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CITY OF FREDERICKSBURG, VIRGINIA

ZONING & SUBDIVISION ORDINANCES

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THE CITY CODE OF FREDERICKSBURG, VIRGINIA

CHAPTER XVII

PLANNING
ZONING
SUBDIVISIONS
and
EROSION AND SEDIMENTATION

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CHAPTER XVII

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PLANNING

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DIVISION 1:
GENERAL PROVISIONS

1-1.1 Purpose and Intent - Title 15.1, Chapter 11 of the Code of Virginia provides enabling legislation which is intended to encourage local governments to improve public health, safety, convenience and welfare of its citizens and to plan for the future development of communities to achieve the following general goals:

1. that transportation systems be carefully planned;

2. that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities;

3. that the needs of agriculture, industry and business be recognized in future growth;

4. that residential areas be provided with healthy surroundings for family life; and

5. that the growth of the community be consonant with the efficient and economical use of public funds.

The regulations embraced in this Chapter XVII of the Code of the City of Fredericksburg, Virginia have been developed and designed to implement the goals of the State enabling legislation.

1-1.2 Comprehensive Plan - General

1. The local Planning Commission shall prepare and recommend a Comprehensive Plan for the physical development of the City.

2. In the preparation of a Comprehensive Plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The Comprehensive Plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants.

3. The Comprehensive Plan shall be general in nature in that it shall designate the general or approximate location, character, and extent of each feature shown on the Plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

4. The Comprehensive Plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Planning Commission's long-range recommendations for the general development of the City. It may include, but need not be limited to:

A. The designation of areas for various types of public and private development and use, such as different kinds of residential, business, industrial, agricultural, conservation, recreation, public service, flood plain and drainage, and other areas;

B. The designation of a system of transportation facilities such as streets, roads, highways, parkways, railways, bridges, viaducts, waterways, airports, ports, terminals, and other like facilities;

C. The designation of a system of community service facilities such as parks, forests, schools, playgrounds, public buildings and institutions, hospitals, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

D. The designation of historical areas and areas for urban renewal or other treatment; and

E. An official map, a capital improvements program, a subdivision ordinance, and a zoning ordinance and zoning district map.

5. In the preparation of the Comprehensive Plan, the Planning Commission shall survey and study such matters as the following:

A. Use of land, characteristics and conditions of existing development, trends of growth or changes, natural resources, population factors, employment and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, transportation facilities, the need for housing, and any other matters relating to the subject matter and general purposes of the Comprehensive Plan.

B. Probable future economic and population growth of the territory and requirements therefor.

6. The Comprehensive Plan shall recommend methods of implementation and unless otherwise required by this Chapter these may include but need not be limited to:

A. A Comprehensive Plan Map and text

B. A capital improvements program

C. A subdivision ordinance

D. A zoning ordinance and zoning district map

1-1.3 Comprehensive Plan - Adoption

After certification of the Comprehensive Plan or part thereof, the City Council after a public hearing with notice as required by §15.1-431 of the State Code shall proceed to a consideration of the Plan or part thereof, shall approve and adopt, amend and adopt, or disapprove the same within ninety (90) days after the date of adoption of such resolution.

1-1.4 Comprehensive Plan - Amendments

After the adoption of the Comprehensive Plan, all amendments to it shall be recommended and approved and adopted respectively, as required by §15.1-431 of the State Code. If the City Council desires any amendment it may submit it to public hearing within sixty days after formal written request by the City Council.

1-1.5 Comprehensive Plan - Review and Update

At least once every five years the Comprehensive Plan shall be reviewed by the Planning Commission to determine whether it is advisable to amend the Plan.

1-1.6 Comprehensive Plan - Legal Status

1. Whenever the Planning Commission shall have recommended a Comprehensive Plan or part thereof for the City and such Plan shall have been approved and adopted by the City Council, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless such feature is already shown on the adopted master plan or part thereof or as otherwise prescribed herein, no street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than railroad facilities whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof. In connection with any such determination the Planning Commission may, and at the direction of the City Council shall, hold a public hearing, after notice as required by §15.1-431 of the State Code.

2. The Planning Commission shall communicate its findings to the City Council indicating its approval or disapproval with written reasons therefor. The City Council may overrule the action of the Planning Commission by a vote of a majority of the membership thereof. Failure of the Planning Commission to act within sixty days of such submission, unless such time shall be extended by the City Council, shall be deemed approval. In the case of approval,the owner or owners or their agents may appeal the decision of the Planning Commission to the governing body within ten days after the decision of the Planning Commission. The appeal shall be by written petition to the City Council setting forth the reasons for the appeal. A majority vote of the City Council shall overrule the Planning Commission.

3. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

4. Any public area, facility or use as set forth in paragraph (1) above which is identified within, but not the entire subject of a submission under either subdivision or site plan review or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the Planning Commission or the City Council; provided, that the City Council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to §15.1-491 (a).

1-1.7 Interjurisdictional Cooperation

The Planning Commission or the City may cooperate with other planning commissions or legislative and administrative bodies and officials of other counties and municipalities within the region so as to coordinate the planning and development of the City with the plans of such other counties or municipalities. The commissions may appoint such intrajurisdictional committees and may adopt such rules as needed to effect such cooperation. The Planning Commission may also cooperate with State and federal officials, departments and agencies, and such departments and agencies of the State shall furnish such reasonable information which may affect the planning and development of the City.

1-1.8 Validation of Existing Commission and Plans

Upon the effective date of this Chapter, the Planning Commission , and the Board of Zoning Appeals heretofore established shall continue to operate as though created under the terms of this Chapter. All actions lawfully taken by the Commission and the BZA are hereby validated and continued in effect until amended or repealed in accordance with this chapter.

The adoption of the Comprehensive Plan or any general development or facility plans under the authority of prior acts is hereby validated and shall continue in effect until amended under the provisions of this Chapter.

DIVISION 2:
PLANNING COMMISSION

1-2.1 Purpose and Authority

There shall be a City Planning Commission for the City of Fredericksburg in accordance with the provisions of the laws of the State of Virginia in such cases made and provided, and as amended from time to time. The Planning Commission shall have the functions, powers and duties which are prescribed by law.

The Planning Commission shall advise and assist the City Council on all matters related to growth and development in the City and those other matters provided for herein.

1-2.2 Membership

1. The Planning Commission shall consist of seven (7) members, appointed by the City Council, all of whom shall be residents of the City and freeholders qualified by knowledge and experience to make decisions on questions of community growth and development.

2. Each member of the Planning Commission shall take an oath of office.

3. The members currently in office shall continue to serve for the balance of their existing terms. Subsequent appointments shall be made for terms of four years each.

4. A member of the Planning Commission may also be a member of the Board of Zoning Appeals of the City, Architectural Review Board, RADCO, and related boards.

5. The City Planner shall attend all regular and special meetings of the Planning Commission, participate in the discussions and other activities of the Commission but shall not have the power to vote.

6. Members of the Planning Commission may be removed by the Council for malfeasance in office, provided that such removal may be only after a public hearing at which such member is given an opportunity to hear and to be heard on the charges against him.

7. All members of the Planning Commission shall serve as such without compensation.

8. Any vacancy in the membership of the Planning Commission shall be filled by the Council for the unexpired term only.

9. The Planning Commission at its first monthly meeting in October shall elect a Chairman, a Vice Chairman and a Secretary from its appointed members, whose terms of office shall be for one year, and shall be eligible for re-election.

1-2.3 Meetings

1. The Planning Commission shall hold at least one regular meeting in each month.

2. The Planning Commission shall adopt rules and regulations for the transaction of its business.

3. The Planning Commission shall keep official minutes and records of its resolutions, transactions, findings and determinations. These records shall be a public record.

4. A majority of the members shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority vote of those present.

5. All meetings shall be open to the public except as provided for in the Freedom of Information Act.

1-2.4 Duties of the Planning Commission

The Planning Commission shall have the following duties:

1. Assemble such data regarding the City and adjacent territory as deemed to be necessary in exercising its functions, powers and duties.

2. Analyze such data and make studies necessary in the preparation and review of the Comprehensive Plan for the City.

3. Prepare, review, and recommend a Comprehensive Plan to be used as a general guide for the development of the City with a plan update to be prepared every five (5) years.

4. Recommend appropriate procedures and ordinances for effectuating the plan.

5. Exercise general supervision of, and make regulations for, the administration of its affairs.

6. Supervise its fiscal affairs and responsibilities and prepare and submit an annual budget in the manner prescribed by the City Council.

7. Make recommendations and an annual and quarterly report to the City Council concerning the operation of the commission and the status of planning within the City.

8. Make recommendations, prepare, publish and distribute reports pertaining to ordinances, plans, maps, and other related activities.

9. If deemed advisable, establish an advisory committee or committees.

10. Review, make recommendations, and approval of subdivision plans and plats.

11. Review, make recommendations, and approval of final site plans.

12. Review and make recommendations on special permit applications.

13. Review and make recommendations on all amendments to the Zoning Map and Ordinance.

DIVISION 3:
BOARD OF ZONING APPEALS

1-3.1 Purpose and Authority

The Board of Zoning Appeals (BZA) is established in accordance with the laws of the State of Virginia to perform those duties set forth in Article 8, Chapter 11, Title 15.1 of the Code of Virginia. The BZA, in recognition that many provisions of this Ordinance are of a nonspecific and general nature, shall propose to vary terms of the Ordinance with the objective of maintaining the intent of the provisions as well as upholding the spirit of this Ordinance.

1-3.2 Membership and terms

1. The BZA shall consist of five residents of the City who shall be appointed by the Circuit Court of the City of Fredericksburg.

2. The term of office shall be five (5) years.

3. Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term.

4. Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

5. Any member of the BZA shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

6. The BZA shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

7. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

8. Members of the BZA shall hold no other public office in the City, except that one (1) member may be a member of the Planning Commission.

1-3.3 BZA Powers and Variances

The BZA shall have the following powers and duties:

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

2. To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest, when owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done,as follows:

A. When a property owner can show that his property was acquired in good faith and where by reason of (1) the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or (2) where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or (3) of the use of development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or, where the BZA is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

B. No such variance shall be authorized by the BZA unless it finds that (1) the strict application of the ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and that (3) the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

C. The BZA shall not consider any allegation or knowledge of financial hardship or any other personal situation on the part of the applicant.

D. No variance shall be authorized unless the BZA finds that the condition or situation of the property concerned or the intended use of the property is not or so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

E. In authorizing a variance the BZA may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

F. No variance shall be authorized to permit nonconforming uses or any uses not otherwise permitted in the applicable zoning district.

G. Upon an affirmative finding, the BZA shall determine what variance is the minimum to afford relief.

3. To determine the exact location of zoning district boundary lines in any case where uncertainty exists.

4. To make such administrative rules and regulations as are deemed necessary to conduct its business and be consistent with the ordinances of the City and the laws of the State.

1-3.4 Meetings

1. The meetings of the BZA shall be held at the call of the Chairman, and at such other times as a quorum of the BZA may determine. Such Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All hearings of the BZA shall be open to the public. The BZA shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator and shall be a public record.

2. Each member of the BZA shall be paid a minimum of ten (10) dollars for each meeting which he attends, provided, however, that the annual appropriation made by the City Council for this purpose shall not be exceeded. A transcript of that portion of the minutes showing the names of the members in attendance shall be forwarded to the City Manager for use as a voucher.

3. A quorum shall be at least three (3) members. A vote of three (3) members of the BZA shall be necessary to reverse any order,requirement, decision, or determination of any administrative official or a decision of the Architectural Review Board.

4. The Zoning Administrator or his designated assistant shall attend all meetings of the BZA, participate in the discussions and other activities of the Board, but shall not have the power to vote.

5. The BZA shall transmit to the Planning Commission a copy of every appeal or application made to the BZA and shall notify the Commission of all hearing dates.

6. The BZA shall keep written records and minutes of all proceedings, showing evidence presented, findings of fact and vote of membership.

1-3.5 Appeals

1. An appeal to the BZA may be made by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator.

2. An appeal shall be made within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the BZA, a notice of appeal specifying the grounds thereof.

3. The Zoning Administrator shall transmit to the BZA all the papers constituting the record upon which the appealed action was taken.

4. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certified to the BZA that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case

proceedings shall not be stayed other than by a restraining order granted by the board or a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

5. The BZA shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as required under Section 15.1-431 of the Code of Virginia, as well as due notice to the parties in interest and decide the same within sixty (60) days of receipt.

6. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. At the hearing any party may appear in person or by agent or attorney.

7. Appeals and applications requiring public notice shall be accompanied by a fee as established by the City for review, processing and related administration.

1-3.6 Expiration of Decisions or Variances

Any decision or variance of the BZA shall be null and void and of no effect if the applicant or his successor has not commenced construction or operations allowable by such decision within one (1) year of the date of the decision. In cases where there is an appeal from the BZA to the courts, the one-year period of time shall run from the date of a final decision by a court of competent jurisdiction.

1-3.7 Judicial Review

Any person or persons jointly or severally aggrieved by any decision of the BZA, or any taxpayer or any officer, department, board or bureau of the City may present to the Circuit Court of the City of Fredericksburg a petition specifying the grounds on which aggrieved within thirty (30) days after the decision of the BZA.

DIVISION 4:
DEFINITIONS

The following definitions shall be used in the interpretation and administration of the Articles of this Chapter. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other chapters of the City Code. Terms not defined herein shall be as defined in the Building Code and the most current edition of Webster's Dictionary.

Accessory or Structure Use: Accessory uses as permitted by this Ordinance are subject to the provisions of Article 2 . An accessory use is a use or building which:

1. is clearly subordinate to, customarily found in association with, and serves a principal use; and
2. is subordinate in purpose, area or extent to the principal use served; and
3. contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal use served; and
4. is located on the same lot as the principal use.

Acre: A measure of land equating to 43,560 square feet.

Alley: A narrow strip of land intended and improved for vehicular traffic which is designed to give access to the side and rear of properties whose principal frontage is on another street.

Alteration: Any material change in the architectural features of a structure and its surrounding site including, but not limited to, additions and removals, substantial landscaping, and any subdivision.

Amusement Arcade: Establishments in which a principal use is the operation of video, mechanical, electronic, and/or coin operated games and/or devices for the amusement of the general public.

Amusement Machines: Any video, mechanical, electronic, and/or coin operated game and/or device for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical children's rides or coin operated television.

Apartment: See Dwelling, Multiple Family

Architect: A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

Automobile Junk Yard: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being licensed or operated are placed, located or found.

Bank: See Financial Institution

Basement: A portion of a building partly underground, but having less than one-half (1/2) its clear height below the grade plane.

Bed and Breakfast Lodging: A single family dwelling containing sleeping and breakfast accommodations as an accessory use to the principal

use. Such lodging shall have no more than five room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

Block: That land abutting on one side of a street extending to the rear lot lines, or for parcels of land extending through to another street, to a line midway between the two (2) streets and lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or unsubdivided acreage or center line of any drainage channel thirty (30) feet or more in width.

Boarding House: Any building containing sleeping and eating accommodations for five (5) to twelve (12) non-transient persons who are not members of a family and wherein a charge is normally paid for such accommodations.

Building: Any structure used or intended for supporting or sheltering any use of occupancy.

Building Front: That one (1) face or wall of a building which is architecturally designed as the front of the building, which normally contains the main entrance(s) for use by the general public.

Building Height: See Height, Building.

Building, Principal: A building in which is conducted the primary use of the lot on which it is situated.

Bulk Regulations: Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio and (c) minimum yard requirement.

Business Service and Supply Service Establishment: Any building containing no more than 5000 square feet of net floor area wherein the primary occupation is the provision of services or supplies principally to the business, commercial, industrial or institutional community, but not including retail sales to the general public except as a secondary and subordinate ancillary activity. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

Camping Trailer: A vehicular portable structure mounted on wheels constructed with collapsible, partial side walls of fabric, plastic or other pliable materials for folding compactly while being transported.

Car Wash: A structure, or portion thereof, containing facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

Carport: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of parked motor vehicles. A carport is to have no enclosure, other than the side of the building to which the carport is contiguous, that is more than eighteen (18) inches in height, exclusive of screens.

Cellar: The portion of a building partly underground, having one-half (1/2) or more than one-half (1/2) of its clear height below the grade plane.

Center Line: A line lying midway between the side lines of a street or alley right-of-way as measured in the horizontal plane.

Commission: The Planning Commission of the City of Fredericksburg.

Community Building: A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

Community Center: A building used for recreational, social, educational and cultural activities.

Comprehensive Plan: The official document or elements thereof, adopted by the City Council and intended to guide the physical development of the City or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.1-450 of the Code of Virginia.

Condominium: Ownership of any real property which includes fee simple title to a residence or place of business and undivided ownership, in common with other purchasers, of the common elements in the structure(s) and including the land and its appurtenances.

Contractor's Offices and Shops: Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating.

Cul de Sac: A local street, one end of which is closed and consists of a circular turn-around.

Curb Line: The face of a curb along private streets, travelways, service drives and/or parking bays/lots.

Day Care Center: A structure, including a private residence, which receives for care, maintenance, and supervision more than five (5) children for fewer than eighteen (18) hours per day unattended by a parent or legal guardian.

Demolition: The substantial deterioration or complete or substantial removal or destruction of any structure or external element of any structure.

Density: The number of dwelling units per acre.

Developer: The legal or beneficial owner or owners of all of the land proposed to be included in a given development, or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a developer for the purpose of this Ordinance.

Development Plan, Generalized: A required submission at the time of filing for an amendment to the Zoning Map for all districts, prepared and approved in accordance with the provisions of Article 2-21 and which generally characterizes the proposed development of the subject lot.

Drive-in Bank: Any financial institution which offers its services to persons within a motor vehicle.

Driveway: That space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.

Dustless Surface: A surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director of Public Works, and to be maintained in good condition at all times.

Dwelling: A building or portion thereof, but not a Mobile Home, designed or used for residential occupancy. The term 'dwelling' shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for transient occupancy.

Dwelling Unit: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for no more than one (1) family, and which include permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Mobile Home: A single family residential unit with all of the following characteristics: (a) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like; (d) designed for removal to and installation or erection on other sites.

A mobile home may include one (1) or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of this Ordinance, a mobile home shall not be deemed a Single Family Detached Dwelling.

Dwelling, Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements incorporated into a structure at the site. For the purpose of this Ordinance, a modular unit shall be deemed a Single Family Dwelling and shall not be deemed a Mobile Home.

Dwelling, Multiple Family: A residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multiple family dwelling shall not be construed to mean a Single Family Attached Dwelling as defined herein.

Dwelling, Single Family: A residential building containing only one (1) Dwelling Unit and not occupied by more than one (1) family.

Dwelling, Single Family Attached: A group of two (2) or more single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling and/or connecting permanent structures such as breezeways, carports, garages or screening fences or walls, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to another; and no more than two (2) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being two and one-half (2-1/2) feet. For the purpose of this Ordinance, dwellings such as a semidetached, garden court dwelling, patio house, zero lot line dwelling, town house, duplex and two-family dwelling shall be deemed a single family attached dwelling.

Dwelling, Single Family Detached: A single family dwelling unit which is entirely surrounded by open space or yards on the same lot.

Easement: A grant by a property owner of the use of his land by another party for a specific purpose.

Eating Establishment: Any restaurant, coffee shop, cafeteria, short-order cafe, lunchroom, luncheonette, hotel dining room, dinner theatre, tavern, soda fountain, eating place or any other establishment maintained and operated where there is furnished, for compensation, food or drink of any kind for consumption primarily therein; provided, however, that a fast food restaurant shall not be included within the meaning of this definition, and that a snack bar or refreshment stand at a public or non-profit recreational facility, operated solely by the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be an eating establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment.

Dancing by patrons shall be considered entertainment accessory to an eating establishment, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of the Code of Fredericksburg.

Electromagnetic Radiation: Electromagnetic waves propagating at the speed of light utilized in applications of radio, microwave, radar, television, and other means of communication. The term shall not include light, X-ray, or radioactive emissions.

Engineer: A professional who is registered with the State Department of Professional and Occupational Registration as a professional engineer.

Family: One person or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with no more than two boarders; or a group of not more than three (3) unrelated persons living together as a single housekeeping unit.

Fast Food Restaurant: Any establishment which provides as a principal use wrapped and/or packaged food and drink which is ready for consumption in cars or off-premises.

Financial Institution: Any building wherein the primary occupation is concerned with such State regulated busineses as banking, savings and loans, loan companies and investment/securities companies; however, for the purpose of this Ordinance, any financial institution having a drive-in window(s) shall be deemed a Drive-In Bank as defined herein.

Fire Wall: A wall having adequate fire resistance and structural stability under fire conditions to accomplish the purpose of completely subdividing a building or of completely separating adjoining buildings to resist the spread of fire.

Floodplain: All land areas subject to continuous or periodic inundation as designated by either the United States Department of Housing and Urban Development, the United States Geological Survey, or the City Council.

Floor Area, Gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term 'gross floor area' shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

Floor Area, Net: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the center line of walls separating two (2) or more buildings. The term 'net floor area' shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators and escalators.

Floor Area Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Funeral Chapel: A building used for the ceremonies performed prior to burial or cremation.

Funeral Home: A building used for the preparation of the deceased for funeral and the ceremonies connected therewith before burial or cremation.

Garage: An accessory building or part of a principal building used primarily for the storage of licensed and operable passenger vehicles as an accessory use and having no provision for repairing or servicing such vehicles for profit.

Gasoline Station: See Service Station.

Grade: A reference horizontal plane representing the average of finished ground level adjoining a building at all exterior walls; also referred to as Grade Plane.

Hardship, Inordinate: To establish "inordinate hardship" the application shall submit evidence that rehabiliation of the structure is impracticable, that the structure is inappropriate for the proposed use desired by the owner, and that the applicant cannot make reasonable economic use of the property. Such evidence may include proof of consideration of plans for adaptive reuse, attempts to sell, rent or lease the property, and information regarding annual income and expenses. Any hardship created by action of the applicant shall not be considered in reviewing any application.

Hardship, Variance: A departure from the provisions of a zoning ordinance relating to setbacks, sideyards, frontage requirements and lot size, but not involving the actual use or structure. The hardship variance is granted when strict enforcement of the zoning ordinance as it applied to a specific lot would work an undue hardship and present practical difficulties in developing said lot. It usually allows for a decrease in dimension requirements, and the applicant must demonstrate the hardship is peculiar to this property and not to other properties in the zone. The granting of a variance should not cause an adverse impact on the public good.

Heavy Equipment Sale, Rental and Service Establishment: Buildings and premises for the sale, rental and servicing of farm and construction machinery or equipment, vehicles with a carrying capacity of more than three-quarter (3/4) ton, or vehicles designed for more than eleven (11) passengers.

Height, Building: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distance from the front lot line, or from the Grade in all other cases.

Historic Preservation: The protection, rehabilitation, and restoration of districts, sites, buildings, structures and artifacts significant in American history, architecture, archaeology, or culture.

Home Occupation: Any occupation other than that of operating a beauty parlor, barber shop, convalescent or nursing home, tourist home, massage or similar establishment offering services to the general public, carried on by a member of the family residing on the premises in connection with which there is kept no stock in trade nor commodity sold upon the premises, no person is employed other than a member of the family residing on the premises and no mechanical equipment is used except such as is customary for purely domestic or household purposes.

Hospital: Any institution receiving in-patients and rendering medical, surgical or obstetrical care, to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, psychiatric, pediatric, orthopedic, skin and cancer and obstetric cases.

Hotel, Motel: A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly, or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel.

