lot or building abutting or directly adjacent to a primary street right-of-way.

FRONTAGE, NON-PRIMARY. The portion of a lot or building abutting or directly adjacent to a non-primary street right-of-way.

GARAGE. A structure primarily intended and used for the enclosed storage or shelter of the motor vehicles of the individuals who reside on the premises. Carports are considered garages within this definition.

GARAGE, ATTACHED. A garage, the roof of which is attached to the principal building.

GRADE. Generally, the average elevation of finished ground level adjoining the building or structure at all exterior walls or surfaces. For the mixed-use zones, along a street facade, grade refers to the elevation of the adjacent streetscape sidewalk.

GRADE, FINISHED. The vertical locations of the ground surface of a site after completion of all site preparation work.

GRADE, NATURAL OR EXISTING. The elevations of the ground surface of a site in its natural state, before human-made alterations, excavations or filling, and measured as the degree of rise or descent of a sloping surface.

GRADING. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

GREEN ROOF. The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

GREEN WALL. A wall partially or completely covered with vegetation that includes a growing medium, such as soil or a substrate. Most green walls also feature an integrated water delivery system. Green walls are also known as living walls or vertical gardens.

HARDSCAPE. Non-living materials, and their use and design, that constitute one component of landscaping. Hardscape includes paving, walls or fences, concrete, asphalt, stone, or other hard surface

that may be used to construct retaining walls, paths, walkways, decks, terraces, accent features, and enclosures.

HAZARDOUS MATERIAL. Any substance or activity involving any substance listed in 40 CFR Part 355, Appendix A, as an extremely hazardous substance (EHS) when that substance is stored, generated, used or released in quantities equal to or greater than the lowest quantity listed for either the threshold planning quantity (TPQ) or reporting quantity (RQ) for the substance.

HIGHWAY ENGINEER. The resident engineer employed by the State Department of Transportation.

HISTORIC STRUCTURE. A contributing structure with important historic interest.

HISTORICAL DISTRICT. An overlay district shown on the zoning map to which regulations apply for protection of architectural or other resources of historic significance (see 27-9.10).

HISTORICALLY SIGNIFICANT FEATURE. A distinct and decorative feature of a structure, as determined by the Zoning Administrator based on the *Culpeper Historic District Handbook and Design Guidelines*.

HOME OCCUPATION. An accessory use of a dwelling unit for business, commercial, or work-related purposes. Home occupations are subject to the regulations of 27-7.40.

HOUSEHOLD. One or more persons related by blood, marriage, adoption or guardianship, including caregivers; or a group of not more than three unrelated persons; or not more than two unrelated persons and their dependent children living and cooking together as a single household unit; or assisted living facilities and group homes of eight or fewer.

IMPERVIOUS AREA. Any land or portion of a site covered by constructed features that prevent the direct percolation of surface water into the underlying earth. Examples include buildings, paved parking and roadways, masonry walls and terraces, swimming pools, sidewalks, hard surface playing courts and paved driveways. Constructed features capable of absorbing and transmitting surface water (such as lawns, gravel sidewalks and driveways, clay courts and natural ponds) are not considered impervious area.

LANDSCAPE (OR LANDSCAPED) AREA. The area on a site that is landscaped with the installation and maintenance typically of a combination of trees, shrubs and groundcover plants to improve the site's aesthetic quality. Does not include bare soil, uncultivated vegetation, impervious surfaces and gravel.

LAWFULLY ESTABLISHED. A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

LIGHT TRESPASS. Light that is emitted into an unintended area.

LIQUOR. Any alcoholic beverage other than beer, wine, or cider, as those terms are defined in § 4.1-100 and § 4.1-213 of the Code of Virginia.

LOT. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT, CORNER. A lot situated at the intersection of two or more streets having an interior angle of intersection of not more than 135 degrees.

LOT, DEPTH. The mean distance from the street line of the lot to its rear line, measured in the average direction of the side lines of the lot.

LOT, FLAG. An irregularly shaped lot where the buildable portion of the lot is connected to a street by a narrow extension of the lot that typically does not comply with minimum lot width or lot (street) frontage requirements. Sometimes referred to as a "panhandle lot."

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINE. A property line of record bounding one lot from another lot or from a public or private street or any other public or private space.

LOT LINE, FRONT. The lot line that fronts on a street. In the case of a corner lot, the narrowest side fronting the street is considered the front of the lot. In the case of a through lot, the lot line abutting the street that provides primary access to the lot is considered the front of the lot.

LOT LINE, INTERIOR SIDE. Any lot line on an interior lot that is not a front or rear lot line.

LOT LINE, REAR. The lot line opposite the front lot line. When the side lot lines meet in a point, the rear lot line is assumed to be a line not less than 10 feet long, lying within the lot near the rear and parallel to the front lot line.