Institutional Housing: Any building containing sleeping and eating accommodations as well as health-related care and services for five (5) or more non-transient residents. Such lodging shall have at least five room accommodations and include general care of indigents and orphans; halfway houses; homes for adults; housing for the elderly.

Junk Vehicle: Any motor vehicle, trailer, or semi-trailer which is either inoperable or unlicensable and which by virtue of its condition may not be economically feasibly restored. In addition any vehicle may be presumed to be a junk vehicle when State inspection stickers are not displayed or have been expired for more than ninety (90) days.

Junk Yard: The use of any area for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. A junk yard shall also be inclusive of an Automobile Junkyard as defined herein.

Jurisdiction: The area within the corporate boundaries of the City of Fredericksburg.

Kennel: Any place or establishment in which dogs are kept for commercial purposes, or any place or establishment in which dogs are kept, bred, trained, boarded or handled for a fee.

Landfill: A land depository, excavation, or area operated in a controlled manner by a person for the dumping of debris or inert material other than clean dirt; or a disposal site operated by means of compacting and covering solid waste at least once each day with an approved material. This term is intended to include both debris landfills and sanitary landfills.

Landscape Architect: An individual who is registered with the State Department of Professional and Occupational Registration as a landscape architect.

Landscaping: The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statutes and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Land Surveyor: An individual who is registered with the State Department of Professional and Occupational Registration as a land surveyor.

Loading Space: Off-street space, designed in accordance with the provisions of Article 2-4 for the loading and unloading of goods.

Lot: For the purpose of this Ordinance, a parcel of land that is designated at the time of application for a special permit, a special exception, a building permit, or a residential/non-residential use permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

Lot Area: The total horizontal area measured in the horizontal plane included within the lot lines of a lot.

Lot, Corner: A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees. On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot, Interior: Any lot, including a through lot, other than a corner lot.

Lot Line: Any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a Street Line or Right-of-Way Line. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

Lot Line, Front: A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

Lot Line, Rear: That lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.

Lot Line, Side: A lot line which is neither a front lot line nor a rear lot line as defined herein.

Lot, Pipestem: A lot approved which does not abut a public street other than by its driveway which affords access to the lot.

Lot, Reverse Frontage: A residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Lot Size Requirements: Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

Lot Width: The distance between side lot lines, measured in one of the following manners, whichever is applicable:

1. In the case of a rectangular-shaped lot, the width shall be measured along the front lot line; or

2. In the case of an irregular-shaped lot or a curvilinear front lot line, the width shall be measured between the lot's narrowest dimensions at that location on the lot where the center of the building is proposed/located.

3. In the case of a pipestem lot, the width shall be measured between the lot's narrowest dimensions at that location on the lot where the center of the building is proposed/located.

Marquee: A permanent roof like structure projecting over an entrance.

Mobile Home Park: Any area of ten (10) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more mobile homes. The term 'mobile home park' shall not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of inspection and sale.

Motel: See Hotel.

Nonconforming Building or Use: A building or use, lawfully existing on the effective date of this Ordinance or prior ordinances, which does not conform with the regulations of the zoning districts in which it is located, except as may be qualified by Article 2-5 of this Ordinance.

Nursery School: Any place, however designated, operated for the purpose of providing training, guidance, education, or care for four (4) or more children under six (6) years of age, separated from their parents or guardians during any part of the day other than from 6 p.m. to 6 a.m., including kindergartens, day nurseries, day care centers and group day care facilities.

Off-Site: Any area outside the boundary of a lot.

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

On-Site: That area which is within the boundary of a lot.

Open Space: That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, or areas so located or so small as to have no substantial value for the purposes stated in this definition.

Open Space, Landscaped: That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development. Landscaped open space may be either Common or Dedicated Open Space as defined herein.

Owner: Any person who has legal title to the land in question, or the lessee of the land in question having a remaining term of not less than thirty (30) years.

Parking Garage, Commercial: A building or portion thereof designated or used exclusively for storage of vehicles for a fee, but within which no motor driven vehicles are serviced, repaired, equipped, lined or sold.

Parking Lot: An area not within a building where licensed and operable motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. For the purpose of Article 13, a parking lot shall include automobile and truck display lots, lots for the display of other types of vehicles, lots for the storage of vehicles and commercial parking lots.

Parking, Off-Street: Any space, whether or not required by the provisions of this Ordinance, specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this Ordinance, such space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress or egress.

Person: A public or private individual, group, company, firm, corporation, partnership, association, society, joint stock company, or any other combination of human beings whether legal or natural.

Personal Service Establishment: Any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include but need not be limited to barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business.

Pipestem Driveway: A driveway or improved means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

Principal Building: A building in which the primary use of the lot on which the building is located is conducted.

Principal Use: The main use of land or structures as distinguished from a secondary or accessory use.

Private Club: An association organized and operated on a non-profit basis for persons who are bona fide members paying dues, on which association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.

Professional Office: The office of a person engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural, in which a knowledge or skill in some department of science or learing is used in its practical application to the affairs of others, either advising or guiding and then in serving their interests or welfare and through the practice of an act founded thereon.

Pro-Rata Share: The payment of a subdivider or developer of land for his share of the cost of providing reasonable and necessary drainage facilities located outside the property limits of the land owned or controlled by the subdivider or developer of land and necessitated or required, at least in part, by the construction or improvement of his subdivision or development.

Public Use: Any area, building or structure held, used or controlled exclusively for public purposes by any department or branchof the City of Fredericksburg, State of Virginia Government, or Federal Government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

Public Utility: A business or service having an appropriate franchise from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, transportation or communications.

Quick-Service Food Store: Any food store selling convenience items in a retail establishment of less than 5,000 square feet of net floor area.

Rehabilitation: The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

Renovation: The upgrading of a building.

Repair Service Establishment: Any building containing no more than 5,000 square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding five (5) horsepower; or any building wherein the primary occupation is interior decorating, to include reupholstering and the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet-making establishments. Repair service establishments shall not include the use of more than three (3) vehicles other than passenger cars.

Restaurant: See Eating Establishments.

Restoration: The replication or reconstruction of a building's original architectural features. (Note): Restoration is used to describe the technique of preserving historic buildings. Rehabilitation which also accomplishes building upgrading, does not necessarily retain the building's original architectural features.

Retail Sales Establishment: Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. For the purpose of this Ordinance, however, retail sales establishment shall not be interpreted to include Automobile-Oriented Uses, Quick-Service Food Stores and Vehicle Light Service Establishments.

Rooming House: Any building containing sleeping accommodations for three or more persons who are not members of a family and wherein a charge is normally paid for such accommodations, and no meals are supplied by the owner or operator.

Service Stations: Buildings and premises wherein the primary use is the supply and dispensation at retail of gasoline, oil, grease, batteries, tires and motor vehicle accessories, and where in addition, the services for minor engine repair, tire servicing, exhaust systems, washing, brake repairs, and other minor repair activities may be rendered and sales made, but only as accessory and incidental to the primary occupation.

Setback: In this Ordinance the term setback is not used, as such term represents a distance that is established in like manner as that for a Yard.

Shopping Center: Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot, (b) are under common ownership or management, (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses, (d) share a common parking area, and (e) otherwise present the appearance of one (1) continuous commercial area.

Sign: See Article 2-3 for all sign definitions.

Site Plan: A required submission, prepared and approved in accordance with the provisions of Article 2-23, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot.

Storage Yard: The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery, and inventory which due to its physical character is not normally stored within a structure.

Story: That part of any building between the level of one finished floor and the level of the next higher finished floor or, if there is no higher finished floor, then that part of the building between the level of the highest finished floor and the top of the roof beams. A basement shall be counted as a story if the ceiling is more than six (6) feet above the level from which the height of the building is measured or if it is used for business purposes other than storage or for dwelling purposes by other than a janitor or watchman, but no other basement shall be counted as a story.

Street: A strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

Street, Collector: A street which provides for principal internal movements at moderate operating speeds within residential developments, neighborhoods, and commercial or industrial districts. It also provides the primary means of circulation between adjacent neighborhoods and can serve as a local bus route. A collector street functions to distribute trips from arterials to local and other collector streets. Conversely, it collects traffic from local streets and channels it into the arterial system. The collector street provides for the dual purpose of land access and local traffic movement. In line with its dual function, there must be continuity in the pattern of these streets.

Street Line: The dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street.

Street, Local: A street which primarily provides direct access to residential, commercial, industrial, or other abutting property. The local street system includes all facilities not classified as a principal arterial, minor arterial or collector street. A local street offers the lowest level of mobility and usually does not serve a bus route. Overall operating speeds are low in order to permit frequent stops or turning movements to be made with maximum safety. Service to through traffic movement is deliberately discouraged.

Street, Primary Highway: Any street so classified by the Virginia Department of Highways and Transportation, bearing a route number less than 600.

Street, Arterial: A street which carries the major portion of the trips entering and leaving an urban area, as well as the majority of through movements desiring to bypass a central city. Significant intra-area travel and important intra-urban and intercity bus services are served by this class of street. Because of the nature of travel served by an arterial street, almost all fully and partially controlled access streets are a part of this functional class, including freeways, major thoroughfares, interstates and expressways. On an arterial street, the concept of service to the abutting land is subordinate to the provision of travel service to major traffic movements.

Street, Private: A local or collector street, not a component of the State primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of Article 2-4 .

Street, Public: A platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

Street, Secondary Highway: Any street so classified by the Virginia Department of Highways and Transportation, bearing a route number of 600 of greater.

Street, Service Drive: A public street paralleling and contiguous to a major thoroughfare, designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by the appropriate City authorities and the Virginia Department of Highways and Transportation.

Structure: That which is built or constructed.

Structural Alteration: A change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Subdivider: Any person who subdivides land pursuant to the Subdivision Ordinance of the City of Fredericksburg.

Subdivision: A division of a lot, parcel, or tract of land into two (2) or more lots, or parcels of less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership; or any division of

land upon which a street, alley, or public right-of-way is involved. The term includes re-subdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots, a plat of such division shall be submitted.

Subdivision, Cluster: An alternate means of subdividing a lot in the R-2 and R-4 Districts premised on the concept of reducing lot size requirements for the provision of common open space within the development.

Subdivision, Conventional: The subdivision of a lot in the R-2 and R-4 Districts in accordance with the lot size requirements and bulk regulations specified in the district regulations.

Theater: A building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this Ordinance, a dinner theater shall be deemed an Eating Establishment. A drive-in theater shall be deemed a separate use.

Travel Trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification 'Travel Trailer' thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed 4500 pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this Ordinance, a travel trailer shall not be deemed a Mobile Home.

Use: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

Vehicle Service Establishment: Buildings and premises wherein mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles within a completely enclosed structure. Vehicle service establishments shall not be deemed to include Heavy Equipment Sale, Rental and Service Establishments.

Vehicle Sale, Rental and Ancillary Service Establishment: Any use of land whereon the primary occupation is the sale, rental and ancillary service of any vehicle in operating condition such as an automobile, motorcycle, truck, trailer, ambulance, taxicab, recreational vehicle, mobile home or boat. For the purpose of this Ordinance, vehicle sale, rental and ancillary service establishments shall not be deemed to include Heavy Equipment Sale, Rental and Service Establishments.

Wholesale Trade Establishment: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this Ordinance, a warehouse shall not be deemed a wholesale trade establishment.

Yard: Any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unob-

structed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this Ordinance. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowner's association, condominium, or by the public.

Yard, Minimum: The minimum yard requirements set forth in this Ordinance represent that minimum distance which the principal building(s) shall be set back from the respective lot lines.

On a lot where a service drive is to be dedicated to the City, such dedication shall not affect the applicable minimum yard requirements.

Yard, Front: A yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

Yard, Privacy: A small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

Yard, Side: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines.

CHAPTER XVII

ARTICLE 2:

ZONING

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DIVISION 1:
CONSTITUTION AND PURPOSE

2-1.1 Title and Application

The regulations embraced in this Article of the Code of Fredericksburg, Virginia shall be designated as the "Zoning Ordinance of Fredericksburg, Virginia." The provisions of the Zoning Ordinance shall apply to all land and structures in the incorporated territory of the City of Fredericksburg.

2-1.2 Purpose and Intent

The Zoning Ordinance of Fredericksburg, Virginia (hereinafter the Ordinance) is intended for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Section 15.1-489 of the Code of Virginia, as amended.

2-1.3 Severability and Validity

Should any Section, division or provision of this Ordinance be decided by the Courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held unconstitutional or invalid.

2-1.4 Conflicting Ordinances

All other City ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed. If another State or Federal statute or City ordinance or regulation contains conflicting provisions with this Ordinance, the more restrictive of the provisions, ordinances, or regulations shall govern.

2-1.5 Minimum Requirements

In interpreting and applying the provisions of this Article, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Article to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Article imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Article shall govern.

2-1.6 Effective Date

This Ordinance was adopted on April 24, 84, by the City Council of Fredericksburg, Virginia and became effective on April 25, 1984,

_____, at which time all previous zoning provisions and ordinances were repealed. A certified copy of the Ordinance, as may be amended from time to time, shall be filed in the Office of the City Zoning Administrator and in the Office of the Director of Public Works.

DIVISION 2:
GENERAL REGULATIONS

2-2.1 General Effect

No structure hereafter shall be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted in or which may be contrary to the specific districts and provisions of this Ordinance.

2-2.2 Prior Approvals

Nothing in this Ordinance shall be deemed to require any change to the plans or buildings previously approved prior to the effective date of this Ordinance.

2-2.3 Zoning Map and Districts

The incorporated territory of the City of Fredericksburg, Virginia shall be divided into classes of zoning districts as presented in Divisions 6-19. The location and boundaries of the zoning districts establisned by this Ordinance are as indicated on the map entitled "Official Zoning Map of Fredericksburg, Virginia", as approved by the City Council as part of this Article and filed in the Office of the Zoning Administrator and the Director of Public Works.

2-2.4 Zoning District Boundaries

In the event that uncertainties exist with respect to the intended boundaries of the various zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where indicated boundaries follow streets, alleys, railroads or waterways, such boundaries shall be construed as the centerlines of those streets, alleys, railroads or waterways.

2. Where indicated boundaries approximately follow lines of lots or parcels of record or scale to be not more than ten (10) feet therefrom, such lot or parcel lines shall be construed to be such boundary.

3. Where a zoning district divides a parcel of land, the location of such boundary shall be determined by the use of the Zoning Map scale to the nearest foot unless such line can be more accurately determined by geometric computations.

4. The Flood Boundary and Floodway Map, as amended, prepared by the Department of Housing and Urban Development, shall be incorporated into the Zoning Map to delineate the boundaries of the Floodplain Overlay District (FPO).

5. Where uncertainties continue to exist as to district boundary determination, such location shall be determined by the Board of Zoning Appeals.

2-2.5 Annexation

Any territory hereafter annexed to the City of Fredericksburg shall be initially classified under the R-2 District and thereafter such amendments to the annexed area shall be classified according to the districts which most closely serve to implement the Comprehensive Plan for this area.

2-2.6 Interpretation of District Regulations

1. Permitted Uses/Special Permit Uses

A. Any use, not otherwise prohibited by law, shall be permitted to locate in a specified district or districts, either as a permitted use or a special permit use which is provided for therein. Any use not specifically permitted in a specified district or districts as by right use or special permit use shall be prohibited.

B. Where a reference is made to specific prohibitions it is for the purpose of clarification or guidance and no further inference may be drawn therefrom.

C. No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a by right use or a special permit use and as regulated by the provisions for such use and applicable district requirements.

D. No use of a structure or land that is designated as a special permit use in any district shall be established or hereafter changed to another use designated as a special use permit, unless a special use permit has been secured from the City Council in accordance with the provisions of Article 2-20.

E. No sign, accessory use or structure, or home occupation shall be hereafter established, altered, or enlarged unless in accordance with the provisions of this Ordinance.

F. In the event there is not a particular use listed in the Ordinance that corresponds to a use in question, then it shall be interpreted that the use in the Ordinance having the most similar characteristics shall govern, as determined by the Zoning Administrator.

G. Notwithstanding any other provisions of this Ordinance, the City Council reserves the right to issue any special permit.

2. Bulk and Size

A. Where no minimum district size is specified, the minimum area, and width requirements shall define the minimum district size.

B. No land encumbered by easement for distribution facilities, transformers, distribution lines, or transmission lines for

major power, gas or other utility, except where easements are less than 25 feet, shall be considered in the computation of minimum lot or district size.

C. Maximum floor area ratios (FAR) shall be established in accordance with definition of Floor Area Ratio in Article 2-4.

3. Density and Open Space

A. In no instance shall maximum density for a given zoning district be exceeded. Maximum density, expressed in number of dwellings or units per acre, shall be calculated on the gross area of the lot. However, recognizing the relationship between development density and the sensitive physiographic and environmental characteristics of certain land in the City, the following additional provisions which limit density computations shall apply:

(1) Fifty (50) percent of the allowable maximum density shall be permitted and calculated for that area of a lot comprised of any or all of the following features, when the sum of such features comprise twenty-five (25) percent or more of such lot; and

(2) Seventy-five (75) percent of the allowable maximum density shall be permitted and calculated for that area of a lot comprised of any or all of the following features, when the sum of such features comprise fifteen (15) to twenty-four (24) percent of such lot:

(3) Physiographic and environmental features of site subject to density credit limitations include :

(a) 100-Year Frequency Floodplains

(b) Slopes in excess of twenty (20) percent

(c) Quarries or landfills/abandoned mines/excavation areas

(d) Soils determined to be unbuildable for residential and street development.

Such areas shall provide a maximum of fifty (50) percent towards the open space requirement of the district in which located.

B. Additional density credit, but not to exceed ten (10) percent of the maximum allowable density in a given district, may be granted by the City Council on a case by case basis, where special amenities and/or recreational improvements of unusually high construction costs are provided in a given residential development. The phasing and design of such improvements shall be subject to final plan approval and shall be bonded with other site improvements.

C. Full density credit shall be permitted and calculated for areas needed by the City to be dedicated for a public park, public school site, public facility, or public transportation improve-

ments as indicated on the adopted Comprehensive Plan, provided that such areas are deeded to and accepted by the City. Such dedicated areas shall provide a maximum of fifty (50) percent towards the open space requirement of the district in which located.

D. No density credit is given for those areas located within the major utility easements or rights-of-way greater than 25 feet in width acquired after the effective date of this Ordinance. Fifty (50) percent of this area may be calculated as required open space.

E. In administering the provisions of this Section, the Director of Public Works shall have the authority to determine the qualifying characteristics of lands to be used for density credit and for open space or landscaped open space in a given district.

F. Lands in common open space or landscaped open space shall be so covenanted and perpetually improved, maintained, managed and owned by a non-profit organization or other legal entity established under the laws of the State. Such entity shall be approved by the City Attorney as a condition of final plan approval.

2-2.7 Condominiums

Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:

1. Minimum lot size and yard requirements of the district shall be met as if lot lines existed.

2. A generalized development plan shall be required and subject to review and approval of the City Council and shall govern the location of all site structures and improvements on final plans.

3. Setback density and other district provisions shall be met.

2-2.8 Erosion and Sedimentation Control Regulations

For the purpose of alleviating the adverse effects of on- and off-site erosion, siltation and sedimentation before and after development, adequate controls of both a temporary and permanent nature shall be provided. Plans and specifications for such controls shall be subject to final approval and shall comply with the Virginia Erosion and Sediment Control Handbook and the City Erosion and Sediment Control Ordinance.

2-2.9 Stormwater Management Facilities

1. The Director of Public Works shall develop a "Comprehensive Stormwater Management Facilities" plan to determine the necessary structures, easements and costs to provide ultimate drainage facilities to serve

City drainage sheds at full development of those sheds. Such facilities plan shall be designed to and in accordance with the adopted Comprehensive Plan. The facilities cost shall be updated annually by applying the appropriate Engineering News-Record cost index factor. The facilities plan shall be adopted by the City Council.

2. A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary drainage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of Section 15.1-466(j) of the Code of Virginia, the adopted Comprehensive Plan, the adopted "Comprehensive Stormwater Management Facilities" Plan, and this Ordinance.

3. The policy and criteria for determination of the pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and adopted by the City Council as part of the "Comprehensive Storm-Water Management Facilities" Plan.

2-2.10 Sewerage Facilities

1. The Director of Public Works shall develop a "Comprehensive Sewerage Facilities" Plan to determine the projected sewerage flow, collection mains and facilities, easements, and costs to provide ultimate sewerage service to City drainage sheds at full development of those sheds. Such facilities plan shall be designed to and in accordance with the adopted Comprehensive Plan. The facilities cost shall be updated annually by applying the appropriate Engineering News-Record cost index factor. The facilities plan shall be adopted by City Council.

2. A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary sewerage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of Section 15.1-466(j) of the Code of Virginia, the adopted Comprehensive Plan, the adopted "Comprehensive Sewerage Facilities" plan, and this Ordinance.

3. The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and adopted by the City Council as part of the "Comprehensive Sewerage Facilities" Plan.

2-2.11 Water Facilities

1. The Director of Public Works shall develop a "Comprehensive Water Facilities" Plan to determine the projected public water demand, distribution mains and facilities, easements, and costs to provide

ultimate public water service to City drainage sheds at full development of those sheds. Such facilities plan shall be designed to and in accordance with the adopted Comprehensive Plan. The facilities cost shall be updated annually by applying the appropriate Engineering News-Record cost index factor. The facilities plan shall be adopted by City Council.

2. A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary water facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of the adopted Comprehensive Plan, the adopted "Comprehensive Water Facilities" Plan and this Ordinance.

3. The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and adopted by the City Council as part of the "Comprehensive Water Facilities" Plan.

2-2.12 Accessory Uses and Structures

1. Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted in such district.

2. Storage or overnight parking of commercial vehicles is prohibited in any R-district.

3. No accessory structure shall be occupied or utilized unless the principal structure is occupied or utilized.

4. All accessory uses and structures shall cover no more than thirty (30) percent of the area of the required minimum rear yard.

5. No accessory structure shall be located in a front yard, except a flagpole, fence or wall.

6. No accessory structure shall be located closer than a distance equal to its height to any lot line in the rear yard or side yard.

7. No accessory structure which exceeds seven (7) feet in height shall be located in any required minimum side yard.

8. No accessory structure shall be located closer than fifteen (15) feet to any side line.

9. No accessory structure shall exceed twenty five (25) feet in height.

10. In all districts, fences or walls shall not exceed four (4) feet in height unless the fence or wall is set back from the property line one foot for every one foot in height, and except that no fence or wall shall exceed seven (7) feet in height in any R-district.

2-2.13 Buffers/Screening Required

1. A subdivider or developer of land shall provide suitable noise and visual screening and/or buffers, subject to approval by the City Director of Public Works, between Commercial and Residential districts, or uses, and between Industrial and Residential districts or uses.

DIVISION 3:
SIGNS

2-3.1 Purpose and Intent

The purpose of this Section is to regulate all signs placed for exterior observance, in fulfilling the City's policy for the protection of property values, the protection of the character of the various communities in the City, the encouragement of the sound development of land throughout the City for its most appropriate use, and the protection of the public welfare in general.

A sign placed on land or on a building for the purpose of identification, protection or advertising a use conducted therein shall be deemed to be an integral part of the land or building. Therefore, the purpose of this section is to establish limitations on signs in order to insure that they are appropriate to the land, building or use to which they are appurtenant and are adequate, but not excessive for their intended purpose. Business sign regulations have been devised after considering, among other matters, shopping habits, extent of trade area, means of access and the avoidance of excessive competition among sign displays in their demand for public attention.

Any widespread display of outdoor advertising is considered inappropriate to the character and sound development of the city and it is intended by this Section that the streets and highways in the City shall not be made available for such display, but that outdoor advertising shall be confined to the industrial district in which it is deemed not to be incongruous with other uses permitted therein.

It is further intended that in proposed commercial and industrial areas, all signs within one complex be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.

2-3.2 Permit Required

All signs shall be regulated in accordance of the provisions of this Section and the zoning district in which the sign is to be located.

No sign, except those qualifying for permit exception, shall be painted, constructed, erected, remodeled, relocated or expanded until a sign permit for such sign has been obtained in accordance with the provisions of this Section and until such complies with the regulations herein.

2-3.3 Sign Definitions

1. Sign - Any 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 which

   A. is employed to announce, direct attention to identify or make known, and

B. is visible from the public right-of-way or adjoining property.

2. Sign, Advertising - Any sign on which is portrayed information which directs attention to a business, commodity, service or entertainment not necessarily related to other uses existing or permitted on the lot upon which the sign is located.

3. Sign, Announcement - A sign of temporary character indicating the names of persons associated with or events conducted upon the premises on which the sign is located.

4. Sign, Business - A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on the same premises upon which the sign is maintained, except as modified by (2) above.

5. Sign, Freestanding - A sign supported by upright structural members, braces, or ground anchorage and not attached to a building.

6. Sign, Identification - A sign that gives the name and address of a building, business, development, or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol or trademark uniquely attributable to the property's ownership or management.

7. Sign, Informational - A sign conveying instructions with respect to the premises on which it is located which gives directions or provides information to the public by official notices, place names and tourist information.

8. Sign, Portable - A sign not permanently attached to ground or building, including any sign attached to a vehicle for advertising purposes when vehicle is so parked as to attract the attention of the public.

9. Sign, Shopping Center - A freestanding sign which identifies the name of the shopping center and does not identify individual enterprises, products, services, or amusements.

10. Sign, Wall - A sign attached to or deriving its major support from a wall, and including the following: arcade sign, awning sign, canopy sign, marquee sign, projecting sign, roof sign, wall sign, and window sign.

2-3.4 <u>Permit Exceptions</u>

The following signs or signing operations shall not require a sign permit:

1. Signs of a constituted governmental body
2. Memorial tablets
3. Historic markers
4. Signs within an athletic stadium
5. Flags of the United States or Commonwealth

6. Small signs which display or post address numbers

7. Seasonal displays and decorations which do not advertise product or service

8. Temporary signs for official notices

9. Wall or ground signs not exceeding four (4) square feet, warning the public against hunting, fishing or trespassing on the property, but only where such warning is justifiable.

10. Normal maintenance and repair of conforming sign

11. Change of advertised copy on an advertising sign, billboard or marquee designed and approved for replaceable copy.

2-3.5 Prohibited Signs

1. Any sign which violates any provision of law or code of the Commonwealth of United States

2. Any sign which obstructs a door, fire escape or building opening intended for light, air or access to a building.

3. Any sign of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere.

4. Any sign displaying flashing or intermittent lights or lights changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not more than five second cycles when such time or temperature sign does not constitute a public safety or traffic hazard in the judgment of the Zoning Administrator, and except that no such sign shall be permitted in any historic district.

5. Any permanent lighting either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof.

6. Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.

7. Any sign that uses the word "stop", "danger", "slow", "caution", "yield", "go", or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is likely to be confused with any sign displayed by public authority.

8. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.

9. Portable signs except where (1) permission is specifically authorized in this Article, or (2) a special use permit is authorized under the provisions of Division 20 of this Ordinance.

10. Any sign, except official notices, which is nailed, tacked, posted or any other manner attached to any pipe or utility pole whether on public or private property of any description, or to any tree.

11. Any sign attached to a chimney, tower, tank or structure of like kind which extends above the district height limits.

12. Any sign identifying a business at the premises where such business has been discontinued unless all lettered or pictorial matter relating to the discontinued business is removed or obliterated within thirty (30) days.

13. Any "off premises" sign within the HFD.

2-3.6 Sign Regulations by Districts

The following regulations shall apply to all signs which require a permit by the provisions of this Section:

1. All Districts - The following signs and related regulations apply to signs permitted in all districts.

   A. Political campaign signs not exceeding fifty percent of the aggregate area of sign display permitted on any privately owned lot in that district. No such sign shall be erected more than ninety (90) days prior to the nomination, election or referendum subject of such sign and shall be removed not later than five (5) days after said nomination, election or referendum.

   B. Temporary signs, not exceeding fifty percent of the aggregate area of sign display permitted on any privately owned lot in that district, for the purposes of announcing a campaign, drive or event of a civic, philanthropic, fraternal, religious, or educational organization. No sign shall be displayed in any R-district, except on the immediate site of the event to which it pertains. Such sign may be maintained for a period not to exceed one month and shall be removed within five (5) days of the event to which it pertains.

   C. One real estate sign advertising the sale, rental, lease or trade of the premises or part of the premises on which the sign is displayed; with area governed by the following:

      (1) Such sign shall not exceed ten (10) square feet in an R-2, R-4, and R-8 district.

      (2) Such sign shall not exceed forty (40) square feet in any C, I, R-16, or R-30 district or R-district on a lot of ten (10) acres or more,

      (3) Such sign shall be further regulated by the ARB in the Old and Historic Fredericksburg District,

      (4) Such sign shall be permitted for a period not to exceed four (4) months and shall be removed within three (3) days of the sale, rental, lease, or trade, and

(5) In the event disposition of real estate has not occurred within four (4) month period, a sign permit shall be obtained for each additional period not to exceed four (4) months.

D. Wall or ground signs not exceeding one (1) per street and one and one-half (1 1/2) square feet in area may be displayed for the sole purpose of giving directions to specified churches, community buildings, tourist houses and real estate for sale, rent, lease, or trade; provided, that such real estate sign giving direction to real estate shall not be illuminated and other directional signs shall not be illuminated except by indirect lighting.

E. One (1) wall or ground sign giving the place name of an established neighborhood, community, or subdivision development, and not more in addition thereto than direction to the location of features in such neighborhood or community may be displayed in such neighborhood or community. No such sign shall exceed an over-all height of eight (8) feet or an area of sixty (60) square feet and fifteen (15) feet from any lot line.

F. Wall or ground signs in a private parking lot to identify entrances, exits and divisions of the lot into sections and to control vehicular and pedestrian traffic in the lot provided each sign does not exceed four (4) square feet in area.

G. Informational signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies which signs or bulletin board shall not exceed fifteen (15) square feet on each face or have an aggregate area in excess of thirty (30) square feet, not exceeding eight (8) feet in height, and located not less than 10 feet from any property line.

H. Directory boards, lighted or unlighted, for the purpose of directing the public to and identifying the occupants or tenants within a building, their location in the building and occupation, provided that the letters in such directory boards shall not exceed two (2) inches in height, and the aggregate area shall not exceed fifteen (15) square feet

I. Temporary signs not exceeding twenty (20) square feet announcing such events as "Grand Opening", "Under New Management", or "Going Out of Business", subject to the following conditions:

(1) Permit shall be granted for a period not to exceed twenty (20) days

(2) Location for such sign must be approved by the Building Inspector

(3) A portable sign may be used provided that such sign meets all other district regulations, except that no portable sign shall be permitted in the HFD district.

(4) In the event the sign is not removed by owner within five (5) days notification, the Building Inspector may remove such sign at the owner's expense.

2. Residential Districts - In addition to other applicable regulations presented in this Section, the following regulations shall apply to all signs in R-Districts:

A. In R-2, R-4, R-8 and RMH districts, one sign not exceeding two (2) square feet for each dwelling unit. Such sign shall indicate only the name and address of the occupant. Home occupations in these districts shall not be permitted additional signing of any type.

B. In R-16 and R-30 districts, one or two signs per building shall be permitted totalling twelve (12) square feet per building.

C. Uses other than residential permitted in the district may be permitted one (1) identification sign, with or without bulletin board, not exceeding a total of twelve (12) square feet in area, nor exceeding eight (8) feet in height, and located not less than fifteen (15) feet from any lot line.

D. No sign shall project beyond the property line.

E. All building-mounted signs shall be flush against the building and shall not project above the roof line.

F. No freestanding sign, including supports, shall extend more than five (5) feet above the ground or be located closer than five (5) feet to any property line.

G. Sign illumination shall be only by direct white lighting, shielding such that it illuminates only the face of the sign.

3. Commercial Districts - In addition to other applicable regulations presented in this Section, the following regulations shall apply to all signs in C-districts.

A. Building-mounted business signs on buildings housing only one tenant shall not exceed one and one half (1.5) square feet of area per linear foot of building frontage. However, no sign shall exceed 200 square feet in area.

B. Building-mounted business signs on buildings housing more than one (1) tenant shall not exceed one and one-half square feet of area for each linear foot of building frontage occupied by the tenant. However, no such tenant sign shall exceed 200 square feet in area.

C. Building- mounted business signs shall not project more than fifteen (15) inches from the wall. Other wall signs which are projecting, shall not project into minimum yard areas or beyond the property line, except in the C-D where signs may project 42" from the building.

D. Advertising signs are permitted only as a window display and shall not be included in aggregate sign area computation.

E. Awning signs are permitted provided that the letters are limited to the drop leaf and do not exceed eight (8) inches in height.

F. Marquee signs are permitted by special permit only.

G. One freestanding sign shall be permitted per building in the C-H district or per shopping center in the CSC districts. Such sign shall not exceed 100 square feet in area and a height of twenty (20) feet above the ground. The location of such sign shall be subject to approval by the Director of Public Works and Zoning Administrator. In C-H district freestanding signs shall convey only business information. In a CSC, freestanding signs shall be limited to shopping center identification.

H. No freestanding signs shall be permitted in a C-T or C-D district except by special permit use. Such sign shall not exceed 40 square feet in area or 20 feet in height.

I. All signs shall have a minimum clearance of eight (8) feet above a walkway and fifteen (15) feet above a driveway or alley.

J. Service station freestanding signs shall have a maximum area of fifteen (15) square feet allocated to identify price of gasoline dispensed.

K. Advertising signs (commonly referred to as billboards) special permit in C-H districts. No such sign shall be located within 300 feet of any R-district and shall be subject to minimum lot and yard requirements for that district. Advertising signs shall be located so as to be primarily visible from the interstate highway and arterial highways, and shall not be primarily visible from any other street. Such signs may be two-faced and shall not exceed 400 square feet per face.

L. Electronically operated variable message signs which display computer-programmed messages in a timed sequence, so long as such variable message sign includes, though not exclusively, public service information such as time and temperature, but under no circumstances shall any such sign be permitted in any historic district.

M. Signs within Commercial or Industrial Districts shall be placed/located in a manner so as to be directed or facing away from any adjacent residential areas or districts. In addition, the illumination for any such sign shall not be directed toward any residential district.

4. Industrial Districts - In addition to other applicable regulations presented in this Section, the following regulations shall apply to all signs in I-districts:

A. Building-mounted industrial business signs on buildings housing only one tenant shall not exceed one and one half (1.5) square feet of area per linear foot of building frontage. However, no sign shall exceed 200 square feet in area.

B. Building-mounted industrial business signs shall not project more than fifteen (15) inches from the wall. Other wall signs which are projecting, shall not project into minimum yard areas or beyond the property line, except in the C-D where signs may project to within two (2) feet of the curb line.

C. Building-mounted industrial business signs shall not project more than fifteen (15) inches from the wall. Other wall signs which are projecting, shall not project into minimum yard areas or beyond the property line.

D. Advertising signs (commonly referred to as billboards) special permit in I-2 districts. No such sign shall be located within 300 feet of any R-district and shall be subject to minimum lot and yard requirements for that district. Advertising signs shall be located so as to be primarily visible from the interstate highway and arterial highways, and shall not be primarily visible from any other street. Such signs may be two-faced and shall not exceed 400 square feet per face.

E. One freestanding sign per building in the I-1 and I-2 districts shall be permitted. Such sign shall not exceed 100 square feet in area and 20 feet in height.

F. In industrial parks, one freestanding sign shall be permitted identifying the name of the industrial park. Such sign shall not exceed 80 square feet in area or 20 feet in height.

G. Awning signs are permitted provided that the letters are limited to the drop leaf and do not exceed eight (8) inches in height.

H. Marquee signs are permitted by special permit only.

I. All signs shall have a minimum clearance of eight (8) feet above a walkway and fifteen (15) feet above a driveway or alley.

J. Service station freestanding signs shall have a maximum area of fifteen (15) square feet allocated to identify price of gasoline dispensed.

K. Roof signs are permitted provided they do not extend four (4) feet beyond the height of the lowest portion of the roof.

5. Old and Historic Fredericksburg District - All signs to be located in the Old and Historic Fredericksburg District shall be approved by the Architectural Review Board (ARB) in accordance with the provisions of Article 2-Div.18, governing the HFD. Notwithstanding the sign regulations of the zoning ordinance, the ARB, in approving a sign, may further regulate such sign with respect to area, height, placement, materials, color, lighting, graphics, lettering or architectural styling.

2-3.7. Regulations Governing Signs Visible from Interstate and Federal-Aid Highways within the City of Fredericksburg, Virginia.

A. No "off premises" signs may be erected which are visible to the main travel way of Interstate or Federal-Aid primary highways within the City limits, except directional or official signs and notices erected by Public Officials in the performance of their duties and with City Council approval.

B. All "on premises" signs erected which are visible to the main travel way of Interstate or Federal-Aid primary highways within the City shall conform to the following requirements:

1. Size of Sign - the maximum area for any outdoor advertising sign shall be 200 square feet inclusive of bordering and trim.

2. Height of Sign - the maximum allowable height for any sign shall be 20 feet.

3. Double-faced signs are permitted not to exceed the maximum allowable area requirement for each side.

4. Placement of sign - "On premises" signs shall be located not more than 200 feet from the "center of activity" of the business on the site, and not more than 50 feet from the edge of the pavement or parking lot area of the particular business site.

C. No electronically or similarly operated intermittent or variable message sign displaying computer-programmed messages or intermittent light or lights, nor any signs which involve motion or rotation of any part of the sign structure or display may be erected which are visible to the main travel way of Interstate or federal-aid primaries within the City.

D. Any sign determined to be a safety hazard, traffic hazard or otherwise unsafe by the City or VDH&T shall be prohibited.

E. All applications for signs which would be visible to the main travel way of Interstate or any federal-aid primaries shall be reviewed by, and require approval from the City of Fredericksburg, Virginia and the Virginia Department of Highways and Transportation.

F. All VDH&T requirements governing both on-premises and off-premises signs visible from Interstate or federal-aid primaries shall be applicable. However, where a City requirement is more restrictive, the City requirement shall apply.

G. Definitions outlined in the Laws of Virginia relating to Outdoor Advertising, from the Code of Virginia, 1950, (as amended) in Sec. 33.1-351 shall be applicable in the regulating of signs visible from Interstate and Federal-Aid primary highways within the City.

space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings of design, location, and criteria approved by the Director of Public Works.

7. All off-street parking spaces, loading spaces, aisles, and driveways except those provided for single family dwellings shall be constructed and maintained with a dustless surface and be of such type of construction that the same will be available for safe and convenient use at all times, or as otherwise approved by the Director of Public Works.

8. All uses where twenty (20) or more off-street parking spaces are required, except in R-districts, off-street parking spaces for handicapped persons shall be required. Such spaces shall be provided maintaining a ratio of one (1) handicapped space for every fifty (50) conventional spaces in excess of the initial 100 spaces. Handicapped spaces shall be identified by appropriate restrictive signage and shall be 12 feet in width with a grade not to exceed 5 percent.

9. In C- and I-districts and except as may be otherwise qualified in this ordinance, off-street parking spaces may be located in required yards, but not nearer to any lot line than ten (10) feet.

10. All off-street parking facilities shall be used solely for the parking of vehicles in operating condition by patrons, occupants, or employees of the use to which the parking is accessory. No motor vehicle repair work shall be permitted in any required off-street parking facility.

11. All off-street parking spaces, loading areas, driveways, and entrances shall comply with the geometric design criteria of the Director of Public Works. Loading spaces shall not be less than 15 feet wide, 25 feet long and 15 feet high.

12. Appurtenant lighting to parking areas shall be designed to minimize glare to adjoining uses.

13. Computations of Parking space requirements on an employee/person basis shall be based on the (A) maximum number of employees/persons on duty or residing or both, or (B) the occupancy load of the building, whichever is greater.

14. No loading space shall be located in a front yard.

15. No loading space shall be located within forty (40) feet of the nearest point of intersection of the loading approach travelway with the public street right-of-way.

16. Parking spaces shall be designed with a minimum width of nine (9) feet and a minimum length of twenty (20) feet.

17. No parking space shall be designed to prevent vehicles from extending over any property line, right-of-way, sidewalk or travelway.

18. Computation of parking and loading space shall be performed by the engineer or architect submitting the site plan and those computations shall be considered as an integral element of the plan certification.

19. Where parking space or loading requirements are uncertain, the requirements of the Director of Public Works shall govern.

2-4.2 Residential and Lodging Parking Requirements

Minimum off-street parking spaces accessory to residential uses designated herein are, as follows:

1. Dwelling, Single family detached:

   Two (2) spaces per unit

2. Dwelling, Single family attached:

   Two (2) spaces per unit

3. Dwelling, Multiple family (garden-, mid-, high-rise):

   One and one-half (1.5) spaces per unit

4. Dormitory, Fraternity or Sorority, or Lodging hall:

   One (1) space per two (2) sleeping accommodations

5. Hotel or Motel:

   One (1) space per rental unit plus spaces required for eating and assembly rooms as determined by the Director of Public Works.

6. Elderly and Handicapped housing:

   One (1) space per three (3) dwelling units, or as otherwise determined by the Director of Public Works and Zoning Administrator.

7. Mobile Home:

   One and one-half (1.5) space per unit.

8. Tourist, "Bed and Breakfast", Boarding House or Rooming House:

   One (1) space per room accommodation.

2-4.3 Commercial and Industrial Parking Requirements

Minimum off-street parking spaces accessory to commercial and industrial uses designated herein are, as follows:

1. Repair Service, Business Service and Supply Services:

   One (1) space per 300 feet of gross floor area

2. Eating Establishment:

   One (1) space per four (4) seats plus one (1) space per two employees

3. Fast Food Restaurant:

One (1) space per sixty (60) square feet of net floor area plus one (1) additional space for every two (2) employees.

4. Retail Sales and Offices:

One (1) space per 200 square feet net floor area.

5. Shopping Center:

One (1) space per 200 square feet net floor area plus additional spaces for restaurants, theater, and offices.

6. Theater, Auditorium or Stadium:

One (1) space per four (4) viewing accommodations plus one (1) space per two (2) employees.

7. Quick Service Food Store:

One (1) space per 200 square feet of net floor area.

8. Industrial and Wholesale Uses:

One (1) space per 1.5 employees on major shift, plus one (1) space per company vehicle/equipment, plus sufficient space to accommodate largest number of visitors and customers expected at any one time, but not less than one (1) space per 1,000 square feet of gross floor area.

2-4.4 Parking Requirements for Other Uses

Minimum off-street parking spaces accessory to other uses designated herein are as follows:

1. Churches and Places of Worship.

One (1) space per four (4) seating accommodations in main place of worship.

2. Clubs and Recreational Facilities

One (1) space per four (4) members.

3. Where no specification is set forth, parking for other uses shall be based on facility usage by visitors and customers plus employees, as determined by Director of Public Works and Zoning Administrator.

2-4.5 Loading Requirements

In addition to off-street parking requirements, the following off-street loading regulations shall apply to the following uses:

1. Eating and Fast Food Establishments:

One (1) space for the first 10,000 square feet of gross floor area plus one (1) space for each additional 25,000 square feet or major fraction thereof.

2. Retail, Office, Service, Supply and Light Industrial Establishments:

   One (1) space for the first 10,000 square feet of gross floor area plus one (1) space for each additional 20,000 square feet or major fraction thereof.

3. Manufacturing, Heavy Industrial, Warehousing and Vehicles of Heavy Equipment Establishments:

   One (1) space for the first 5,000 square feet of gross floor area plus one (1) space for each additional 30,000 square feet or major fraction thereof.

2-4.6 Private Streets

1. Private streets may be allowed in commercial, industrial, and residential developments in the R-8, R-16, and R-30 districts.

2. Private streets shall be limited to those streets which do not adversely affect the transportation objectives of the Comprehensive Plan.

3. Private streets shall be designed to standards and criteria of the Director of Public Works.

4. Easements of ingress and egress shall be granted for public emergency and maintenance vehicles.

5. Private streets shall be approved in residential developments only in such cases as the perpetual care, maintenance, management and ownership of such streets is legally established to the satisfaction of the City Attorney, Director of Public Works, and City Council prior to final plan approval.

DIVISION 5:
NON-CONFORMING USES

2-5.1 General

Land, buildings, structures, and the lawful uses thereof, in use as of the effective date of this Ordinance and which do not conform to the prescribed zoning district or any other provisions of this Ordinance may be continued under the following conditions.

1. The existing use continues.

2. The existing use is not discontinued for more than two (2) years.

3. The buildings or structures are maintained in their then structural condition.

2-5.2 Regulations

1. A use which would otherwise be conforming except that it does not meet minimum lot or minimum yard requirements of the zoning district in which located shall not be deemed a non-conforming use. Such a use may be continued or enlarged, provided that such use is in compliance with all district regulations, with the exception of lot size requirements.

2. No nonconforming use or structure shall be moved on the same lot or to any other lot which is not properly zoned to permit such use.

3. A nonconforming use may be continued provided that such use shall not be enlarged or extended, nor shall any structural alteration be made in any building in which such use is conducted.

4. If a nonconforming use is removed or discontinued for more than two (2) years, the subsequent use of such land and structure shall be in conformity with the provisions of this Ordinance for the zoning district in which such land is located.

5. If any building or structure, with the exception of a single-family detached dwelling, in which a non-conforming use is conducted is damaged or destroyed by any casualty to an extent exceeding fifty (50) percent of its assessed value, it shall be reconstructed only for a conforming use.

6. No building in which a non-conforming use is conducted that is declared by authorized public official to be unsafe or unlawful by reason of physical condition shall be restored, repaired or rebuilt for uses other than those which conform to those permitted in the zoning district in which such building is located.

DIVISION 6:
R-2 RESIDENTIAL DISTRICT

2-6.1 Purpose and Intent

The R-2 District is created to provide for single family detached dwellings in suburban scaled and situated subdivisions. The maximum density of two (2.0) dwelling units per acre establishes this district as one with a low density residential character. The application of this district shall be compatible with the residential development of currently vacant land areas, including those in the annexation area, into subdivisions of ten (10) acres or greater.

2-6.2 Permitted Uses

1. Single family detached dwellings

2. Accessory uses, to include detached carports and garages, tool sheds, children's playhouses, and doghouses

2-6.3 Special Permit Uses

1. Cemeteries

2. Churches

3. Cluster residential subdivisions

4. Colleges and universities

5. Libraries

6. Museums and shrines

7. Plant nurseries, with no sale of nursery products permitted on premises

8. Day Care Homes

9. Private schools and related uses

10. Public schools, parks, playgrounds, athletic fields and related uses

11. Public utility uses

12. Swimming pools, private

13. Bed and breakfast lodging

2-6.4 **Maximum Density**

Two (2.0) dwelling units per acre

2-6.5 **Lot Size Requirements**

1. Minimum district size for cluster subdivisions: Ten (10) acres
2. Minimum Lot Area
   - A. Conventional subdivision lot: 15,000 sq. ft.
   - B. Cluster subdivision lot: 13,000 sq. ft.
3. Minimum lot width
   - A. Conventional subdivision lot
     - (1) Interior lot: 100 feet
     - (2) Corner lot: 125 feet
   - B. Cluster subdivision lot
     - (1) Interior lot: 80 feet
     - (2) Corner lot: 100 feet

2-6.6 **Bulk Regulations**

1. Maximum building height
   - A. Single family dwellings: 35 feet
   - B. All other structures: 50 feet
2. Minimum yard requirements
   - A. Conventional subdivision lot
     - (1) Front yard: 35 feet
     - (2) Side yard: 12 feet, with a minimum total of 30 feet
     - (3) Rear yard: 30 feet
   - B. Cluster subdivision lot
     - (1) Front yard: 25 feet
     - (2) Side yard: 10 feet, with a minimum total of 24 feet
     - (3) Rear yard: 25 feet

C. A maximum floor area ratio equal to 0.20 shall apply to uses other than residential.

2-6.7 Open Space

In subdivisions approved for cluster development, 15% of the gross area shall be open space dedicated for common usage and ownership.