LOT LINE, STREET SIDE. A lot line on a corner lot that fronts on a street but that is not a front or rear lot line.

LOT OF RECORD. A lot that has been lawfully recorded in the Clerk's office of the Circuit Court.

LOT, THROUGH. A lot having frontage on two streets, other than at the street intersection. Also known as a double-frontage lot.

MASONRY. When used for screening or separation in conformance with these regulations, masonry includes stone, brick, stucco, concrete, or architectural block but shall not include concrete or exposed cement block (also known as cinder block).

MIXED-USE. A structure or building that is occupied by a mix of uses, as regulated herein, and that may mix residential and non-residential uses, such as office, commercial, and light industrial uses, or varieties of nonresidential uses. The term may also be applied to zones and areas where there is allowed a mix of principal uses.

MULTI-TENANT DEVELOPMENT. A development typically under unified ownership and control consisting of three or more business establishments, which may be on the same lot or on separate lots. The tenants of multi-tenant development typically share vehicle access and parking facilities.

NONCONFORMITY. A nonconforming lot, nonconforming use, nonconforming structure, nonconforming development feature, or nonconforming sign, as those that are defined in 27-14.

NONRESIDENTIAL BUILDING. Any principal building other than a residential or mixed-use (residential-nonresidential) building.

NUDITY. The showing of the human male or female genitals, pubic area, vulva, or anus with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola.

OCCUPIED BUILDING SPACE. Interior building space occupiable by people, not including storage, mechanical, utility, or garage space.

OPEN SPACE. Land area within a development intended to provide light, air and space for aesthetic or recreational purposes and to be accessible and in reasonable proximity to residents or occupants of the development. Open space may include lawns, decorative plantings, walkways, active and passive recreation areas, children’s playgrounds, fountains, swimming pools, undisturbed natural areas, wooded areas, water bodies and those areas where landscaping and screening are required by provisions of this UDO. The following features are not considered and may not be counted as open space: driveways, parking lots or other vehicular surfaces; any area occupied by a building, and areas so located or of such size or shape as to have no substantial aesthetic or recreational value and any area within individual residential

lots. Open space parcels are not be required to meet minimum lot area, lot width or setback requirements of the subject zone.

ORDINARY REPAIR AND MAINTENANCE. Maintenance or repair of a structure that is routine or that could be expected to occur regularly, periodically or normally, which is usually the result of wear and tear from usage, aging and weathering, and, that does not significantly alter the materials or design of the structure.

OUTDOOR DISPLAY. The outdoor exhibition of products, vehicles, equipment and machinery for sale or lease. Such uses may include car and boat sales and plant nurseries. Outdoor display does not include goods that are being stored or parked outside (see "outdoor storage").

OUTDOOR STORAGE. The outdoor and unroofed or unenclosed keeping of any goods, material, merchandise, vehicles, boats, equipment or other items for more than 72 hours.

OWNER. The owner of record of fee simple, or life estate interest in real property. Same as "property owner."

PARKING DECK. An off-grade structure used solely for the temporary parking of motor vehicles for public and/or commercial purposes, providing no repair, sales or service of any kind.

PARKING LOT (OR AREA). An off-street area containing accessory or non-accessory motor vehicle parking spaces and associated motor vehicle maneuvering and circulation areas.

PARKING SPACE, OFF-STREET. The area on a lot designed to accommodate a parked motor vehicle.

PAVEMENT. Asphalt, brick, block, concrete, pervious concrete, or porous permeable pavers.

PLAN, FINAL. A complete and exact plan with a licensed land surveyor's seal or engineer's seal as required by this UDO to define property lines, streets and other proposed improvements.

PLAN, PRELIMINARY. A tentative plan showing proposed streets, lot layouts, existing and proposed buildings, water and sewer connections and other proposed improvements.

PLAT. A map or plan of a tract or parcel of land that is to be, or that has been, subdivided. When used as a verb, "plat" is synonymous with "subdivide."

PLAT, RECORD. The copy of the final plat that is intended to be recorded in the office of the Clerk of the Circuit Court of Culpeper County.

PLAN, SKETCH. An informal plan indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision to be used as a basis for preliminary consideration by the town.

PRIMARY FACADE. See "facade, primary."

PRINCIPAL ARTERIAL. Includes Madison Road (Bus. 29), Fredericksburg Road, and James Madison Highway/Brandy Road (Bus. 29, Bus. 15).

PRINCIPAL BUILDING. A building or combination of buildings of chief importance or function on a lot. In general, the principal use is carried out in the principal building.