2-6.8 Additional Regulations

1. Refer to Division 2, General Regulations, for provisions which may supplement those cited herein.

2. Refer to Division 4, for off-street parking and private street requirements.

3. Refer to Division 3, for sign requirements.

DIVISION 7:
R-4 RESIDENTIAL DISTRICT

2-7.1 Purpose and Intent

The R-4 District is established to provide for single family detached dwellings in both developed and undeveloped areas of the City. The maximum density of four (4.0) dwelling units per acre recognizes prevailing single family densities in established residential areas where infill lot development and redevelopment may occur. The District is applicable to undeveloped areas including the annexation area, of adequate size and physiographic characteristic for suburban scale residential subdivisions of either a conventional or cluster design.

2-7.2 Permitted Uses

1. Single Family detached dwellings

2. Accessory uses, to include detached carports and garages, tool sheds, children's playhouses and doghouses.

2-7.3 Special Permit Uses

1. Cemeteries

2. Churches

3. Cluster residential subdivisions

4. Colleges and universities

5. Libraries

6. Museums and shrines

7. Plant nurseries (with no sale of nursery products permitted on premises)

8. Day care homes

9. Private schools and related uses

10. Public schools, parks, playgrounds, athletic fields and related uses

11. Public utility uses

12. Swimming pools, private

13. Bed and breakfast lodging

14. Community buildings

15. Branch governmental offices and substations

16. Nursery schools

17. Post offices

18. Homes for adults (4 people or fewer, as per State Code)

19. Home Occupations

2-7.4 Maximum Density

Four (4.0) dwelling units per acre

2-7.5 Lot Size Requirements

1. Minimum size district for cluster subdivisions: 10 acres

2. Minimum lot area

   A. Conventional subdivision lot: 8,400 sq. ft.

   B. Cluster subdivision lot: 6,000 sq. ft.

3. Minimum Lot Width

   A. Conventional subdivision lot

      (1) Interior lot: 70 feet

      (2) Corner lot: 95 feet

   B. Cluster subdivision lot

      (1) Interior lot: Not regulated

      (2) Corner lot: 75 feet

2-7.6 Bulk Regulations

1. Maximum building height

   A. Single family dwellings: 35 feet

   B. All other structures: 60 feet

2. Minimum yard requirements

   A. Conventional subdivision lot

      (1) Front yard: 30 feet

      (2) Side yard: 10 feet

      (3) Rear yard: 25 feet

   B. Cluster subdivision lot

      (1) Front yard: 24 feet

      (2) Side yard: 8 feet

      (3) Rear yard: 25 feet

   C. Infill subdivision lot (lot of record on or before date of ordinance adoption) or lots in developed areas where yard geometry has already been established by existing residential dwellings.

      (1) Front yard: The average of the front yard set backs of the two residential dwellings located on the contiguous side lots to the lot in question.

      (2) Side yard: The average of the side yard setbacks of the two residential dwellings located on the contiguous side lots to the lot in question.

3. A maximum floor area ratio (FAR) equal to 0.30 shall apply to uses other than residential.

2-7.7 Open Space

For subdivisions approved for cluster development, 15% of the gross area shall be open space dedicated for common usage and ownership.

2-7.8 Additional Regulations

1. Refer to Division 2, General Regulations, for provisions which may supplement those cited herein.

2. Refer to Division 4, for off-street parking and private street requirements.

3. Refer to Division 3, for sign requirements.

DIVISION 8:
R-8 RESIDENTIAL DISTRICT

2-8.1 Purpose and Intent

The R-8 District is established to provide for a planned mixture of single family detached and attached dwelling types at a density not to exceed eight (8.0) dwelling units per acre. Compatible development in this district would be sensitive to land physiography, public infrastructure and facilities, transportation access requirements, and vulnerable environmental features in achieving optimal siting of dwellings, open space, recreational and community facilities, and transportation systems.

2-8.2 Permitted Uses

1. Single family detached dwellings.
2. Single family attached dwellings.
3. A mixture of dwelling types as set forth above.
4. Accessory uses for single family attached and detached dwellings to include detached carports and garages, tool sheds, children's playhouses and doghouses when planned and constructed in concert with principal dwelling development program.

2-8.3 Special Permit Uses

1. Cemeteries
2. Churches
3. Colleges and universities
4. Libraries
5. Museums and shrines
6. Day care homes
7. Private schools and related uses
8. Public schools, parks, playgrounds, athletic fields and related uses
9. Public utility uses
10. Swimming pools
11. Bed and breakfast lodging (in detached dwellings)
12. Commercial swimming pools and tennis courts
13. Commmunity buildings
14. Conference centers and retreat houses operated by a religious or non-profit organization

15. Boarding houses

16. Branch governmental offices and substations

17. Nursery schools

18. Post offices

19. Home occupations

20. Fire stations

21. Golf courses

22. Day care centers

23. Hospitals

24. Housing for the elderly

25. Institutional housing

26. Funeral chapels

27. Private clubs

28. Community association facilities

29. Dormitories

30. Fraternity/sorority houses

31. Parking lots

32. Waiver of district size

2-8.4 Maximum Density

Eight (8.0) dwelling units per acre

2-8.5 Lot Size Requirements

1. Minimum district size: 5 acres, subject to the waiver provisions cited in the Additional Regulations of this district.

2. Minimum lot area

   A. Single family detached dwellings: 5,000 sq. ft.

   B. Single family attached dwellings: 1,600 sq. ft.

C. Non-residential uses: 15,000 sq. ft.

3. Minimum lot width

A. Single family detached dwellings:

(1) Interior lot: 50 feet

(2) Corner lot: 70 feet

B. Single family attached dwellings: 18 feet

C. Non-residential uses

(1) Interior lot: 80 feet

(2) Corner lot: 100 feet

4. Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

A. Lot lines shall conform with party wall centerlines.

B. A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

2-8.6 Bulk Regulations

1. Maximum building height

A. Single family attached and detached dwellings: 40 feet

B. All other structures: 60 feet

2. Minimum yard requirements

A. Single family detached dwellings

(1) Front yard: 25 feet

(2) Side yard: 8 feet

(3) Rear yard: 25 feet

B. Single family attached dwellings

(1) Front yard: 12 feet

(2) Side yard: 15 feet

(3) Rear yard: 25 feet

C. All other structures

(1) Front yard: 25 feet

(2) Side yard: 10 feet

(3) Rear yard: 25 feet

3. A maximum floor area ratio (FAR) equal to 0.35 shall apply to uses other than residential.

2-8.7 Open Space

Twenty-five (25%) percent of the gross area shall be open space.

2-8.8 Additional Regulations

1. No more than eight (8) single-family attached (townhouse) units shall be included in any one physically contiguous grouping.

2. Where adjacent property is zoned under a district other than R-8, all buildings shall be set back at least 40 feet from the common property line.

3. Single-family attached (townhouse) dwelling groups shall be separated from one another by a minimum of 20 feet between front and rear lot lines and end unit side yard lot lines.

4. Where a group of single-family attached dwelling units are adjacent to a private drive, parking area, or walkway intended for the common use of the development's occupants, there shall be a minimum building set back of 15 feet from that drive, area, or walk.

5. Development in the R-8 District shall require site plan approval as set forth in Division 23.

6. In the R-8 District, open space, recreational facilities, private streets, walkways, and parking areas, and other common areas shall be maintained by and be the sole responsibility of the developer-owner of the R-8 District development until such time as the developer-owner conveys such common area to a non-profit (homeowners') entity consisting of at least all of the individual owners of the dwelling units in the development.

   The land shall be conveyed to and be held by the non-profit entity solely for recreation, open space, private access easements, circulation, and parking purposes.

Deed restrictions and covenants shall be included with the conveyance to include, among other things, tax assessments, charges and costs of maintenance of such common areas shall constitute a pro-rata lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Further, covenants shall specify means in which a non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, and travelways.

All necessary deed restrictions, covenants, non-profit (homeowners') entity incorporation documents, and information related to conveyance program shall be prepared by the developer-owner and presented at the time of plat and plans submission for approval by the City Attorney.

7. The City Council, upon recommendation by the Planning Commission or its agent, may approve a special exception waiving the minimum district size requirement for the R-8 District in accordance with the following provisions:

   A. Such lot is not adjoined or has not been adjoined by any other land in the same ownership or reduced in width or area to a width or area less than that required.

   B. The owner shall demonstrate that consolidation with contiguous lots represents an undue economic hardship or physical impossibility as well as establishing that such proposed development will have no deleterious effect on those contiguous properties.

8. Refer to Division 2, General Regulations, for provisions which may supplement those cited herein.

9. Refer to Division 4, for off-street parking and private street requirements.

10. Refer to Division 3, for sign requirements.

DIVISION 9:
R-16 RESIDENTIAL DISTRICT

2-9.1 Purpose and Intent

The R-16 District is established to provide for a planned mixture of single family attached and multiple family dwelling types at a density not to exceed sixteen (16.0) dwelling units per acre. Compatible development in this district would be sensitive to land physiography, public infrastructure and facilities, transportation access requirements, and vulnerable environmental features in achieving optimal siting of dwellings, open space, recreational and community facilities, and transportation systems.

2-9.2 Permitted Uses

1. Single family attached dwellings.
2. Multiple-family dwellings
3. A mixture of dwelling types as set forth above.
4. Accessory uses, to include tool sheds, children's playhouses, doghouses and parking garages (when planned and constructed in concert with principal dwelling development program).

2-9.3 Special Permit Uses

1. Cemeteries
2. Churches
3. Colleges and universities
4. Libraries
5. Museums and shrines
6. Day care homes
7. Private schools and related uses
8. Public schools, parks, playgrounds, athletic fields and related uses
9. Public utility uses
10. Swimming pools
11. Bed and breakfast lodging (in attached dwellings)
12. Commercial swimming pools and tennis courts
13. Community buildings

14. Conference centers and retreat houses operated by a religious or non-profit organization

15. Boarding houses

16. Rooming houses

17. Branch governmental offices and substations

18. Nursery schools

19. Post offices

20. Fire stations

21. Golf courses

22. Day care centers

23. Hospitals

24. Housing for the elderly

25. Institutional housing

26. Funeral chapels

27. Private clubs

28. Community association facilities

29. Dormitories

30. Fraternity/sorority houses

31. Parking lots

32. Waiver of district size

33. Parking garages

34. Hotels and motels

35. Laundromats (coin-operated)

36. Nursing homes

37. Accessory uses above when developed independently of principal dwelling development program

2-9.4 <u>Maximum Density</u>

Sixteen (16.0) dwelling units per acre

2-9.5 Lot Size Requirements

1. Minimum district size: 5 acres, subject to the waiver provisions cited in the Additional Regulations of this district.

2. Minimum lot area

   A. Single family attached dwellings: 1,600 sq. ft.

   B. Multiple family dwellings: Adequate with respect to physiographic, air, solar, and environmental characteristics of lot and their relationship to adjoining properties.

   C. Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Single family attached dwellings: 18 feet

   B. Multiple family dwellings: Not regulated

   C. Non-residential uses

      (1) Interior lot: 75 feet

      (2) Corner lot: 100 feet

4. Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:

   A. Lot lines shall conform with party wall centerlines.

   B. A privacy yard, having a minimum area of 200 square feet, shall be provided on each lot.

2-9.6 Bulk Regulations

1. Maximum building height

   A. Single family attached dwellings: 40 feet

   B. Multiple family dwellings and other structures: 60 feet

2. Minimum yard requirements

   A. Single family attached dwellings

      (1) Front yard: 12 feet

      (2) Side yard: 15 feet

      (3) Rear yard: 25 feet

B. Multiple-family dwellings and all other structures

(1) Front yard: 25 feet

(2) Side yard: 25 feet

(3) Rear yard: 35 feet

3. A maximum floor area ratio (FAR) equal to 0.70 shall apply to uses other than residential.

2-9.7 Open Space

Twenty five percent (25%) of the gross area shall apply to uses other than residential.

2-9.8 Additional Regulations

1. No more than eight (8) single-family attached (townhouse) units shall be included in any one physically contiguous grouping.

2. Where adjacent property is zoned under a district other than R-16, all buildings shall be set back at least 40 feet from the common property line.

3. Single-family attached (townhouse) dwelling groups shall be separated from one another by a minimum of 20 feet between front and rear lot lines and end unit side yard lot lines.

4. Where a group of single-family attached dwelling units are adjacent to a private drive, parking area, or walkway intended for the common use of the development's occupants, there shall be a minimum building set back of 15 feet from that drive, area, or walk.

5. Development in the R-16 District shall require site plan approval as set forth in Division 23.

6. In the R-16 District, open space, recreational facilities, private streets, walkways, and parking areas, and other common areas shall be maintained by and be the sole responsibility of the developer-owner of the R-16 District development until such time as the developer-owner conveys such common area to a non-profit (homeowners')

entity consisting of at least all of the individual owners of the dwelling units in the development.

The land shall be conveyed to and be held by the non-profit entity solely for recreation, open space, private access easements, circulation, and parking purposes.

Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a prorata lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Further, covenants shall specify means in which non-profit entity shall govern and manange itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, and travelways.

All necessary deed restrictions, covenants, non-profit (homeowners') entity incorporation documents, and information related to conveyance program shall be prepared by the developer-owner and presented at the time of plat and plans submission for approval by the City Attorney.

7. The City Council, upon recommendation by the Planning Commission or its agent, may approve a special exception waiving the minimum distrist size requirement for the R-16 District in accordance with the following provisions:

   A. Such lot is not adjoined or has not been adjoined by any other land in the same ownership or reduced in width or area to a width or area less than that required.

   B. The owner shall demonstrate that consolidation with contiguous lots represents an undue economic hardship or physical impossibility as well as establishing that such proposed development will have no deleterious effect on those contiguous properties.

8. Multiple family dwelling units shall be separated from one another by a distance not less than the height of the tallest residential structure.

9. All refuse shall be contained in completely enclosed facilities.

10. On a corner lot, no curb cut shall be located closer than 75 feet to the curb line extended from the intersecting corner.

11. No curb cut shall be located closer than 30 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.

12. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 60 feet between them.

13. Refer to Division 2, General Regulations, for provisions which may supplement those cited herein.

14. Refer to Division 3 for signing.

15. Refer to Division 4 for off-street parking and private street requirements.

DIVISION 10:
R-30 RESIDENTIAL DISTRICT

2-10.1 Purpose and Intent

The R-30 District is established to provide for multiple-family dwellings of a mid-rise character at a density not to exceed thirty (30.0) dwelling units per acre and to allow other selected uses which are compatible with the unique character of such a residential district.

2-10.2 Permitted Uses

1. Multiple family dwelling units.

2. Elderly and handicapped housing and health care facilities.

3. Nursing homes.

4. Accessory uses, to include parking garages, carports, recreation buildings and facilities integral to principal use, and utility buildings and facilities integral to principal use.

2-10.3 Special Permit Uses

1. Colleges and universities

2. Libraries

3. Museums and shrines

4. Private schools and related uses

5. Public schools, parks, playgrounds, athletic fields and related uses

6. Public utility uses

7. Swimming pools

8. Bed and breakfast lodging

9. Commercial swimming pools and tennis courts

10. Community buildings

11. Conference centers and retreat houses operated by a religious or non-profit organization

12. Boarding houses

13. Rooming houses

14. Branch governmental offices and substations

15. Nursery schools

16. Post offices

17. Fire stations

18. Golf courses

19. Day care centers

20. Hospitals

21. Institutional housing

22. Funeral chapels

23. Private clubs

24. Community association facilities

25. Dormitories

26. Fraternity/sorority houses

27. Parking lots

28. Waiver of district size

29. Bank teller machines (unmanned)

30. Commercial laundries, retail exchanges (located in principal structure)

31. Medical, dental, and other related offices intended primarily for the use of the residents of the district

32. Eating establishments intended primarily for the use of the residents of the district

33. Pharmacies intended primarily for the use of the residents of the district

34. Quick-service food store (located in principal structure)

35. Accessory uses above when developed independently of principal dwelling development program

36. Laundromats (coinoperated)

2-10.4 Maximum Density

Thirty (30.0) dwelling units per acre.

2-10.5 Lot Size Requirements

1. Minimum district size: 3 acres subject to the waiver provisions cited in the Additional Regulations of this district.

2. Minumum lot area

A. Multiple family dwellings: Adequate with respect to physiographic, air, solar, and environmental characteristics of lot and their relationship to adjoining properties.

B. Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

A. Multiple family dwellings: Not regulated

B. Non-residential uses:

(1) Interior lot: 75 feet

(2) Corner lot: 100 feet

2-10.6 Bulk Regulations

1. Maximum building height: 90 feet

2. Minimum yard requirements: Mutiple family dwellings

(1) Front yard: 40 feet

(2) Side yard: 40 feet

(3) Rear yard: 40 feet

3. A maximum floor area ratio (FAR) of 1.00 shall be applied for uses other than residential.

2-10.7 Open Space

Forty percent (40%) of the gross area shall be open space.

2-10.8 Additional Regulations

1. Where adjacent property is zoned under a district other than R-30, all buildings shall set back at least 75 feet from the common property line.

2. Development in the R-30 District shall require site plan approval as set forth in Division 23.

3. In the R-30 District, open space, recreational facilities, private streets, walkways, and parking areas, and other common areas shall be maintained by and be the sole responsibility of the developer-owner of the R-30 District development until such time as the developer-owner conveys such common area to a non-profit (homeowners') entity consisting of at least all of the individual owners of the dwelling units in the development.

The land shall be conveyed to and be held by the non-profit entity solely for recreation, open space, private access easements,

circulation, and parking purposes.

Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rata lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Further, covenants shall specify means in which non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, and travelways.

All necessary deed restrictions, covenants, non-profit (homeowners') entity incorporation documents, and information related to conveyance program shall be prepared by the developer-owner and presented at the time of plat and plans submission for approval by the City Attorney.

4. The City Council, upon recommendation by the Planning Commission or its agent, may approve a special exception waiving the minimum district size requirement for the R-30 District in accordance with the following provisions:

   A. Such lot is not adjoined or has not been adjoined by any other land in the same ownership or reduced in width or area to a width or area less than that required.

   B. The owner shall demonstrate that consolidation with contiguous lots represents an undue economic hardship or physical impossibility as well as establishing that such proposed development will have no deleterious effect on those contiguous properties.

5. Refer to Division 2 , General Regulations, for provisions which may supplement those cited herein.

6. Refer to Division 4 , for off-street parking and private street requirements.

7. Refer to Division 23, for site plan requirements.

8. Refer to Division 3, for signing requirements.

9. All uses shall comply with City performance standards as set forth in Division 22.

10. All refuse shall be contained in completely enclosed facilities.

11. On a corner lot, no curb cut shall be located closer than 75 feet to the curb line extended from the intersecting street.

12. No curb cut shall be located closer than 30 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.

13. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 60 feet between them.

DIVISION 11:
RMH - Residential Mobile Home District

2-11.1 Purpose and Intent

The RMH District is established to provide for the location of mobile homes in mobile home parks and to allow other selected uses which are compatible with the unique residential character of the district. Existing mobile home developments located within the City, though recognized in their non-conforming status, will be subject to the provisions of the RMH District if altered in any manner.

2-11.2 Permitted Uses

1. Residential mobile home dwellings

2. Accessory uses, to include detached carports and garages, tool sheds, children's playhouses and doghouses.

3. One (1) detached residential dwelling unit for one family, office, and maintenance facilities for operators of the mobile home park.

2-11.3 Special Permit Uses

1. Cemeteries

2. Churches

3. Colleges and universities

4. Libraries

5. Museums and shrines

6. Plant nurseries (with no sale of nursery products permitted on premises)

7. Day care homes

8. Private schools and related uses

9. Public schools, parks, playgrounds, athletic fields and related uses

10. Public utility uses

11. Swimming pools

12. Commercial swimming pools and tennis courts

13. Community buildings

14. Conference centers and retreat houses operated by a religious or non-profit organization

15. Boarding houses (non-transient, limited to 5 boarders)

16. Nursery schools

17. Post offices

18. Fire stations

19. Golf courses

20. Day care centers

21. Hospitals

22. Housing for the elderly

23. Institutional housing

24. Funeral chapels

25. Laundromats

26. Nursing homes

27. Camp trailers

2-11.4 Maximum Density

Six(6.0) dwelling units per acre

2-11.5 Lot Size Requirements

1. Minimum district size: 10 acres

2. Minimum lot area

   A. Mobile homes: 4,000 sq. ft.

   B. Single family detached dwellings: 6,000 sq. ft.

   C. Non-residential uses: 10,000 sq. ft.

3. Minimum lot width

   A. Mobile home park: 100 feet

   B. Mobile home lot: 40 feet

   C. Single family detached dwelling and other structures

      (1) Interior lot: 70 feet

      (2) Corner lot: 90 feet

2-11.6 Bulk Regulations

1. Maximum building height

   A. Residential Uses: 35 feet

   B. All other structures: 50 feet

2. Minimum yard requirements of park

   A. Front yard:

      (1) Mobile homes: 40 feet from front lot line of the park and public right -of-way

      (2) Other structures: 25 feet from front lot line of park and interior streets

   B. Side yard

      (1) Mobile homes: 30 feet from side lot line or park

      (2) All other structures: 15 feet from side lot line of park

   C. Rear Yard

      (1) Mobile homes: 30 feet from rear lot line of park

      (2) All other structures: 30 feet from rear lot line of park

   D. Minimum yard requirements for mobile home lots within park

      (1) 20 feet to any other mobile home or building within park

      (2) 40 feet to a public right-of-way

      (3) 15 feet to a private street or common open space within the park

2.11.7 Open Space

Twenty percent (20%) of the gross area shall be open space.

Fifty percent (50%) of the open space must be developable and developed for active recreation uses. Such open space land shall not lie within the 100-year floodplain or have slopes greater than 15%.

Recreation facilities in the open space areas shall include provision for both adult and youth activities.

2-11.8 Additional Regulations

1. Development within the RMH District shall require site plan approval, as set forth in Division 23.

2. No space in a mobile home park shall be rented for residential use except for periods of thirty (30) days or more.

3. No mobile home shall be located in any park unless it can be demonstrated that it meets the requirements of the Mobile Home Manufac turers' Association "Mobile Home Standards for Plumbing, Heating and Electric Systems" as well as other qualifying standards adopted by the State of Virginia.

4. Every mobile home lot as described on the site plan shall be clearly defined on the ground by permanent monuments to be located by field survey.

5. Every mobile home lot shall be provided with a mobile home stand so designed to provide adequate load bearing support. The stand shall be located as to provide for the most practical placement of the mobile home and its appurtenant structures in a manner complying with all requirements of this district. Each mobile home shall be securely anchored to each stand to prevent overturning and shifting, in accordance with National Fire Protection Association Standards.

6. No mobile home lot shall extend into a floodplain.

7. Every mobile home shall be provided with an outdoor patio to be adequately paved of asphalt or concrete material and located convenient to the entrance of the mobile home. The paved area shall be at least 200 square feet.

8. All mobile home lots shall abut on a private street or driveway and each lot shall have unobstructed access to a public street. Private street and driveways shall be constructed in accordance with the standards and criteria of the City's Director of Public Works.

9. Sidewalks shall be provided for safe, convenient, all season access from mobile home stands to paved streets, parking spaces, and other concentrated pedestrian areas.

10. Street lighting shall be provided, with final layout and design subject to final plan approval.

11. An acceptible garbage and refuse collection program and temporary storage system shall be provided, with such program and physical system subject to final plan approval. At minimum, the owner shall collect garbage and refuse not less than twice weekly, insuring that collection is provided on a lot-by-lot, curb-side basis.

12. A landscaped buffer of 15 feet in width shall be maintained around the perimeter of the mobile home park, with plant materials and placement thereof subject to final plan approval.

13. Any expansion of existing mobile home parks or mobile home developments must result in full compliance with all regulations contained herein.

14. Refer to Division 2. General Regulations, for provisions which may supplement those cited herein.

15. Refer to Division 4, for off-street parking and private street requirements.

16. Refer to Division 3, for signing requirements.

DIVISION 12:
C-T, TRANSITIONAL COMMERCIAL/OFFICE DISTRICT

2-12.1 Purpose and Intent

The C-T District is established to provide for the location of predominantly non-retail, commercial uses in a low intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher intensity uses. The application of this District is intended for newly developing areas of the City including the annexation area, where offices and financial institutions are the principal uses.

2-12.2 Permitted Uses

1. Churches and other places of worship
2. Financial institutions
3. Offices, to include display and sales of scientific, electronic, and medical equipment of a type not customarily retailed to the general public.

2-12.3 Special Permit Uses

1. Colleges and universities
2. Libraries
3. Museums
4. Private schools and related uses
5. Public schools, parks and playgrounds
6. Bed and breakfast lodging
7. Conference centers
8. Nursery schools
9. Post offices
10. Fire stations
11. Day care centers
12. Hospitals and medical care facilities
13. Funeral homes
14. Parking lots (commercial, off-street as a principal use)
15. Eating establishments (not to include fast-food restaurants)
16. Veterinary clinics
17. Police stations

18. Drive-in banks

19. Establishments for scientific research and development

20. Telecommunication centers

21. Residential dwellings as a principal use.

22. Residential dwellings as an ancilliary use in commercial structures.

2-12.4 Maximum Residential Density

Sixteen (16.0) Mixed use dwelling units per acre

Eight (8.0) Multi-family dwelling units per acre

Eight (8.0) Single family dwelling units per acre

2-12.5 Lot Size Requirements

1. Minimum lot area: 20,000 sq.ft.
2. Minimum lot width: 100 feet

2-12.6 Bulk Regulations

1. Maximum building height: 40 feet
2. Minimum yard requirements:
   A. Front yard: 30 feet
   B. Side yard: 15 feet
   C. Rear yard: 30 feet
3. Maximum floor area ratio: .50

2-12.7 Open Space

Thirty percent (30%) of the gross area shall be landscaped open space.

2-12.8 Additional Regulations

1. Refer to Division 4, for off-street parking, loading, and private street requirements.

2. Refer to Division 3, for regulations on signs

3. All uses shall comply with City performance standards as set forth in Division 22.

4. All users shall be subject to site plan approval

5. All refuse shall be contained in completely enclosed facilities.

6. All business services, and storage shall be conducted within the principal structure which is to be completely enclosed.

7. A landscaped buffer strip of 20 feet in width shall be provided around the perimeter of the lot in cases where buffer protection is deemed necessary to promulgate the intent of this District.

DIVISION 13:
C-D DOWNTOWN BUSINESS DISTRICT

2-13.1 Purpose and Intent

The C-D District is established to promote harmonious development, redevelopment and rehabilitation of uses in the commercial areas of the Old and Historic Fredericksburg District. The regulations of this district are intended to promulgate the goals of the Comprehensive Plan for historic district development while encouraging mixed uses in the downtown area. The emphasis in site planning is to be placed upon enhancing pedestrian circulation, minimizing vehicular/pedestrian access conflicts among uses, respecting the geometry of the downtown streetscape, and maintaining a continuity with the architectural precedents of the historic area.

2-13.2 Permitted Uses

Permitted uses shall be those in the following categories which do not exceed 4,000 sq. ft. in lot coverage and/or a floor area ratio (FAR) of 3.0.

1. Retail sales establishments (exclusive of lumber and millwork retail sales and storage yards).
2. Financial institutions
3. Offices
4. Personal service establishments
5. Churches and other places of worship
6. Eating establishments
7. Public schools, parks, and playgrounds
8. Repair service establishments
9. Residential dwellings, as a principal use, subject to standards and criteria of Historic District Design Guidelines for new structures and other regulations of this ordinance.
10. Residential dwellings, as an ancillary use in commercial structures, subject to standards and criteria of Historic District Design Guidelines for mixed use structures and other regulations of this ordinance.

2-13.3 Special Permit Uses

1. Libraries
2. Museums
3. Bed and breakfast lodging

4. Post offices

5. Home occupations (in detached residential dwellings)

6. Fire stations

7. Funeral homes

8. Parking lots (commercial, off-street as a principal use)

9. Police stations

10. Drive-in banks

11. Those use categories permitted by right, but which exceed 4,000 sq.ft. in lot coverage and/or floor area ratio (FAR) of .30.

12. Hotels and motels

13. Quick-service food stores

14. Theaters

15. Parking garages, municipal

16. Government centers

17. Accessory structures

2-13.4 Lot Size Requirements

1. Minimum district size: The district shall conform with the downtown commercial areas within the Old and Historic Fredericksburg District.

2. Minimum lot area: not regulated

3. Minimum lot width: not regulated

2-13.5 Bulk Regulations

1. Maximum building height: 50 feet.

2. Minimum yard requirements

A. Front yard: Shall generally conform with the setback of adjacent structures.

B. Side yard: Not regulated; except

(1) Side yard shall be at least 15 feet where adjacent to any residential district, and

(2) Where side yard is provided, it shall be of adequate space for use intended.

C. Rear yard: Not regulated; except rear yard shall be at least 25 feet where adjacent to any residential district.

3. Maximum floor area ratio: .30

4. Maximum residential density:

   A. 30 dwelling units per acre for mixed use structures with commercial uses on first floor.

   B. 16 dwelling units per acre for multi-family dwellings.

   C. 8 dwelling units per acre for single family dwellings.

2-13.6 Open Space

Not regulated; except 15% of the gross area may be required landscaped open space for residential uses or mixed uses.

2-13.7 Additional Regulations

1. Refer to Division 4, for off-street parking, loading, and private street requirements.

2. Refer to Division 3, for regulations on signs

3. Refer to Division 18 for Historic District Regulations

4. Refer to Historic District Design Guidelines for site planning and architectural design standards and criteria.

5. All uses shall be subject to site plan approval.

6. No outdoor storage shall be permitted.

7. All refuse shall be contained in completely enclosed facilities.

8. All uses shall comply with the City performance standards as set forth in Division 22.

9. Any use which requires a new curb cut or which is adjacent to uses which may be adversely affected by the creation of a curb cut, such use will require a special use permit.

DIVISION 14:
C-SC, COMMERCIAL SHOPPING CENTER DISTRICT

2-14.1 Purpose and Intent

The C-SC District is established to provide locations for community and neighborhood retail commercial and service uses in planned shopping centers. The application of this District is intended for areas which will provide for orderly facility development, minimize traffic congestion, permit "one-stop" and comparison shopping, and provide for safe pedestrian movement. Typical uses found in the C-SC District include supermarkets, drug stores, variety department stores, specialty stores, movie theaters, personal service establishments, and small professional offices in limited number.

2-14.2 Permitted Uses

1. Churches and other places of worship
2. Eating establishments
3. Financial institutions
4. Offices
5. Personal service establishments
6. Public schools, parks and playgrounds
7. Repair service establishments
8. Retail sales establishments (exclusive of lumber and millwork retail sales and storage yards)
9. Laundromats (coin operated)

2-14.3 Special Permit Uses

1. Colleges and universities
2. Libraries
3. Museums
4. Private schools and related uses
5. Swimming pools
6. Conference centers
7. Post offices
8. Fire stations
9. Golf courses
10. Hospitals and medical care facilities
11. Funeral homes

12. Private clubs (includes Country Clubs)

13. Parking lots (commercial, off-street as a principal use)

14. Veterinary clinics

15. Police stations

16. Drive-in banks

17. Hotels and motels

18. Quick-service food stores

19. Fast-food restaurants

20. Business service and supply establishments

21. Automobile service and supply establishments (with complely enclosed structures)

22. Car washes

23. Service stations

24. R-30 Resiential District uses (as governed by the regulations and requirements of that district)

25. Regional shopping centers with aggregate gross floor area in excess of 400,000 sq.ft. and aggregate size of 30 acres

26. Temporary uses

27. Telecommunications centers

28. Plant nurseries

29. Lumber and millwork retail sales and storage yards

2-14.4 <u>Lot Size Requirements</u>

1. Minimum district size: 5 acres

2. Minimum lot area: 40,000 sq. ft.

3. Minimum lot width: 200 feet

4. Minimum lot area requirements may be waived in accordance with provisions of Additional Regulations, 2-14.7.

2-14.5 <u>Bulk Regulations</u>

1. Maximum building height: 40 feet

2. Minimum yard requirements:

   A. Front yard: 30 feet

   B. Side yard: Not regulated, but if yard is provided, no such yard shall be less than 20 feet.

C. Rear yard: 30 feet

3. Maximum floor area ratio: 0.50

2-14.6 Open Space

Fifteen percent (15%) of the site shall be landscaped open space.

2-14.7 Additional Regulations

1. Refer to Division 4, for off-street parking, loading, and private street requirements.

2. Refer to Division 3, for regulations on signs.

3. All uses shall comply with City performance standards as set forth in Division 22.

4. All uses shall be subject to site plan approval.

5. All refuse shall be contained in completely enclosed facilities.

6. On a corner lot, no curb cut shall be located closer than 75 feet to the curb line extended from the intersecting street.

7. No curb cut shall be located closer than 30 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.

8. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 60 feet between them.

9. Drive-in banks, fast food restaurants, and quick service food stores shall be permitted by right when such uses are located under the roof of a shopping center containing five (5) other retail uses and it can be demonstrated that such uses do not interfere with the purpose and intent of the district.

10. The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

11. Where a lot is continguous to property located in a R-2, 4, 8 or 16 district, all buildings shall have a minimum setback of 50 feet from common property lines. A landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject to final plan approval. Fencing may be required in such cases with fence material and heights subject to final plan approval.

12. Refer to Division 2, General Regulations, for provisions which may supplement those cited herein.

DIVISION 15:
C-H, HIGHWAY RETAIL COMMERCIAL

2-15.1 Purpose and Intent

The C-H District is established to provide locations on heavily traveled collector and arterial highways for those commercial and services uses which are oriented to the automobile & require good access but not dependence on adjoining uses or pedestrian trade. The application of this district should be to those areas of the City where individual uses can be grouped in pre-planned concentrations and limit the "strip" development effect on newly developing areas, such as those in the annexation area. Adequate transportaion and site planning of uses should have the goal of minimizing through-traffice movements.

2-15.2 Permitted Uses

1. Business service and supply establishments
2. Drive-in banks
3. Eating establishments
4. Fast-food restaurants
5. Financial instituions
6. Funeral homes
7. Hotels and motels
8. Offices
9. Personal service establishments
10. Plant nurseries
11. Quick-service food stores
12. Repair service establishments
13. Retail trade establishments
14. Laundromats (coin operated)
15. Theaters
16. Vehicle service establishment (includes auto-repair services with completely enclosed structures)
17. Vehicle sale, rental and service establishments
18. Service stations
19. Wholesale trade establishments
20. Kennel and animal shelter

2-15.3 Special Permit Uses

1. Colleges and universities
2. Libraries
3. Museums
4. Conference centers
5. Post offices
6. Fire stations
7. Hospitals and medical care facilities
8. Parking lots (commercial, off-street as a principal use)
9. Police stations
10. Veterinary clinics
11. Parking garages
12. R-30 Residential District uses (as governed by the regulations and requirements of that district)
13. Restaurants (as a secondary use)
14. Quick-service food stores with retail sale of petroleum products
15. Establishments for scientific research and development
16. Marinas, commercial
17. Bus stations
18. Sports arenas, commercial
19. Commercial recreation facilities
20. Drive-in theaters
21. Auction establishments
22. Car washes

2-15.4 Lot Size Requirements

1. Minimum District size: Not regulated; except districts should be sized and spaced to limit potential "strip" development impacts.
2. Minimum lot area: 20,000 sq. ft.
3. Minimum lot width: 150 feet

2-15.5 Bulk Regulations

1. Maximum building height: 40 feet, subject to special use permit approval. Increase may be granted by City Council.

2. Minimum yard requirements:

   A. Front yard: 40 feet

   B. Side yard: Not regulated, but if a side yard is provided, no such yard shall be less than 20 feet

   C. Rear yard: 20 feet

3. Maximum floor area ratio (FAR): 0.70

2-15.6 Open Space

Fifteen percent (15%) of the gross area shall be landscaped open space.

2-15.7 Additional Regulations

1. Refer to Division 4, for off-street parking, loading, and private street requirements.

2. Refer to Division 3, for regulations on signs

3. All uses shall comply with City performance standards as set forth in Division 22.

4. All uses shall be subject to site plan approval.

5. All refuse shall be contained in completely enclosed facilities.

6. On a corner lot, no curb cut shall be located closer than 75 feet to the curb line extended from the intersecting street.

7. No curb cut shall be located closer than 30 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.

8. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 60 feet between them.

9. The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.

10. Where a lot is contiguous to property located in all R-Districts and in C-T Districts, all buildings shall have a minimum setback of 50 feet from common property lines. A landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject

to final plan approval. Fencing may be required in such cases with fence material and heights subject to final plan approval.

11. All outdoor storage areas shall be enclosed by screening.

12. Any establishment involved with the storage of fuel for sale shall be permitted only if the fuel is stored underground.

DIVISION 16:

2-16.1 I-1, LIGHT INTENSITY INDUSTRIAL DISTRICT

The I-1 District is established to provide areas for a broad range of clean industries operating under high performance standards. The district is designed to encourage light intensity uses in low density, well landscaped industrial park settings which would be compatible with all types of adjoining uses and afford maximum protection to surrounding properties.

2-16.2 Permitted Uses

1. Establishments for scientific research, development, and training

2. Establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, and repair or storage of materials, goods or products which conform to performance standards as related to (a) air pollution (b) fire and explosion hazards (c) radiation hazards (d) electromagnetic radiation and interference hazards (e) liquid and solid wastes hazards (f) noise standards, and (g) vibration standards; and excepting those particular uses set forth as follows:

   A. Abattoir

   B. Ammonia or chlorine maufacture

   C. Asphalt mixing plant

   D. Blast furnace

   E. Boiler works

   F. Bulk storage of flammable materials

   G. Concrete mixing and batching products

   H. Coal, wood or wood distillation

   I. Extraction and mining rock and mineral resources

   J. Fertilizer, lime or cement manufacture

   K. Fireworks or explosives manufacture

   L. Garbage incineration

   M. Junk yards

   N. Rendering plants

   O. Metal foundries and smelting

   P. Soap manufacture

   Q. Stockyards

R. Acid manufacture

S. Tanning and curing of skins

T. Petroleum, asphalt or related product refining

U. Landfills

V. Any other similar use which in the opinion of City Council might be injurious or noxious by reason of odor fumes, dust, smoke, vibration, noise or other cause.

3. Financial institutions

4. Light public utility uses

5. Offices

6. Private training and vocational schools

7. Light warehousing establishments, without outdoor storage

8. Light wholesale trade establishments, without outdoor storage.

2-16.3 Special Permit Uses

1. Colleges and universities

2. Public schools

3. Conference centers

4. Eating establishments (exclusive of fast-food restaurants)

5. Parking garages

6. Drive-in banks

7. Hotels and motels

8. Service stations

9. Branch governmental offices and substations

10. Public or quasi-public uses which will not adversely affect adjacent uses or the character of the I-1 District and otherwise meeting the requirements of the district

11. Heavy public utility uses, to include:
    A. Electrical generating plants
    B. Sewerage treatment and disposal facilities
    C. Municipal water purification treatment facilities
    D. Solid waste disposal and treatment facilities

12. Theaters

2-16.4 Lot Size Requirements

1. Minimum district size: 5 acres

2. Minimum lot area: 30,000 sq. ft.

3. Minimum lot width: 100 feet

2-16.5 Bulk Regulations

1. Maximum building height: 50 feet

2. Minimum yard requirements:

   A. Front yard: 50 feet

   B. Side yard: 25 feet, except where side yard abuts a public right-of-way the rear yard shall be 40 feet.

   C. Rear yard: 25 feet, except where side yard abuts a public right-of-way the rear yard shall be 40 feet.

   D. Side and rear yard requirements may be waived where that side or rear yard abuts a railroad right-of-way.

3. Maximum floor area ratio: 0.50

2-16.6 Open Space

Twenty percent (20%) of the gross area shall be landscaped open space.

2-16.7 Additional Regulations

1. Refer to Division 4, for off-street parking, loading, and private street requirements.

2. Refer to Division 3, for regulations on signs.

3. All uses shall conform with the performance standards set forth in Division 22.

4. Retail sales may be permitted by special use permit in a warehouse or wholesale establishment wherein at least 60% of the gross floor area is devoted to warehouse use.

5. All uses shall be subject to site plan approval.

6. No outside operations or storage of materials and equipment shall be permitted.

7. Where lot lines are contiguous with property in a district other than the I-2 District a minimum setback of 40 feet shall be required for all structures and uses.

8. Where lot lines are contiguous with property in a district other than the I-1 District, a 20 foot landscaped buffer strip shall be provided with landscape materials and placement subject to final plan approval.

9. All premises shall be furnished with all-weather, dustless surfaced driveways and walks.

10. No curb cut shall be located closer than 30 feet to a side or rear lot line, unless a common curb but serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.

11. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 60 feet between them.

DIVISION 17:

2-17.1 I-2, General Industrial District

The I-2 District is established to provide for medium to heavy industrial land uses in areas of the City appropriate to adequately serve the physical, transportaion access, and environmental impacts of such industrial development.

2-17.2 Permitted Uses

1. Contractor's offices, shops and storage yards

2. Establishments for scientific research, development and training

3. Financial institutions

4. Heavy equipment sale, rental and service establishments

5. Light public utility uses, excluding those requiring a special use permit

6. Lumber yards and building material yards to include rock, sand, and gravel storage

7. Motor freight terminals

8. Motor vehicle storage and impoundment yards

9. Offices

10. Technical schools

11. Recycling centers

12. Storage yards

13. Vehicle, major service establishments

14. Veterinary hospitals and kennels

15. Warehousing and associated retail establishments

16. Wholesale trade establishments

17. Establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing and repair or storage of materials, goods or products which conform to performance standards as related to (a) air pollution (b) fire and explosion hazards (c) radiation hazards (d) electromagnetic radiation and interference hazards (e) liquid and solid wastes hazards (f) noise standards, and (g) vibration standards; and excepting those particular uses set forth as follows:

    A. Ammonia or chlorine manufacture

B. Blast Furnace

C. Boiler works

D. Extraction and mining of mineral resources

E. Fertilizer, lime or cement manufacture

F. Fireworks or explosives manufacture

G. Automobile and other junk yards

H. Rendering plants

I. Soap manufacture

J. Acid manufacture

K. Petroleum, asphalt or related product refining

L. Landfills

M. Any other similar use which in the opinion of the City Council might be injurious or noxious by reason of odor fumes, dust, smoke, vibration, noise or other cause.

2-17.3 Special Permit Uses

1. Eating establishments

2. Parking garages, commercial or public

3. Branch governmental offices and substations

4. Service stations

5. Heavy public utility uses, to include:
   A. Electrical generating plants
   B. Sewerage treatment and disposal facilities
   C. Municipal water purification treatment facilities
   D. Solid waste disposal and treatment facilities
   E. Supply yards

6. Abattoir

7. Airports, heliports, and other aviation facilities

8. Asphalt mixing plants

9. Bulk storage of flammable materials

10. Bus and railroad terminals

11. Concrete mixing and batching production

12. Coal, wood, or wood distillation facilities

13. Garbage incineration

14. Metal foundries and smelting production

15. Stockyards

16. Tanning and curing of skins

17. Extraction and mining of mineral resources

18. A dwelling unit appurtenant to or contained within a commercial or industrial building for the specific use of a watchman or caretaker

19. Drive-in theaters

2-17.4 Lot Size Requirements

1. Minimum district size: 2 acres

2. Minimum lot size: 20,000 sq. ft.

3. Minimum lot width 100 feet

2-17.5 Bulk Regulations

1. Maximum building height: 75 feet, subject to increase to 90 feet with special use permit.

2. Minimum yard requirements:

A. Front yard: 50 feet

B. Side yard: None required except

(a) where side yard is provided, no such yard shall be less than 20 feet

(b) where side yard line is contiguous with public right-of-way , such yard shall be 50 feet.

C. Rear yard: Not regulated, except

(a) where rear yard is provided no such yard shall be less than 30 feet

(b) where rear yard line is contiguous with public right-of-way, such yard shall be 50 feet.

3. Maximum floor area ratio: 1.00

2-17.6 Open Space

Ten percent (10%) of the gross area shall be landscaped open space.

2-17.7 Additional Regulations

1. Refer to Division 4, for off-street parking, loading, and private street requirements.

2. Refer to Division 3, for regulations on signs

3. All uses shall conform with the performance standards set forth in Division 22.

4. Retail sales may be permitted by special use permit in a warehouse or wholesale establishment wherein at least sixty percent (60%) of the gross floor area is devoted to warehouse use.

5. All uses shall be subject to site plan approval.

6. All permitted outside storage areas shall be landscaped or otherwise screened on their perimeter.

7. Where lot lines are contiguous with property in a district other than the I-2 District, minimum setback of 60 feet from the common property line shall be required for all structures and uses.

8. Where lot lines are contiguous with property in a district other than I-2 District, a 20 foot landscaped buffer strip shall be provided with landscape materials and placement subject to final plan approval. Fencing may be required, with type and height subject to final plan approval.

9. Side and rear yard requirements may be waived where the side or rear yard abuts a railroad right-of-way.

10. All refuse shall be contained in completely enclosed facilities.

11. On a corner lot, no curb cut shall be locat d closer than 75 feet to the curb line extended from the intersecting street.

12. No curb cut shall be located closer than 30 feet to a side or rear lot line, unless a common curb cut serves adjacent uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.

13. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 60 feet between them.

DIVISION 19:
FPO - FLOODPLAIN OVERLAY DISTRICT

2-19.1 Purpose and Intent

The FPO District is established to protect those areas of the City which are subject to periodic inundation from flood waters. The district provides development regulations with the objectives of (1) maintaining community safety from floods and related dangers, (2) protecting against loss of life, health, and property from floods and related dangers, (3) to preserve and protect floodplains, and (4) to require appropriate construction practices to minimize flood damage.

2-19.2 District Boundaries

In general, the FPO District shall embrace those land areas subject to inundation by the waters of the 100-Year Floodplain.

The Floodplain Overlay District (FPO) boundaries shall be based on all areas of the City which are designated as a floodplain by the United States Department of Housing and Urban Development (HUD) or by the City Council. However, those areas designated as floodplains by HUD cannot be altered by the City Council without prior approval from The Federal Insurance Administration.