PRINCIPAL USE. A use or activity or combination of which are of chief importance on the lot; one of the main purposes for which the land, buildings or structures are intended, designed or ordinarily used.

PROPERTY. Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

PROPERTY OWNERS ASSOCIATION or HOME OWNERS ASSOCIATION. A formally constituted, private, non-profit association or corporation of property owners for the purpose of owning, operating and maintaining various common properties and/or facilities.

PUBLIC INFORMATION NOTICE SIGN. A sign posted on a property to make the public aware of a pending meeting or hearing regarding use or development of the property.

PUBLIC WATER AND SEWER SYSTEMS. A water or sewer system owned and operated by the town or owned and operated by a corporation approved by the town council and properly licensed by the appropriate state or federal agency, and subject to special regulations as set forth in this chapter, and that provides sewer or water services to the general public in a specified service area.

RAINWATER HARVESTING EQUIPMENT. A rain barrel, cistern or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff.

RECREATIONAL VEHICLE (RV). A trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, houseboat, or similar vehicle or unit. Camper shells that are attached to a pickup truck are not considered a recreational vehicle.

REFUSE. Waste materials including trash, garbage, rubbish, junk, and other solid waste materials.

RESIDENTIAL (DWELLING) UNIT. That portion of a building providing living space for an individual household.

RIGHT-OF-WAY. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

RIP-RAP. Loose angular stone placed on a slope, often along a watercourse or coastal water body, to control erosion or bank sloughing.

SEMINUDE OR SEMINUDITY. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

SERVICE AREA. Portion of a commercial building or site where loading of goods, refuse and recycling, and other "back of house" activities occur.

SETBACK. An open, unobstructed area that is required to be provided by this UDO between a building and a lot line.

SEXUAL DEVICE. Any 3-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others. This definition does not include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

SHADOW LINE. An architectural feature consisting of a typically decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least one-and-a half inch in depth from the exterior facade of a building, and creating a shadow on the facade with light overhead, and extending, with limited interruption, the height or length of the designated story. Examples may include cast stone cornices or lintels, pilasters, or stepped brick coursing.

SIGNS. See 27-11 for terminology related to signs.

SINGLE-FAMILY RESIDENCE. Any Detached House, Semi-Detached House, Attached House, Traditional House, or Row Building occupied solely by a one-unit household living use.

SOLAR ENERGY SYSTEM. A system intended to convert solar energy into thermal, mechanical or electrical energy.

SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

SOLAR ENERGY SYSTEM, STRUCTURE-MOUNTED. A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

SOLAR ENERGY SYSTEM, FLUSH-MOUNTED. A solar energy system that is mounted flush with a finished building surface, at no more than six inches in height above that surface.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED. A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

SOLAR PANEL. A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

SPECIFIED ANATOMICAL AREAS. (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point above the top of the areolas, or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) of this definition.

STORMWATER MANAGEMENT FACILITIES. Various improvements, such as swales, curbs, catch basins, trunk sewers, collector sewers, detention and retention basins, comprising the system that accommodates and controls stormwater runoff.

STORY, GROUND. The story closest to the ground level that does not meet the definition of a "basement." Same as "ground-floor."

STREET. A public or private thoroughfare that affords the principal means of access to abutting property.

STREET, ARTERIAL. Streets that move or are designed to move large volumes of vehicles of all types from one part of town to another, connecting residential areas with employment centers and centers of commercial activity. Traffic volumes are typically more than 5,500 vehicles per day.

STREET, COLLECTOR. A street, the primary function of which is the conducting and distributing of traffic from local streets to arterials or local traffic generators, such as shopping centers, schools or community centers. Traffic volumes typically range from 500 to 5,500 vehicles per day.

STREET, LOCAL. A street, the primary function of which is the provision of access to property abutting or adjacent the public right-of-way with the movement of traffic a secondary function. Traffic volumes are typically under 500 vehicles per day.

STREET LOT LINE. A line dividing a lot from a public right-of-way.

STREET, NON-PRIMARY. A non-primary street is any street that is not a primary street. See 27-3.50.5 for additional information.

STREET, PRIMARY. Primary streets are streets where the majority of buildings along the street have front facades with principal building entrances. See 27-2.50.1 for additional information.

STREET, PRIVATE. A privately owned roadway designed and built to established town standards as set forth in the *Facilities Standards Manual* for providing direct access to individual properties with the owners of such lots or a property owners association fully responsible for street maintenance.

STREET, SERVICE DRIVE (OR SERVICE ROAD). A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

STREET TRAVELWAY. The width of the street pavement on which motor vehicles travel, as measured from one edge of the pavement to the other.

STREET TREE. Any tree that is located between the curb and sidewalk or within a tree well in the sidewalk within the public right-of-way, or any tree within a street tree easement in or adjacent to the public right-of-way.

STREET RIGHT-OF-WAY. The total width of the strip of land (right-of-way) dedicated or reserved for public travel including roadway, curbs, gutters, sidewalks and planting strips.

STREETWALL. The portion of the building facade that is located generally parallel and facing the street right-of-way line.

STRUCTURE. Anything constructed or built for use, occupancy or ornamentation whether installed, on, above, or below the surface of the land or water. The following are not considered structures under the ordinance from which this section was derived: electric and telephone poles, lights, transformer boxes, wires, supports and similar items commonly used in delivering electricity and telephone service to individual customers; street lights; traffic signals; directional and regulatory signs of government; telephone booths; water and sewer lines, manholes, fire hydrants, water tanks, telecommunication facilities, towers, antenna support structures; stormwater lines, drainage ditches and related items other than dams or ponds; sidewalks and pedestrian paths, public streets, curbs, gutters; mail boxes; benches and street furniture; planters; swing sets and other play equipment; steps or stoops rising less than 18 inches in height above the adjacent ground.

SUBDIVIDE. The process of dividing land to establish a subdivision.

SUBDIVIDER. An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

SUBDIVISION. A division of one parcel into two or more parcels, except that when a lot is divided from a larger tract the remainder of the tract need not be platted if it is more than 10 acres in area.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions, including subdivisions of four or more lots, or any size subdivision requiring any new street or extension of public water and/or sanitary sewer, or any other public improvements.

SUBDIVISION, MINOR. Any subdivision containing fewer than four lots, including the remnant; that fronts on an existing street; does not involve any new road, the extension or installation of public facilities, or the creation of any public improvements; does not adversely affect the remainder of the parcel or adjoining property; and, is not in conflict with any provisions or portion of the comprehensive plan, official zoning map, or this UDO. No more than one application for a minor subdivision of the same parcel may be considered by the town within five years from the date of approval.

SURVEYOR. A land surveyor licensed by the state.

TECHNICAL REVIEW COMMITTEE (T.R.C.). The committee charged with review and approval of final subdivision plans and comprised of representatives of the following departments: Town Manager's Office, Planning and Community Development, Light and Power, Public Works, Environmental Services, and other persons or agencies as determined by the Zoning Administrator.

TOPSOIL. The original upper layer of soil material to an approximate depth of six inches that is usually darker and richer than the subsoil.

USE. The specific purpose or activity for which a structure, building, or land is or may be designed, arranged, designated, or intended or for which a structure, building, or land is or may be occupied and maintained.

USE CATEGORY. A class of similar uses grouped together for purposes of delineating the uses permitted in a zone. See also 27-6.

USE, CHANGE OF. A change of use has taken place when one or more activities on a site has been added, altered or eliminated such that the nature of any on-site activities fits a different use category than the previous one(s) and that may or may not be provided for by this UDO.

UTILITY-SCALE ENERGY PRODUCTION. An energy production facility that produces electric energy for widespread distribution through the electric power grid.

VEHICLE FUELS, ALTERNATIVE. Electricity, CNG (compressed natural gas), LNG (liquefied natural gas), LPG (liquefied petroleum gas), and hydrogen.

VEHICLE FUELS, CONVENTIONAL. Gasoline and diesel fuels.

WALKWAY. A clearly identified path for non-motorized movement between buildings, structures, destinations, or other walkways on or adjacent to a site.

YARD. An actual (as opposed to “required”) open, unoccupied space that exists on a lot between a building and a lot line.

YARD, PRIMARY (FRONT). A street yard extending along the full width of the lot and lying between the principal building and a primary street right-of-way.

YARD, NON-PRIMARY (STREET SIDE). A street yard extending lying between the principal building and a non-primary street right-of-way and extending between the primary yard and the rear lot line.

YARD, INTERIOR. On lots with multiple buildings, a yard between any buildings that does not abut any lot line. Also referred to as "internal yard".

YARD, REAR. A yard extending along the full width of the lot and lying between the rear of the principal building and the rear lot line.

YARD, SIDE. A yard extending from the front yard to the rear yard and lying between the side of the principal building and the side lot line.

YARD, STREET. Any yard between the principal building and a street right-of-way.

ZONE. Specifically delineated areas shown on the town's zoning map for which the requirements governing allowed building types, type and intensity of use, lot dimensions, building bulk and building form are uniform. Zones are sometimes referred to as "zoning districts" or "districts." See also 27-2.

ZONE, BASE. Any zone other than an overlay zone.

ZONE, OVERLAY. A zone that overlays a base zone and imposes special regulations modifying those that otherwise apply in the base zone.

ZONING MAP. The officially adopted zoning map of the Town of Culpeper.