2-19.3 Permitted Uses

The following uses shall be permitted in the FPO District, upon determination by the Director of Public Works that the use complies with acceptible development standards and criteria.

1. Agricultural uses, including outdoor plant nurseries

2. Non-structural residential uses such as lawns, gardens, and play areas.

3. Private and public recreational uses, excepting permanent structures.

4. Industrial or commercial parking areas, if one (1.0) foot or less depth of flooding.

2-19.4 Special Permit Uses

1. All uses permitted by right or special use permit in the underlying zoning district(s).

2-19.5 Flood Plain Regulations

In accordance with the regulations of the National Flood Insurance Program, all building permit applications issued for the Flood Plain District shall also incorporate the following information:

1. For structures that have been elevated, the elevation of the lowest floor (including basement);

2. For structures that have been floodproofed (non-residential only), the elevation to which the structure has been floodproofed;

3. The elevation of the One Hundred (100) Year Flood.

A. General Requirements

1. All uses, activities and development occuring within any flood plain district, as established by the Zoning Administrator shall be undertaken only on the issuance of a building permit in compliance with the provisions of the Division and all applicable State and Federal laws.

2. For the purposes of this Division, development shall be defined as any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

3. Under no circumstances shall any use, activity or development adversely affect the capacity of the channels of floodways of any watercourse, drainage ditch or any other drainage facility or system.

B. Floodway District

1. In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and state authorities as required.

2. The placement of any mobile home, except in an existing mobile home park or subdivision, within the Floodway District is prohibitied.

C. Flood Fringe and Approximated Flood Plain District

In the Flood Fringe and the Approximated Flood Plain Districts, the development of land shall be governed by this Division with specific reference to Sec. 1315.6 of the BOCA Basic Building Code, and any other applicable laws and ordinances.

D. Criteria for Utilities and Facilities

1. Sanitary Sewer Facilities - All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

2. Water Facilities - All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

3. Drainage Facilities - All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. The City Council may require a primarily underground system to accomodate frequent floods and a secondary surface system to accomodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess run-off onto adjacent properties.

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

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

6. Development - any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

7. Mobile Home - a structure transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

E. Flood District Exceptions

1. Whenever any person is aggrieved by a decision of the Building Inspector with respect to Flood Plain District regulations, it is the right of that person to appeal to the Board of Zoning Appeals for an exception. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Building Inspector. Upon receipt of such an appeal, the Board of Appeals shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten (10) days nor more than thirty(30) days from the date of the receipt of the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the Board of Appeals shall be final in all cases.

In passing upon applications for Flood District Exceptions, the Board of Appeals shall satisfy the following factors:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100) year flood.

b. The danger that materials may be swept on to other lands or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

e. The importance of the services provided by the proposed facility to the community.

f. The requirements of the facility for a waterfront location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

j. The safety of access to the property in time of floods of ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

l. Such other factors which are relevant to the purposes of this ordinance.

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

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

4. Exceptions shall only be issued after the Board of Appeals has determined that the special exception will be the minimum relief to any hardship.

5. The Board of Appeals shall notify the appellant that the issuance of a exception to construct a structure below the one hundred (100) year flood elevation increases risks to life and property, and will result in increased premium rates for insurance.

6. A record of the above notification as well as all exception actions, including justification for their issuance, shall be maintained and any exceptions which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

F. Alteration of Channels, etc.

In the event of the proposed alteration or relocation of any watercourse, stream or the like, within the City notification of such proposal shall be given to all affected adjacent jurisdictions, the Virginia State Water Control Board, the Virginia Department of Inter-Govermental Affairs, and the Federal Insurance Administration.

No such alteration or relocation is permissible without the approval of the Virginia State Water Control Board.

G. Zoning Map

1. The boundaries of the zoning districts are as provided by this ordinance and as shown on the map designated as the "Official Zoning Map" approved by the City Council as part of this ordinance and filed in the office of the City Manager or such other office or department of the City of Fredericksburg as may be hereafter provided by ordinance.

2. The Flood Boundary and Floodway Map, prepared by the U.S. Dept, of Housing and Urban Development, Federal Insurance Administration, Community Panel Number 510065 0005B is hereby incorporated and made part of the "Official Zoning Map."

3. The basis for the delineation of the flood plain districts subject to inundation by the one hundred (100) year flood is "The Flood Insurance Study for the City of Fredericksburg", prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, dated January 2, 1979. The said study is adopted by reference and made part of this Division.

H. Flood Plain Districts

1. The Flood Plain Districts include the areas of the City subject to inundation by waters of the one hundred (100) year flood. They are the Floodway District, the Flood Fringe District and the approximated Flood Plain District.

a. The Floodway District is that area within the flood plain capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas included in this District are specifically defined in Table 2 of the Flood Insurance Study. (See Sec. 2-19.5 (G)(2) and (3).

b. The Flood Fringe District is that area of the 100 year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the Flood Insurance Study.

c. The Approximated Flood Plain District is that flood plain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year flood plain boundary has been approximated. Where the specific 100 year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangle etc., then the applicant for the proposed use, development and/or activity shall determine this elevation, in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the Zoning Administrator.

2. District Boundary Changes

The delineation of any of the Flood Plain Districts may be revised by the City Council where natural or man-made changes have occurred where any or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or individual, documenting the need for such change. However, prior to any such change approval must be obtained from the Federal Insurance Administrator.

3. Interpretation of District Boundaries

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

2-19.6 Additional Regulations

1. All requirements and regulations of the underlying zoning district(s) shall be applicable, as specified.

2. The Director of Public Works may require further information from the applicant, including but not limited to an engineering study of the floodplain.

3. Approval of special permit uses, shall be sensitive to the unique aspects of each use, and shall consider the impacts of at least the following factors:

A. The Comprehensive Plan

B. Type of proposed structure and use

C. Location of proposed structure and use

D. Flood frequency

E. Nature of flooding and historic records of flood impacts

F. Access to site for particular land use

G. Nature and extent of proposed fill

H. Impact of proposal on floodplain

I. Potential to cause increase flooding damage or to jeopardize life

4. A special use permit shall not be granted where any new construction, additions, substantial improvements, or site development when combined with all other existing or anticipated development will incrase the water surface elevation of the base flood.

5. A special use permit shall not be granted where any new residential construction places the lowest floor of the proposed structure less than 1.5 feet above the water surface elevation of the 100-year flood.

6. A special use permit shall not be granted for a commercial or industrial structure, or substantial improvements thereto, unless adequate flood proofing is provided.

DIVISION 20:
SPECIAL PERMITS

2-20.1 Purpose and Intent

Special permit uses are those, which by their nature, can have an undue impact or be incompatible with other uses of land within a given zoning district. Upon approval of a special permit, these uses may be allowed to locate within given designated districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of the special permit.

2-20.2 Authority

1. The Planning Commission shall evaluate the impact and compatibility of each special permit use application and shall stipulate standards, conditions, limitations, performance criteria, restrictions and other regulations for approval of such use or deny such use as not being compatible with existing uses or development permitted by right in the area or the adopted Comprehensive Plan.

2. The Planning Commission shall have no authority to vary, modify, or waive any of the district regulations or standards specific to special use for which a special permit is required; any purported modification, variance, or waiver shall ipso facto nullify the action of the Planning Commission in issuing any special permit hereunder. However, this provision shall not preclude any concurrent, but jurisdictionally separate, proceeding applying to the same property, in which an appeal is made for a variance with an allegation of hardship.

3. Any use for which a special permit is required and which complies with the specific requirements of this Ordinance shall be deemed to be a permitted use on the lot in which it is thus permitted, subject only to conformity to the standards of the district. The jurisdiction of the Planning Commission with respect to any use or purpose for which the Planning Commission is authorized to issue special permits shall be confined to consideration of the question of such conformity. On an affirmative finding with respect to conformity, the Planning Commission shall recommend to the City Council to issue the special permit applied for, together with any requirements in connection therewith as will give reasonable assurance that such conditions will be met, including the site development plan where applicable.

2-20.3 Standards and Performance Criteria

1. The proposed use at the specified location shall be:

   A. In harmony with the adopted Comprehensive Plan.

   B. In harmony with the purpose and intent of the Zoning District regulations.

   C. In harmony with the existing uses or planned uses of neighboring properties.

2. The proposed use and related improvements shall be designed, sited landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

3. As minimum standards for a proposed use, the Planning Commission may require:

   A. Appropriate screening, buffer planting and landscaping.

   B. Enhanced utility, drainage, parking, sidewalk, loading and other on-site facility design requirements.

   C. Sign standards of a more strict nature than those which apply to the district in which the proposed use is located.

   D. Open space requirements of a more strict nature than those which apply to the district in which the proposed use is located.

   E. Participation in off-site pro-rata improvements for reasonable and necessary sewerage and drainage facilities as provided for in this ordinance.

   F. Other standards and criteria arising out of and applicable to the specific nature of a given structure or use as deemed necessary by the Director of Public Works or the Director of Planning.

2-20.4 Conditions and Restrictions

The Planning commission may impose such conditions, safeguards and restrictions upon a proposed use as it may deem necessary in the public interest to secure compliance with this ordinance and the Comprehensive Plan.

2-20.5 Time Limitations, Extensions and Renewals

1. The Planning Commission may establish a time limitation on the length of a special permit as a condition to the issuance and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

2. The Planning Commission may require as a condition of any special permit limited by time that it shall be periodically renewed or extended, or the Planning Commission may grant a temporary special permit, subject to adequate guarantees that the use covered will be terminated at the end of the period specified or of such extension thereof as may be granted by the Planning Commission .

3. Any renewal or extension of a special permit shall be subject to the same procedure as specified in this section for the original issuance of the permit. Unless a time limit is specified for a permit, the same shall be valid for an indefinite period of time but shall be revocable on the order of the Planning Commission at any time upon thefailure of the owner or operator of the use covered

by the permit to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the Planning Commission in issuing the same.

4. Before the revocation of any permit, the Planning Commission shall hold a hearing on the revocation of the permit and shall give the holder at least ten days written notice thereof, either sent to him by registered mail or served personally on him. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this ordinance.

2-20.6 Application and Submission Requirements

1. An application of any special permit, extension, or renewal may be made by any property owner or his assigns. A contract owner or lessee in filing for a permit, extension or renewal must have the written endorsement of the property owner.

2. The application must be filed with the Zoning Administrator, accompanied by established fee and five (5) copies of the submission requirements set forth, as follows:

   A. Certified boundary survey of property.

   B. Total area of property

   C. Location and dimensions of all existing structures and facilities

   D. Location and dimensions including height of all proposed structures, site improvements, facilities, parking and loading access points, utilities and landscaping.

   E. Depiction of development impact on neighboring and adjacent properties.

   F. Seal and signature of professional surveyor certifying plat and engineer or architect who may be qualified to certify structural, grading, utility and other site improvements.

   G. Statement of proposed use, ownership, maintenance plan, management program and other information, to include hours of operation, proposed number of patrons or clients, proposed number of employees, operators' qualifications, traffic impact projections, market area to be served, and architectural features of proposed structures.

3. The Planning Commission, prior to rendering a decision on a particular special use permit, shall advertize and hold a Public Hearing as provided for in Section 15.5-431 of the Code of Virginia.

4. Upon action by the Planning Commission, the City Council shall render a final decision on all applications within sixty (60) days from the date of filing a complete application.

5. Applications for extension or renewal of special permits must be filed thirty (30) days before expiration date of the permit. The Zoning Administrator shall inspect the special permit use to determine if use still satisfies the conditions of the original permit.

DIVISION 21:
ADMINISTRATION AND AMENDMENTS

2-21.1 Administration

1. Unless otherwise specified, the provisions of this Ordinance shall be enforced by the Zoning Administrator, who shall serve at the pleasure of the City Council.

2. The Zoning Administrator shall interpret and administer the Zoning Ordinance. An appeal of any decision of the Zoning Administrator may be taken to the BZA.

3. Applications under the provisions of this Ordinance shall be filed with the Zoning Administrator.

4. All applications and appeals as provided for in this Ordinance shall be accompanied by a filing fee in the amount to be determined by a schedule adopted by the City Council and which shall be periodically reviewed and updated. An official copy of the filing fee schedule is on file with the Zoning Administrator.

5. All applications and appeals shall be heard and considered in the order in which they are filed.

6. All applications for an amendment to the Zoning Map shall be heard and a decision made within twelve (12) months from the date of filling, unless an extended period is mutually agreed upon by the applicant and the City. Applicants for rezoning may meet with City Boards and Commissions at regularly scheduled meetings prior to meeting date on which the official public hearing is held.

7. Applications or appeals which have been denied may not institute a new application or appeal on substantially the same subject within a period of less than twelve (12) months from the date of action on the original application or appeal.

8. No public hearing shall be held unless required notice in compliance with Section 15.1-431 of the Code of Virginia has been met. Every such advertised notice shall contain a reference to the place or places within the City where copies of the proposed plans, ordinances, or amendments may be examined.

   The Planning Commission shall not recommend nor the City Council adopt any plan, ordinance or amendment until an advertised notice of intention has been published once a week for two successive weeks in a newspaper published or having general circulation in the City; provided, that such notice for both the Planning Commission and the City Council may be published concurrently. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six days nor more than twenty-one days after the second advertisement shall appear in such newspaper. The Planning Commission and City Council may hold a joint public hearing after public notice as set forth hereinabove. If such joint hearing is held, then public notice as set forth above need be given only by the City Council. The term "two successive weeks" as

used herein shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication.

9. When a proposed amendment of the Zoning Ordinance involves a change in the zoning classificaton of twenty-five or less parcels of land, then, in addition to the advertising as above required, written notice shall be given by the Planning Commission at least ten (10) days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved, and to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected. Where notice is required under the provisions of this section, notice shall also be given to the owner, their agent or the occupant, of all abutting property and property immediately across the street from the property affected which lies in an adjoining county to the City. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant. Whenever the notices required hereby are sent by an agency, department or division of the City, such notices must be sent by first class mail provided, however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

10. The Zoning Administrator shall post, at least fifteen (15) days before the date of the hearing, on the land or building involved in any application or appeal a notice of the scheduled public hearing.

11. No building, structure, site improvement activity or use, may be started, constructed, reconstructed, enlarged, or altered in any way, and no permits or licenses therefor may be issued by any public authority, until the developer or owner shall have obtained approval from the Zoning Administrator. The Zoning Administrator shall indicate approval when the proposed use, structure, or site improvement activity complies with all applicable requirements of this Ordinance.

12. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously constructed building, shall be occupied until a Certificate of Occupancy has been issued by the Building Inspector in accordance with the Uniform Statewide Building Code and this Ordinance. No change in use of property or any structure shall be permitted until such a permit is issued. Each Certificate of Occupancy shall state that the use or structure complies with all relevant provisions of this Ordinance, and that it has been inspected by appropriate public officials and meets all requirements of applicable building codes, fire codes, and other laws, ordinances, rules and regulations governing the construction and use of structures and property.

13. The applicant for a Certificate of Occupancy shall pay the fee therefor established by the City Council.

2-21.2 Amendments

1. The City Council may amend the text of this Ordinance and any zoning district boundary shown on the Zoning Map provided that such amendment shall be initiated only in the following manner:

   A. By adoption of recommendation by Planning Commission for amendment.

   B. By adoption by the City Council of a resolution of intention to amend to be referred to the Planning Commission.

   C. By the filing with the Zoning Administrator of an application by the owners or their duly authorized agents of the land proposed to be rezoned.

2. All applications for amendment to the Zoning Map shall be filed (with six (6) copies) with the Zoning Administrator and shall include the following information:

   A. Names, addresses and relationship to the land of all applicants of the land described in the application.

   B. Oath of applicant that no member of the City Council has any interest in the land to be rezoned or the outcome of the decision.

   C. Certified plat of the property to be rezoned, describing area, easements, structures, rights-of-way and adjoining property owners.

   D. Legal description of property and area to be rezoned.

   E. Written and signed statement of purpose and justification, to include a discussion of the following:

      (1) Relationship to the Comprehensive Plan.

      (2) Description of areas having scenic, environmental, or historic significance.

      (3) Description of proposed development, including density, FAR, coverage, height, impact on utilities, schools, public facilities and transportation systems and special project features.

      (4) Phasing plan for development

      (5) Projection of water and wastewater flows

      (6) Compatibility with City performance standards.

(7) Maximum dwelling units or gross floor area of development.

(8) Any additional information that the applicant may desire to proffer in the consideration of the application.

(9) Relationship to and impact of development on adopted stormwater management and sewerage facility plans for watershed.

F. A generalized development plan, unless otherwise determined that such plan is not necessary, to include the following:

(1) Site topography, at minimum contour interval of five (5) feet.

(2) Schematic land use plan, at appropriate scale, showing vehicular and pedestrian circulation, proposed open spaces and other community facilities, building and parking locations, and plan of drainage and sewer improvements.

(3) Plan of landscape buffer or screening for adjacent and neighboring properties.

(4) Environmental analysis; providing a graphic inventory of 100 year floodplain areas, slopes in excess of twenty (20) percent, unbuildable soils and tree cover.

G. An application fee as provided for in Zoning Administrator's Schedule of Fees.

H. All statements, plans, and other exhibits submitted with an application for rezoning shall be annotated with either one of the following statements signed by the owner if conditions are proferred:

(1) "I hereby proffer that the development of the subject property shall be in strict accordance with the conditions set forth in this submission,

(2) "The conditions set forth in this submission are not to be construed as binding on the development of the subject property."

I. Once proffered by the applicant and accepted as part of an amendment by the governing body, all conditions shall become a part of the zoning map, and shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue in full force and effect if such subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance; and further provided that such conditions shall be in addition to the specific regulations for the applicable zoning district.

J. The Zoning Map and all other relevant records shall reference the existence of such proffers imposed on land subject to this Chapter.

K. Upon approval of an amendment, any site plan, subdivision plan, development plat or permit application thereafter submitted for the development of the property in question shall be in substantial conformity with all proffer statements, plans, profiles, elevations, or other demonstrative materials and no development shall be approved by any City official in the absence of such conformity.

L. For the purpose of this section, substantial conformity shall mean such conformity which leaves a reasonable margin of adjustment due to final engineering data, but conforms with the general nature and intent of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.

DIVISION 22:
PERFORMANCE STANDARDS

2-22.1 General Provisions

1. No permitted, special permit or special exception use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the applicable performance standards established by this Section.

2. Any existing use that complies with the applicable performance standards of this Section on the effective date of this Ordinance shall continue to so comply. If, at such time, the operations of any lawful existing use violate any of the applicable performance standards of this Section, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

3. Any use which is a lawful nonconforming use, and which on the effective date of this Ordinance complies with the applicable performance standards of this Section, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the specified standards, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

2-22.2 Air Pollution Standard

Any activity, operation or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the State and those additional regulations as set forth below:

1. Smoke Control:

   A. No smoke shall be emitted from any chimney or other source a visible grey greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.

   B. Smoke of a shade not darker than No. 2 on the Ringlemann chart may be emitted for not more than four (4) minutes in any thirty (30) minutes.

   C. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

2. Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases:

   A. No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.

   B. No emission of liquid, other than water, or solid particles from any chimney or otherwise shall exceed the following:

      (1) For less than eight (8) million Btu/hr.: a maximum of 0.3 grains per standard cubic foot corrected to twelve

(12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.

(2) For over eight (8) million Btu/hr.: a maximum of .08 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.

C. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees F. and fifty (50) percent excess air.

3. Control of Odors:

A. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary line.

B. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 (Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

2-22.3 Fire and Explosion Hazard Standard

All operations, activities and uses shall be conducted so as to comply with the Fire Prevention Code.

2-22.4 Radiation Hazard Standard

All operations, activities and uses shall comply with the regulations of the U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the Code of Federal Regulations which apply to byproduct material, source material and special nuclear material, as those terms are defined in section 113., z., and aa. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e), (z), and (aa)).

No activity, operation or use shall cause radiation emissions which are in violation of the Radiation Health and Safety Act of 1968 (PL 90-602), as amended, or the implementing regulations of the Virginia Department of Health established pursuant thereto.

2-22.5 Electromagnetic Radiation and Interference Standard

No activity, operation or use shall cause electromagnetic radiation interference that (a) adversely affects persons or the operation of any equipment across lot lines and (b) is not in conformance with the regulations of the Federal Communications Commission.

2-22.6 Liquid and Solid Wastes Standards

Any activity, operation or device which causes or tends to cause the discharge or other release of liquid or solid waste into public sanitary sewers, storm drains or public waters shall comply with applicable laws, rules and regulations governing such discharge or release, including but not limited to the Federal Water Pollution Control Act; the Virginia Water Control Law; and the City of Fredericksburg provisions on sewers and sewage disposal, pollution of state waters, maintenance and cleanliness of storm drainage facilities, garbage, trash and refuse, and erosion and sediment control.

2-22.7 Noise Standards

No use, operation or activity shall cause or create noise in excess of the sound levels prescribed in the following tables:

Table I
Maximum Permissible Sound Pressure Levels Measured
re. 0.0002 dyne per CM^2

Frequency Band Cycles per Second	Along Residential District Boundaries - Maximum Permitted Sound Level in Decibles	At Any Other Point on the Lot Boundary - Maximum Permitted Sound Level in Decibles
63	64	72
125	60	70
250	54	65
500	48	59
1000	42	55
2000	38	51
4000	34	47
8000	30	44

Table II
Correction Factors

Condition	Correction in Decibles
Operation between the hours of 10:00 p.m. and 7:00 a.m.	Minus 5
Sound of impulsive character (e.g., hammering)	Minus 5
Sound of periodic character (e.g., sawing)	Minus 5
Tone (e.g., hum or screech)	Minus 5
Sound source operated less than	
20% in any one hour period	Plus 5[1]
5% in any one hour period	Plus 10[1]
1% in any one hour period	Plus 15[1]

[1]Apply only one of these corrections. All other corrections (including any one of the footnoted corrections) are cumulative.

The sound-pressure level of sound radiated from an establishment, measured at the lot line of the site thereof that is the nearest thereto, shall not exceed the values in any octave band of frequency that are specified in Table I above, or in Table I as modified by the correction factors set forth in Table II. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American National Standards Institute.

2-22.8 Earthborn Vibration Standards

1. Required Performance Level

No use, operation or activity shall cause or create earthborn vibrations in excess of the peak particle velocities prescribed below.

2. Method of Measurement

A. Measurements shall be made at or beyond the adjacent lot line, nearest R district boundary line, or nearest district boundary line as indicated below. Ground transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.

B. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by the frequency in cycles per second.

C. For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

3. Light Intensity Land Use

A. Light intensity land use standards apply to all R-districts, all C-districts excepting C-H, and the I-1 district.

B. Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

C. Maximum Permitted Steady State Vibration Levels

Location (at Lot Line)	Maximum peak particle velocity inches per second
In a residential district	0.02
At or beyond adjacent lot lines, except a residential district	0.05

D. Impact vibrations shall be permitted at twice the values stated above.

E. Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above for R districts shall be reduced to one-half (1/2) the indicated values.

4. Heavy Intensity Land Use

A. Heavy intensity land use standards apply to the C-H district and the I-2 district.

B. Uses subject to these standards shall not cause steady state vibrations to exceed the maximum permitted particle velocities described in the table below. Where more than one set of vibration levels apply, the most restrictive shall govern. Readings may be made at points of maximum vibration intensity.

C. Maximum Permitted Steady State Vibration Levels

Location (at Lot Line)	Maximum peak particle velocity inches per second
In a residential district	0.02
At or beyond adjacent district boundary lines, except a residential district	0.10

D. Impact vibrations shall be permitted at twice the values stated above.

E. Between the hours of 8 p.m. and 7 a.m., all of the permissible vibration levels indicated above for R districts shall be reduced to one-half (1/2) the indicated values.

F. When the frequency of impacts does not exceed one (1) per day, the maximum vibration level, measured across lot lines, shall not exceed 0.4 inches per second.

2-22.9 Glare Standards

1. Required Performance Level

All uses, operations and activities shall be conducted so as to comply with the performance standards governing glare prescribed below.

2. Method of Measurement

Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

3. General Requirements

Uses subject to Light Intensity Land Use and Heavy Intensity Land Use standards shall not produce glare so as to cause illumination

in R districts in excess of 0.5 foot candles. Flickering or bright sources of illumination shall be controlled so as not to be a nuisance in R districts.

4. Glare Standards

A. Uses subject to the following standards shall limit the use of light sources and illuminated surfaces which are located in or are within 500 feet of and visible within any R district so as to comply with the light intensities indicated in the table below.

B. Light Intensity Land Use Standards apply to land uses in all districts excepting C-H and I-2. Heavy Intensity Land Use Standards apply to land uses in the C-H and I-2 districts.

Maximum Intensity of Light Sources

Source	Light Intensity	Heavy Intensity
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 foot candles	30 foot candles
Back lighted or luminous background signs	150 foot lamberts	250 foot lamberts
Outdoor illuminated signs and poster panels	25 foot candles	50 foot candles

2-22.10 Extraction and Mining Standards

In addition to the performance standards set forth in this Section, all extraction and mining special permit uses shall satisfy the following additional performance standards:

1. No permit for an extraction and mining use shall be issued for any tract of land containing less than twenty (20) acres. This requirement, however, shall not preclude the approval of a permit to enlarge or extend an existing extraction and mining use onto contiguous land containing less than twenty (20) acres.

2. No grading, mining, extraction, excavating, removal of trees or other disturbance of natural vegetation shall be permitted within 250 feet of an occupied dwelling.

3. No building or structure used in connection with such an operation, except buildings for office and administrative purposes only, shall be located within 200 feet of (a) the right-of-way of any public street or (b) any adjoining property. Buildings devoted solely to office and/or administrative uses may be constructed not less than 100 feet from such street or property line when specifically approved as part of the special permit.

4. No washing, crushing, processing or similar operation shall be conducted within 200 feet of (a) the right-of-way line of any public street or (b) any adjoining residential property.

5. The top of all open excavations having a depth of ten (10) feet or more, which will create a slope of forty-five (45) degrees or more from the horizontal and which shall remain for a period of more than twenty-four (24) hours, shall be enclosed by a substantial fence erected at least fifty (50) feet outside the excavation. Such fence shall be not less than six (6) feet in height, and shall effectively control access to such excavation.

6. All operations shall be limited to the hours of 7 a.m. to 6 p.m. or such lesser time as may be established by the City Council.

7. All vehicles used to transport excavated material shall be required to be loaded in such manner that the material may not unintentionally be discharged from the vehicle. Trucks shall be cleaned of all material not in the load-bed prior to entering the public streets.

   A roadside landscape area shall be required. The function of the roadside landscape area is threefold: (a) to dignify the purpose of the natural resource area and protect it from becoming an eyesore; (b) to dampen noise from operation of equipment; and (c) to absorb dust that might result from the operations.

   Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and other ground cover for the depth of the roadside setback.

   The type, time of planting, design and spacing of planting screen shall be approved by the Director of Public Works. Approval of maintenance of roadside landscape area by the Director of Public Works shall be required for permit extension and permit renewal.

8. Notwithstanding the provisions of Sections 1-9 of this Chapter, all extraction and mining special permit operations shall be subject to only the following performance standards as related to noise and earthborne vibrations:

   A. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at any occupied structure not on quarry property. In addition, the City Council may further limit such blasting vibration where, in its opinion, the density of population in the area warrants additional protection.

   B. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.

   C. The peak over-pressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130 decibels) at any occupied structure not on the subject property.

DIVISION 23:
SITE PLAN

2-23.1 Purpose and Intent

The purpose of the site plan is to facilitate utilization of the most advantageous techniques in the development of land and to promote high standards and innovations in the layout, design, landscaping, and implementation of development.

Site plans, prepared and approved in accordance with the provisions of this Article, shall be required to assist City officials in the review of certain applications for Building Permits, and to assure compliance with the above-stated purposes, applicable requirements of this Ordinance, the adopted Comprehensive Plan, and other adopted City facilities plans for transportation, sewer, stormwater and water.

2-23.2 Uses Requiring a Site Plan

1. All permitted uses in the R districts, except single family detached dwellings and their related accessory uses and structures.

2. All permitted uses and special permit uses in the C and I districts.

3. All public uses.

4. All other uses, and changes from existing uses, for which a site plan is required pursuant to the provisions of this Ordinance.

2-23.3 Exceptions

1. No formal site plan shall be required for the following uses, when the Director of Public Works shall have established that the use will not require the improvements set forth in this Article:

   A. Additions to existing buildings or uses when such addition does not exceed one-third (1/3) of the gross floor area of the existing building or use.

   B. School uses located in existing church facilities.

2. The Director of Public Works may waive any requirements of this Article upon a finding that the waiver of any such requirement will not adversely affect adequacy of provisions for those items set forth herein.

3. Any decision of the Director of Public Works may be modified, reversed or affirmed by the City Council upon appeal by any person aggrieved by such decision, when such appeal is filed within ten (10) days of such decision.

2-23.4 Procedure for Preparation

1. Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an en-

gineer, architect, land surveyor or landscape architect who is duly authorized to practice and whose practice is registered by the State. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and licenses. Stormwater management and utility designs shall be prepared by a licensed professional engineer.

2. Site plans shall be prepared to a scale of one inch equals fifty feet (1"=50') or larger. The sheet(s) shall be 24" by 36".

3. A site plan may be prepared on as many sheets as necessary to show clearly the information required by this Article and to facilitate the review and approval of the plan. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

2-23.5 Information Required on Site Plans

All site plans shall be submitted to the Director of Public Works in clearly legible blue or black line copies and shall contain the following information:

1. Location of tract by an insert map at a scale of not less than one inch equals two thousand feet (1"=2000'), indicating scaled coordinates referred to in U.S.C.&G.S., State grid north and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, and Districts or other landmarks sufficient to clearly identify the location of the property.

2. Every site plan shall show the name and address of the owner and developer, the north point, date, scale of drawing, and number of sheets. In addition, it shall reserve a blank space, three (3) inches wide and three (3) inches high, for the use of the approving authorities.

3. A boundary survey of the tract with an error of closure within the limit of one (1) in ten thousand (10,000) related to the true meridian and showing the location and type of boundary evidence. The survey shall be related to U.S.C.& G.S., State grid north and the coordinates of two (2) adjacent corners shall be indicated.

4. All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest one hundredth of a foot (.00), and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.

5. A certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.

6. Plan and profile designs shall be submitted on Federal Aid sheets or the equivalent thereof, prepared to a scale one inch (horizontal) equals fifty feet (1"=50') or larger and one inch (vertical) equals five feet (1"=5') or larger.

7. Bond estimates, specification references, erosion and sediment control details, stormwater management computations and project title information shall be submitted on standard City Site Plan/Subdivision Plan cover sheets. These sheets are available from the Director of Public Works.

8. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) per cent, then either one (1) foot contours or spot elevations shall be provided where necessary, but not more than fifty (50) feet apart in both directions.

9. All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities and easements; watercourses and their names; owners, zoning and present use of all adjoining properties and easements;

10. A landscape plan, drawn to scale, including dimensions and distances and the location, size and description of all proposed landscape materials as required by the provisions of this Ordinance, existing vegetation, proposed removal of vegetation, and proposed replacement of vegetation shall be indicated.

11. Location, type, size and height of fencing, retaining walls and screen planting as required by the provisions of Article 2-2.12.

12. All off-street parking, related driveways, entrance types, loading spaces and walkways, indicating type and dimensioning of surfacing, size, stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of Article 2-4.

13. The proposed location, general use, number of floors, height, floor area ratio and the net and gross floor area for each building, to include outside display areas, and where applicable the number, size and type of dwelling units.

14. Plans and profiles for all public streets, including centerline elevations computed to nearest one hundredth (.01) of a foot at fifty (50) horizontal station intervals and at other locations of geometric importance.

15. Sufficient information to show how the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties, which may include schematic plans for stormwater management, sanitary sewer, water supply and future transportation improvements.

16. Plans and profiles detailing all existing and proposed utilities, including water and sanitary sewer facilities, indicating all pipe sizes, types and grades with supporting capacity calculations, and where connection is to be made to the City or to other utility system.

17. Plans and profiles detailing the provisions for the adequate disposition of natural and storm water in accordance with the City's Design Standards and Criteria, indicating the location, size, type and grade of ditches, catch basins and pipes and connections to existing drainage systems, and on-site storm water retention where deemed appropriate and necessary by the City, and with supporting contributing area and design computations as may be required.

18. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction as required by the City Erosion and Sediment Control Ordinance and design standards of the State Soil Conservation Service.

19. Proposed finished grading by contours to be supplemented where necessary by spot elevations and sectional information. Limits of grading shall be clearly indicated.

20. A geotechnical report prepared by or under the direction of a professional engineer, experienced in soil and foundation engineering, shall be submitted for site plans located in areas where special soil or water conditions are deemed by the Director to be potentially injurious.

21. Geometric location data and areas for all private or public rights-of-way, common areas, utility centerlines and easements, structures, and lot lines.

22. Typical roadway and parking area pavement and design sections.

23. Plans of contributing drainage area and the computed limits of the 100-year floodplain, with drainageway cross-sections and water surface elevations plotted on profile of the pre- and post-development condition, where required by the Director of Public Works.

24. Estimate of daily vehicle trips generated by the site development.

25. Locations for all open spaces, identifying areas for and improvements to all recreational facilities, tot lots, natural areas, and related pedestrian accommodations.

26. Location and method of garbage and refuse collection.

27. Location of street signs, as required by Director of Public Works.

28. Location and method of lighting, provisions for private driveways, streets and parking areas.

29. Additional information specific to proposed use as deemed necessary by Director of Public Works for adequate site plan review.

2-23.6 <u>Required Improvements</u>

In furtherance of the purposes of this Ordinance and to assure the public safety and general welfare, no site plan shall be approved unless and

until the Planning Commission is assured that the following improvements will be made:

1. Construction and right-of-way dedication, as required for vehicular travel lanes, service drives, driveways or other access connections, which will permit vehicular travel on the site and to and from adjacent properties.

2. Construction of or fee dedication for widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted Comprehensive Plan and where the need for such roads is substantially generated by the proposed development.

3. Construction of all utilities necessary to serve the proposed development. All utilities provided by the developer shall be installed underground in accordance with adopted City standards, and standards and regulations issued by the applicable regulatory authority; provided, however, that:

   A. Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution;

   B. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;

   C. Temporary overhead facilities required for construction purposes shall be permitted;

4. Dedication of easements or rights-of-way for all utilities and facilities to be publicly maintained. Such easement or right-of-way shall be clearly defined for the purposes intended.

5. Installation of an adequate drainage system for the disposition of storm and natural water in accordance with City design standards and compatible with the adopted Comprehensive Stormwater Facilities Plan for the watershed.

6. Installation of adequate temporary and permanent erosion and sedimentation control measures.

7. Construction of curb and gutter around all medians that separate travel lanes and service drives from existing streets and which separate off-street parking areas from streets, service drives, and travel lanes; however, the Planning Commission may waive the construction of an inside curb and gutter on a travel lane where it would be in keeping with the existing/proposed design of the travel lane or parking aisle on adjacent properties so that adequate and safe traffic circulation between sites can be obtained without such curb and gutter.

8. Construction of pedestrian walkways so that occupants/patrons may walk on the same from building to building or store to store within the site and to adjacent sites. Wherever possible, connection shall be made to walkways in adjacent developments.

9. Construction of trails or walkways in accordance with the general location shown on the adopted Comprehensive Plan together with such other connecting trails or walkways within the limits of the site plan.

10. Dedication of rights-of-way for any major public transportation improvements as indicated on the transporation element of the adopted Comprehensive Plan.

11. All other improvements required by the provisions of this Ordinance to include but not to be limited to off-street parking and loading facilities, driveways, private streets, fences, walls, screening and landscaping.

12. All other improvements as are required by the provisions of other ordinances of the City or as may be required to conform with standards of the Virginia Department of Highways and Transportation.

13. Buffering between Commercial and Residential uses shall be provided by the developer.

2-23.7 Minimum Design Standards

In furtherance of the purposes of the Ordinance, the following minimum design standards, as applicable, shall be required and provided for in the site plan:

1. All street and highway construction standards and geometric design standards shall be in accord with those specified in the City Design Standards and Construction, except that the Director of Public Works may modify street geometric design standards for local, collector, and minor loop streets provided that off-street parking bays sufficient to accommodate the required parking ratio are provided to complement the street system and approval for modification is obtained from the Virginia Department of Highways and Transportation where applicable.

2. All developments in R-, C-, or I-districts must have direct access to public dedicated and City maintained roads. Such developments are to be designed so that sites or lots will not have direct access to any arterial road unless the physiography, shape or size of the tract would preclude other methods of providing access.

3. Streets shall be provided and designed to give access to adjoining acreage in conformance with the Comprehensive Plan and to the satisfaction of the Director of Public Works.

4. The pavement of vehicular travel lanes, driveways or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall in no case be less than twenty (20) feet in width.

5. Pipestem residential lots shall have the width of the driveway not less than twelve (12) feet, and the length of the driveway not greater than two hundred (200) feet from the street right-of-way

line to which the lot has access. Pipestem lots shall constitute no more than ten (10%) percent of the lots in any one section of a residential development and shall serve only single family detached dwellings. A pipestem driveway shall serve no more than three (3) lots and shall be constructed in accord with the City Design and Construction Standards. The final plat for each pipestem lot shall note that the purchaser assumes all obligations for the ownership, maintenance and perpetual upkeep of the driveway and that such obligation is a condition which runs with the land.

6. Cul-de-sacs shall be designed and constructed in accordance with the street standards specified in the City Design Construction and Standards of the City of Fredericksburg, and may not be construed or employed as a parking bay.

7. Where traffic generated from an entire development or subdivision exceeds 2,000 vehicles per day, such development or subdivision shall provide connectors to any existing public road at two locations. Where only one connection is physically achieveable, the connecting portion of the entrance roadway must be a four-lane divided standard extending into the development for a length of not less than 250 feet and as otherwise determined by the Director of Public Works. No internal vehicular connection shall be permitted to this entrance section.

8. Minimum centerline grade for curb and gutter streets shall be 0.5%. Minimum grade for streets without curb and gutter shall be 1.0%.

9. The minimum pavement radius in cul-de-sacs shall be forty-three (43) feet.

10. Parking bays shall be constructed to a construction standard compatible with the appurtenant public street to which the parking bay is connected and the specific use of the site. If the public street is unpaved, the parking bay shall be of a dustless surface. This requirement shall apply also to interior travel lanes or driveways. Every parking bay shall be so designed that no vehicle when parked will overhang property lines, sidewalks, or moving travel lanes, public or private. Pavement designs shall be based on a CBR specification to be provided by the Director of Public Works.

11. Sidewalks and pedestrian walkways shall be constructed of concrete.

12. Lot and yard sizes shall conform to applicable district regulations of this Ordinance.

13. Minimum easement width shall be as follows, unless otherwise specified by the Director of Public Works:

    A. Sanitary sewer: Twenty (20) feet

    B. Water mains: Fifteen (15) feet

    C. Storm sewer: Twenty (20) feet

    D. Underground telephone, television cable, gas service or electric: Ten (10) feet (unless otherwise stipulated by applicable utility agency).

14. All pipe for the construction of storm drainage systems shall be concrete of ASTM CT6 Class IV standards. Other pipe materials may be permitted subject to the approval of the Director of Public Works.

15. The minimum size of storm drainage culverts shall be fifteen (15) inches in diameter. Manholes shall be constructed at every stall change of grade line or pipe size. There shall be a minimum 0.25 foot drop in inverts at every structure.

16. Storm sewer street and yard inlet structures must be constructed when the spread of water in the street, measured from the curb, reaches eight (8) feet. Flow and spread computations shall be based on computed increments of the 5-year frequency rainfall.

17. Where the contributing drainage area does not exceed 500 acres, minor storm sewer culverts shall be designed using the 10-year frequency rainfall curve. Where the contribution drainage area exceeds 500 acres, the 50-year rainfall frequency curve shall be used.

18. All open channels where the quantity of water exceeds the equivalent capacity of a 72 inch concrete pipe shall be designed using 25-year rainfall frequency curve.

19. Major storm water culverts (box culverts, or pipes exceeding 72" diameter) for use on the primary road system or bridges shall be designed using the 50-year rainfall frequency curve.

20. The goal of the City policy for stormwater management is to limit the rate of storm water run-off from a developed area to that which existed before development occurs. The policies for attaining this goal are more specifically addressed in the City's "Comprehensive Stormwater Facilities Plan." In general, on-site stormwater management structures shall be constructed in concert with site development activities. In watersheds where the "Comprehensive Stormwater Facilities Plan" has adopted off-site watershed management measures, a pro-rata monetary contribution towards such comprehensive drainage improvements may be substituted for on-site stormwater management.

    The basic design criteria for stormwater management facilities employs the 10-year frequency, two hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods. Emergency spillways shall be designed to pass the 100-year frequency, two hour storm. Hydrographs, spillway design, embankment design and flow computations shall be submitted with the site plan.

21. Dedicated easements shall be provided for stormwater management facilities.

22. Flood plain studies shall be prepared for drainage areas exceeding 100 acres. The 100 year rainfall curve shall be used, with a two (2) freeboard easement added to the computed water level. Flood plain computations shall be performed using the standard-step method or an equivalent method to achieve a balance of energy.

Cross-sections, stream profiles and support calculations shall be submitted with the site plan.

23. Water systems shall be designed to adequately supply normal and peak load demands for domestic and commercial service shall maintain a pressure of thirty (30) pounds per square inch at all points of delivery.

24. Fire hydrants shall not be installed on water lines less than six (6) inches in diameter. Fire flow and hydrant location criteria shall be in accord with the City Construction and Design Standards.

25. The minimum water line size acceptable shall be four (4) inches. Design calculations may be required for any line sizing.

26. Water lines shall be laid to a minimum depth of forty-two (42) inches.

27. Blow-off assemblies shall be required at dead-end lines.

28. Sewer systems shall be designed on the basis of average daily per capita flows of not less than those set forth by sewerage regulations of the State Department of Health.

29. Minimum sewer main size shall be eight (8) inches in diameter. The minimum slope for an eight inch line shall be 0.50 percent.

30. The maximum distance between sanitary sewer manholes shall be four hundred (400) feet.

31. Sanitary sewers shall be installed with a minimum cover of five (5) feet below finished grade.

32. All other design criteria and construction standards shall be in accordance with the City Construction and Design Standards. Where standards and criteria are not provided or are found not applicable, the Director of Public Works shall provide the governing standards or shall rule upon those standards proposed by the developer.

2-23.8 <u>Approval Procedures</u>

1. Eight (8) copies of the site plan shall be submitted to the Director of Public Works. The site plan shall be accompanied by payment of a fee for review and processing; with fee based on a fee schedule adopted by the City Council.

2. Within three (3) days of receipt the Director of Public Works shall distribute a copy of the site plan to the following agencies for review and comment on the completeness and compliance of the site plan with this Ordinance and all applicable standards:

   A. Public Works

   B. Planning and Community Development

C. Fire Marshall

D. Zoning and Building Inspections

E. Virginia Department of Highways and Transportation

F. U.S. Soil Conservation Service

G. Architectural Review Board (where applicable)

All agency review and comments shall be completed within thirty (30) calendar days from the distribution of the site plan.

3. The Director of Public Works shall provide the applicant with a copy of all agency review comments and recommendations. In cases where site plan revisions, deletions or additions are necessary to complete and satisfy the agency review process, the applicant shall be so notified in writing.

4. Upon the applicant's incorporation into the site plan of agency recommendations and the receipt of revised submissions, the Director of Public Works shall forward the site plan to the Planning Commission with a recommendation for approval or denial, with applicable comments supporting the recommendation.

5. The Planning Commission shall schedule a public hearing to act upon the site plan within sixty (60) days after it has been initially submitted to the Director of Public Works. The Planning Commission shall either approve or deny the site plan, and giving with the latter specific reasons therefor. Reasons for denial shall relate in general terms such modifications or corrections as will permit approval of the site plan. If required revised submissions of the site plan have not been received and found acceptable by the Director of Public Works within the sixty day period, the Planning Commission shall deny the site plan and reschedule a second public hearing to act on the matter for its following meeting agenda. If required revised submissions have not been submitted by the applicant prior to the second public hearing, the Planning Commission shall deny the site plan and any subseqeunt submission of the site plan shall be considered as an original submission with new filing fees required.

6. Approval of a site plan submitted under the provisions of this Division shall expire one (1) year after the date of such approval, unless:

   A. A building permit has been obtained for construction.

   B. An extension has been granted by the Planning Commission upon receipt of written request by applicant. Such extension grant shall not exceed a period of six (6) months.

   C. A major site plan revision has been submitted. Such revision shall be processed in the same manner as originally approved. Minor site plan revisions may be processed administratively, based on the review and recommendations of the Director of Public Works.

2-23.9 Preliminary Plan Conference

1. Prior to the submission of any site plan or rezoning the applicant shall contact the Director of Public Works to schedule a preliminary plan conference. The purpose of this conference is to establish the following:

   A. Use, scope, type, density, physical characteristics and phasing of proposed development.

   B. Coordination of proposed development with the adopted Comprehensive Plan, the adopted comprehensive facilities plans, the capital improvements program, and plans for development of neighboring properties.

   C. Coordination of transportation improvements with other existing and planned streets within the general area of the proposed development.

   D. Reasonable regulations and provisions uniquely applicable to the proposed development as related to physiography, public utility and facilities service, drainage and flood control, transportation environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive, and harmonious development.

2. The Director of Public Works shall place the matter on the agenda of the next meeting of the Preliminary Plan Committee and shall notify the applicant of the conference meeting date.

3. The applicant shall provide sketches, exhibits, or other materials addressing the proposed development.

4. The Preliminary Plan Committee, upon completion of conference shall identify those comprehensive planning issues, subdivision and site planning considerations, reasonable regulations and other provisions which are found to be supportive of the purposes of this Ordinance, as well as contributive to the applicant'sunderstanding of the general requirements for subdivision approval.

5. The Preliminary Plan Committee shall meet monthly on a regularly scheduled date. This committee shall consist of the following members: The Director of Public Works, the Director of Planning and Community Development, the Zoning Administrator and a member of the Planning Commission.

6. The Preliminary Plan Conference does not supplant the requirement for the submission of a preliminary subdivision plat or any other provision of this Ordinance.

2-23.10 Appeals

1. Any applicant person aggrieved by any decision of the Director of Public Works may within ten (10) days of such decision, appeal to and have a determination made by the Planning Commission. The Planning Commission may approve, deny, or modify the appeal upon

review of facts and finding at a regularly scheduled meeting.

2. Any person aggrieved by any decision of the Planning Commission may, within ten (10) days of such decision appeal to and have a determination made by the City Council. The City Council may approve, deny, or modify the appeal upon review of the facts and finding at a regularly scheduled meeting.

3. Any applicant aggrieved by the failure of the Planning Commission to act on a site plan within sixty (60) days of original submission or aggrieved by any decision of the Planning Commission relative to a site plan may within ten (10) days of such decision or lack thereof, appeal to the Fredericksburg Circuit Court.

2-23.11 Bonds

In order to obtain guarantee of performance to assure timely completion and competent construction of site plan and subdivision physical improvements, the applicant is required to post a bond or other acceptable surety under the provisions contained in this section.

1. The bond agreement shall apply to required physical improvements located within the public right-of-way or easements or as are connected to any public utility or facility in form and substance as approved by the City.

2. The bond shall be of an amount equal to the estimated developed cost of the required physical improvements, and shall be an irrevocable bond agreement between the applicant and the City.

3. The maximum period of the bond agreement shall be eighteen (18) months.

4. The Director of Public Works shall provide the applicant and the surety, approximately forty-five (45) days prior to bond expiration a written report summarizing the status of the construction and completion inspections. The report shall caution applicant and surety that the applicant will be in default if work is not completed within the stated period.

5. The applicant may request, and be granted, an extension of the expiration date for a period not to exceed one (1) year, provided that:

   A. All surety consents have been acquired and accepted by the City.

   B. The applicant has submitted an acceptable program of completion to the Director of Public Works.

   C. Inspection of existing physical improvements is found satisfactory.

6. Forms of guarantees shall be limited to the following:

   A. Corporate surety bond from an insurance corporation licensed in Virginia.

B. Cash escrows in the face amount of the bond.

C. Letters of credit from an insured lending institution which terminate a minimum of six (6) months after the termination of the bond agreement.

7. The bond shall be released only upon the findings of the City that support satisfactory completion of all improvements. Prior to bond release, the Director of Public Works shall provide the City Council with a report of findings and, if found acceptable, the bond shall be released upon a majority vote of Council.

DIVISION 24:
VIOLATIONS AND PENALTIES

1. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed or proffered statement or plan submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.

2. Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.

3. The Zoning Administrator may initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.

4. Upon his becoming aware of any violation of any provisions of this Ordinance, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

5. The remedies provided for in this Division are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

CHAPTER XVII

ARTICLE 3:

SUBDIVISIONS

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DIVISION 1:
CONSTITUTION AND PURPOSE

3-1.1 Title and Application

The regulations embraced in this Article of the Code of Fredericksburg, Virginia shall be designated as the "Subdivision Ordinance of Fredericksburg, Virginia." The provisions of the Subdivision Ordinance shall apply to all subdivided land in the incorporated territory of the City of Fredericksburg.

3-1.2 Purpose and Intent

The Subdivision Ordinance of Fredericksburg, Virginia (hereinafter Ordinance) is intended for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Section 15.1 465 of the Code of Virginia, as amended.

3-1.3 Severability and Validity

Should any Division, Section or part of this Ordinance be decided by the Courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held unconstitutional or invalid.

3-1.4 Conflicting Ordinances

All other City ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed. If another State or Federal statute or City ordinance or regulation contains conflicting provisions with this Ordinance, the more restrictive of the provisions, ordinances, or regulations shall govern.

3-1.5 Minimum Requirements

In interpreting and applying the provisions of this Article, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any subdivisions, recorded lots, easements, covenants, or other agreement between parties, provided, however, that where this Ordinance imposes a greater restriction upon the subdivision and use of land, buildings or premises or upon the subdividing of land, placement of buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

3-1.6 Effective Date

This Ordinance was adopted on April 24, 1984, by the City Council of Fredericksburg, Virginia and became effective on April 25, 1984,

_____, at which time all previous zoning provisions and ordinances were repealed. A certified copy of the Ordinance, as may be amended from time to time, shall be filed in the Office of the City Zoning Administrator and in the Office of the Director of Public Works.

DIVISION 2:
GENERAL REGULATIONS

3-2.1 General Effect

The effect of this Ordinance shall be consonant with the objectives of the City to assure the orderly subdivision of land and its development, to coordinate the development of streets within and contiguous to any subdivision, to establish adequate provisions for drainage, flood control and other public purposes, to promulgate acceptible physical standards and criteria for subdivision improvements, to provide for dedication of public rights-of-way, and to serve in implementing the adopted Comprehensive Plan for the City.

3-2.2 Prior Approvals

Nothing in this Ordinance shall be deemed to require any change in or invalidation of plats previously approved and of record prior to the effective date of this Ordinance.

3-2.3 Application and Compliance

1. No person shall divide or subdivide, or cause a subdivision to be made, by deed or plat, of any tract of land located within the corporate limits of the City, except in conformity with the provisions of this Ordinance.

2. Whenever the owner of any tract of land located within the City desires to subdivide the same, the owner shall submit a plat of the proposed subdivision with reference to known or permanent monuments to the Director of Public Works in accordance with the requirements of this Ordinance. No owner shall subdivide land without making and recording a plat of such subdivision in the office of the Clerk of the Fredericksburg Circuit Court, and no such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the City Council, with recommendation from the Planning Commission, in accordance with the regulations set forth in this Ordinance.

3. No person, shall sell or transfer any land of a subdivision, before a plat of such subdivision has been duly approved, bonded, and recorded as provided herein.

4. No land shall be subdivided for residential use if the City Council, in the exercise of its considered judgment deems such land unsuitable for such purposes.

5. This Ordinance bears no relation to any private easement, covenant, agreement or restriction and the responsibility of enforcing such private easement, covenant, agreement or restriction is not implied to any public official.

3-2.4 Administration and Enforcement

The administration and enforcement of this Ordinance shall be vested in the City Council of the City of Fredericksburg. The Planning Commission shall

review and make recommendations on final subdivision plats and plans prior to action by City Council on said plats and plans. The Planning Commission shall review and act to approve or disapprove preliminary plats and plans. In performance of its duties, the Planning Commission shall request and consider the review and comments of the City Staff and applicable public agencies in making recommendations on all subdivision plats and plans.

3-2.5 Condominiums

Insofar as the relationship of condominium development to the provisions of this Ordinance is concerned, condominium development under the Condominium Laws of Virginia shall be subject to the following:

1. Minimum lot size and yard requirements of the district shall be met as if lot lines existed.

2. A generalized development plan shall be required and subject to review and approval of the City Council and shall govern the location of all site structures and improvements on final plats and plans.

3. Setback density and other district provisions shall be met.

3-2.6 Erosion and Sedimentation Control Regulations

For the purpose of alleviating the adverse effects of on- and off-site erosion, siltation and sedimentation before and after development, adequate controls of both a temporary and permanent nature shall be provided. Plans and specifications for such controls shall be subject to final subdivision plat and plan approval and shall comply with the Virginia Erosion and Sediment Control Handbook and the City's Erosion and Sediment Control Ordinance.

3-2.7 Stormwater Management Facilities

1. The Director of Public Works shall develop a "Comprehensive Stormwater Management Facilities" Plan to determine the necessary structures, easements and costs to provide ultimate drainage facilities to serve City drainage sheds at full development of those sheds. Such facilities plan shall be designed to and in accordance with the adopted Comprehensive Plan. The facilities cost shall be updated annually by applying the appropriate Engineering News-Record cost index factor. The facilities plan shall be adopted by the City Council.

2. A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary drainage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of Section 15.1-466(j) of the Code of Virginia, the adopted Comprehensive Plan, the adopted "Comprehensive Stormwater Management Facilities" Plan, and this Ordinance.

3. The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters

shall be the responsibility of the Director of Public Works and adopted by the City Council as part of the "Comprehensive Stormwater Management Facilities" Plan.

3-2.8 Sewerage Facilities

1. The Director of Public Works shall develop a "Comprehensive Sewerage Facilities" Plan to determine the projected sewerage flow, collection mains and facilities, easements, and costs to provide ultimate sewerage service to City drainage sheds at full development of those sheds. Such facilities plan shall be designed to and in accordance with the adopted Comprehensive Plan. The facilities cost shall be updated annually by applying the appropriate Engineering News-Record cost index factor. The facilities plan shall be adopted by City Council.

2. A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary sewerage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of Section 15.1-466(j) of the Code of Virginia, the adopted Comprehensive Plan, the adopted "Comprehensive Sewerage Facilities" Plan, and this Ordinance.

3. The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and adopted by the City Council as part of the "Comprehensive Sewerage Facilities" Plan.

3-2.9 Water Facilities

1. The Director of Public Works shall develop a "Comprehensive Water Facilities" Plan to determine the projected public water demand, distribution mains and facilities, easements, and costs to provide ultimate public water service to City drainage sheds at full development of those sheds. Such facilities plan shall be designed to and in accordance with the adopted Comprehensive Plan. The facilities cost shall be updated annually by applying the appropriate Engineering News-Record cost index factor. The facilities plan shall be adopted by City Council.

2. A subdivider or developer of land shall be required to pay a pro-rata share of the cost of providing reasonable and necessary water facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of the adopted Comprehensive Plan, the adopted "Comprehensive Water Facilities" plan, and this Ordinance.

3. The policy and criteria for determination of pro-rata share of total cost, financial and implementation procedures and other related matters shall be the responsibility of the Director of Public Works and adopted by the City Council as part of the "Comprehensive Water Facilities" Plan.

3-2.10 On-site Public Improvements - General

All required on-site public improvements shall be installed at the cost of the subdivider, unless City cost sharing or other means of City participation is first indicated by the Director of Public Works. Such agreements shall be formally entered into prior to final plat approval. All construction and materials shall conform to current City design standards and criteria in effect at the time of subdivision. Any required subdivision bond shall not be released until all required construction has been satisfactorily completed and approved by the City Council, wherein discharge and release of the subdivision bond shall be executed.

3-2.11 Right-of-Way Additions

Where an adopted Comprehensive Plan indicates a right-of-way greater than that existing along the boundaries of the subdivision or lot, such additional right-of-way shall be dedicated to public use on the plat when it is recorded. Where a subdivision has occurred on public streets with less than fifty feet right-of-way width, additional right-of-way shall be dedicated in order that the total public right-of-way shall equal fifty feet in width.

3-2.12 Parks, Schools, Open Space and Public Land

In the subdividing of land, consideration should be given to suitable sites for parks, schools, and other areas of public use as described in the Comprehensive Plan. Such areas should be located and indicated on the preliminary plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquired by the City Council for that use. This provision shall not be construed to preclude the dedication of property for public use not included in the Comprehensive Plan provided such property is acceptable to the City for such dedication and maintenance.

3-2.13 Public Water and Sewer

All subdivisions of land under the terms of this ordinance shall be connected to the City water and sewer system prior to any lot transfer unless such requirement be specifically waived by the Director of Public Works. In the event of such waiver, no subdivision shall be approved where individual wells or septic tanks are to be used until written approval for each lot to be transferred or occupied by a dwelling unit has been secured from the State Health Department. The Health Department may specify such soil tests or water-test methods necessary to determine the suitability of the soil for sub-surface effluent disposal. Such evaluations shall be the responsibility of the subdivider. No waiver shall be granted where there exists a comprehensive facilities plan to provide future sewer service or water supply to the area in which the subdivision is located.

All easements required by the Director of Public Works shall be provided for by the subdivider in accordance with City design standards and criteria.

3.2.14 Waiver of Ordinance Requirements

Where a single lot or parcel of land is proposed to be subdivided into not more than two (2) parcels, any one or more of the requirements of this Ordinance may be waived by the Planning Commission provided that such subdivision:

1. Conforms in area and street frontage to the regulations and requirements of the zoning district regulations of the governmental entity wherein the land lies;

2. Does not involve any new public street, road or easement of access;

3. Does not offer opportunity to obstruct any natural drainage or planned major transportation facility;

4. Does not adversely affect any part of any adopted Comprehensive Plan; and

5. Does not in any way violate the intent of this Ordinance, the Zoning Ordinance of the City, or the Erosion and Sediment Control Ordinance.

DIVISION 3:
SUBDIVISION IMPROVEMENTS REQUIRED

No final plat or plan shall be approved until the Planning Commission is assured that the following improvements will be made:

1. Construction and right-of-way dedication, as required for vehicular travel lanes, service drives, driveway entrances or other access connections, which will permit vehicular travel within the subdivision and to and from adjacent properties.

2. Construction of or fee dedication for widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted Comprehensive Plan and where the need for such roads is substantially generated by the proposed subdivision.

3. Construction of all utilities necessary to serve the proposed subdivision. All utilities provided by the developer shall be installed underground in accordance with adopted City standards, and standards and regulations issued by the applicable regulatory authority; provided, however, that:

   A. Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution;

   B. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;

   C. Temporary overhead facilities required for construction purposes shall be permitted;

4. Dedication of easements or rights-of-way for all utilities and facilities within subdivisions which are intended to be publicly maintained. Such easement or right-of-way shall be clearly defined for the purposes intended.

5. Installation of an adequate drainage system for the disposition of storm and natural water in accordance with City design standards and compatible with the adopted Comprehensive Stormwater Facilities Plan for the watershed.

6. Installation of adequate temporary and permanent erosion and sedimentation control measures.

7. Construction of curb and gutter around all medians that separate travel lanes and service drives from existing streets and which separate off-street parking areas from streets, service drives, and travel lands; however, the Planning Commission may waive the construction of an inside curb and gutter on a travel lane where it would be in keeping with the existing/proposed design of the travel lane or parking aisle on ad-

jacent properties so that adequate and safe traffic circulation between sites can be obtained without such curb and gutter.

8. Construction of pedestrian walkways so that residents/patrons may walk on the same from lot to lot or building to building within the subdivision and to adjacent subdivisions or properties. Wherever possible, connection shall be made to existing walkways in adjacent developments or subdivisions.

9. Construction of trails or walkways in accordance with the general location shown on the adopted Comprehensive Plan together with such other connecting trails or walkways within the limits of the subdivision plan.

10. Dedication of rights-of-way for any major public transportation improvements as indicated on the transportation element of the adopted Comprehensive Plan.

11. All other improvements required by the provisions of this Ordinance to include, where applicable but not to be limited to, off-street parking and loading facilities, driveways, private streets, fences, walls, screening and landscaping.

12. All other improvements as are required by the provisions of other ordinances of the City or as may be required to conform with standards of the Virginia Department of Highways and Transportation.

DIVISION 4:
SUBDIVISION DESIGN STANDARDS

In furtherance of the purposes of the Ordinance, the following minimum design standards, as applicable, shall be required and provided for in the Subdivision final plats and plans:

3-4.1 Streets

1. Street Location and Alignment

   A. All street and highway construction standards and geometric design standards shall be in accord with those specified in the City Design and Construction Standards, except that the Director of Public Works may modify street geometric design standards for local, collector, and minor loop streets provided that off-street parking bays sufficient to accommodate the required parking ratio are provided to complement the street system and approval for modification is obtained from the Virginia Department of Highways and Transportation where applicable.

   B. All subdivisions must have direct access to public dedicated and City maintained roads. Such developments are to be designed so that lots will not have direct access to any arterial road unless the physiography, shape or size of the tract would preclude other methods of providing access.

   C. Subdivision streets shall be provided and designed to give access to adjoining acreage in conformance with the Comprehensive Plan and to the satisfaction of the Director of Public Works.

   D. Where traffic generated from subdivision exceeds 2,000 vehicles per day, such subdivision shall provide connectors to any existing public road at two locations. Where only one connection is physically achieveable, the connecting portion of the entrance roadway must be a four-lane divided standard existing into the development for a length of not less than 250 feet and as otherwise determined by the Director of Public Works. No internal vehicular connection shall be permitted to this entrance section.

   E. The arrangement of streets in new subdivisions shall provide for the planned continuation of existing streets in adjoining areas, and must not be such as to cause unnecessary hardship to owners of adjoining property which is susceptible to future subdivision planning.

   F. Half street sections along the property line of land proposed for subdivision shall not be permitted.

   G. There shall be no buffer or reserve strips (also known as "hate strips") limiting access existing or planned to streets, except under such limitations and conditions as may be in writing approved by the Planning Commission. Such limitations and conditions shall in effect secure the removal of the buffer or reserve strip when-

ever it is in the public interest that such strip be converted into a public street as an access or additional access to adjacent lands.

2. Street Approach Angle

Streets shall intersect at right angles unless the Director of Public Works should approve a lesser angle of approach for reasons of contour, terrain, or matching of existing patterns.

3. Cul-de-Sacs

Cul-de-sacs (minor neighborhood streets designed to have one end permanently closed) shall not be longer than six hundred (600) feet. All cul-de-sacs must be terminated by a turnaround having a right-of-way radium of fifty-two (52) feet and a paved radium of forty-three (43) feet.

4. Street Grades

A. The grades of streets shall not exceed eight (8) per cent unless approved by the Director of Public Works.

B. A minimum street grade of 0.5% shall be required.

C. Curb and gutter sections shall be required in accord with the City design standards.

5. Street Extensions

Proposed streets which will extend an existing street shall be improved in like manner as the existing street. Type of improvement and construction materials shall be in accord with City standards or as otherwise established by the Director of Public Works.

6. Street Specifications

Specifications for improvements of proposed and planned streets shall be in accordance with City design standards and criteria established by the Director of Public Works.

7. Street Signs

At each street intersection within or adjacent to the proposed subdivision, one street identification sign of a design approved by the Director of Public Works shall be installed by the subdivider.

8. Private Streets

There shall be no private street platted in any proposed subdivision.

9. Alleys

Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the Director of Public Works.

3-4.2 Blocks

1. Block Length

The length of a block in a proposed subdivision shall be not less than five hundred (500) feet nor more than one thousand (1000) feet.

2. Block Width

The width of a proposed subdivision block shall be sufficient to allow two tiers of lots of minimum depth, except where fronting on primary streets; provided that the Director of Public Works may approve a single tier or lots of minimum depth wherever physiography or Comprehensive Plan matters so dictate.

3. Block Orientation

Where a proposed subdivision adjoins an arterial street, or a collector street, the Planning Commission may require service streets or driveways parallel to such arterial or collector street to facilitate safe ingress or egress to the subdivision.

4. Nonconforming Blocks

Any proposed blocks of irregular shape or not conforming to the dimensions required in this Article may be accepted upon special approval of the Commission.

3-4.3 Lots

1. Relationship to Street

Each lot shall abut on a street dedicated by the subdivision plat or deed of dedication, or on an existing approved public street.

2. Corner Lots

Corner lots shall have extra width sufficient for maintenance of required building lines on both streets upon which the corner lot abuts.

3. Right-of-Way Lines

Right-of-way lines which conform to the property lines of lots shall be parallel to the street centerline.

4. Out-Parcels

The design of a subdivision shall preclude the existence of any remnant or out-parcel of land below minimum lot size unless such remnant or out-parcel is intended for a specific accessory use for the subdivision and as otherwise approved by the Planning Commission.

5. Pipestem Lots

Pipestem residential lots shall have the width of the driveway not less than twelve (12) feet, and the length of the driveway not greater than two

hundred (200) feet from the street right-of-way line to which the lot has access. Pipestem lots shall constitute no more than ten (10%) percent of the lots in any one section of a residential subdivision and shall serve only single family detached dwellings. A pipestem driveway shall serve no more than three (3) lots and shall be constructed in accord with the City Design and Construction Standards. The final plat for each pipestem lot shall note that the purchaser assumes all obligations for the ownership, maintenance and perpetual upkeep of the driveway and that such obligation is a condition which runs with the land.

6. Lot Size and Area

The minimum size and area of a proposed subdivision lot shall be as set forth in the Zoning Ordinance of the City.

3-4.4 Monuments and Corners

1. Monument Location and Type

A. Permanent reinforced monuments as required by the City shall be placed at all points of curvature, points of tangency, points of compound curve, reverse curve, and at other points along property lines deemed of geometric significance by the Director of Public works except where prohibited by topography.

B. Permanent monuments shall be reinforced concrete at least twenty-four (24) inches long and shall have a cross-sectional area of at least twenty-five (25) square inches and shall be set to approved finish grades as nearly as practicable.

2. Corner Location and Type

All other lot corners shall be marked with solid metal pins not less than five-eighths (5/8) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, the solid metal monument shall be set in a hole drilled at least one-half inch deep in the rock.

3. Visibility

Upon completion of all streets and other public improvements in the subdivision, all monuments required shall be clearly visible for inspection and use prior to release of subdivision land.

3-4.5 Easements

Minimum easement width shall be as follows, unless otherwise specified by the Director of Public Works:

1. Sanitary sewer: Twenty (20) feet

2. Water mains: Fifteen (15) feet

3. Storm sewer: Twenty (20) feet

4. Underground telephone, television cable, gas service or electric: Ten (10) feet (unless otherwise stipulated by applicable utility agency).

3-4.6 Storm Drainage

1. All pipe for the construction of storm drainage systems shall be concrete of ASTM CT6 Class IV standards. Other pipe materials may be permitted subject to the approval of the Director of Public Works.

2. The minimum size of storm drainage culverts shall be fifteen (15) inches in diameter. Manholes shall be constructed at every stall change of grade line or pipe size. There shall be a minimum 0.25 foot drop in inverts at every structure.

3. Storm sewer street and yard inlet structures must be constructed when the spread of water in the street, measured from the curb, reaches eight (8) feet. Flow and spread computations shall be based on computed increments of the 10-year frequency rainfall.

4. Where the contributing drainage area does not exceed 500 acres, minor storm sewer culverts shall be designed using the 10-year frequency rainfall curve. Where the contribution drainage area exceeds 500 acres, the 50-year rainfall frequency curve shall be used.

5. All open channels where the quantity of water exceeds the equivalent capacity of a 72 inch concrete pipe shall be designed using 25-year rainfall frequency curve.

6. Major storm water culverts (box culverts, or pipes exceeding 72" diameter) for use on the primary street system or any bridges shall be designed using the 50-year rainfall frequency curve.

7. The goal of the City policy for stormwater management is to limit the rate of storm water run-off from a developed area to that which existed before development occurs. The policies for attaining this goal are more specifically addressed in the City's "Comprehensive Stormwater Facilities Plan." In general, on-site stormwater management structures shall be constructed in concert with site development activities. In watersheds where the "Comprehensive Stormwater Facilities Plan" has adopted off-site watershed management measures, a pro-rata monetary contribution towards such comprehensive drainage improvements may be substituted for on-site stormwater management.

   The basic design criteria for stormwater management facilities employs the 10-year frequency, two hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods. Emergency spillways shall be designed to pass the 100-year frequency, two hour storm. Hydrographs, spillway design, embankment design and flow computations shall be submitted with the site plan.

8. Dedicated easements shall be provided for stormwater management facilities. Fencing of storm facilities which retain or detain runoff may be required upon final determination by the Director of Public Works.

9. Flood plain studies shall be prepared for drainage areas exceeding 100 acres. The 100 year rainfall curve shall be used, with a two (2) freeboard easement added to the computed water level. Flood plain computations shall be performed using the standard-step method or an equivalent method to achieve a balance of energy. Cross-sections, stream profiles and support calculations shall be submitted with the site plan.

3-4.7 Water Supply

1. Water systems shall be designed to adequately supply normal and peak load demands for domestic and commercial service shall maintain a pressure of thirty (30) pounds per square inch at all points of delivery.

2. Fire hydrants shall not be installed on water lines less than six (6) inches in diameter. Fire flow and hydrant location criteria shall be in accord with the City Construction and Design Standards or as otherwise specified by the Director of Public Works.

3. The minimum water line size acceptable shall be four (4) inches. Design calculations may be required for any line sizing.

4. Water lines shall be laid to a minimum depth of forty-two (42) inches.

5. Blow-off assemblies shall be required at dead-end lines.

3-4.8 Sewer Collection

1. Sewer systems shall be designed on the basis of average daily per capita flows of not less than those set forth by sewerage regulations of the State Department of Health.

2. Minimum sewer main size shall be eight (8) inches in diameter. The minimum slope for an eight inch line shall be 0.5 percent.

3. The maximum distance between sanitary sewer manholes shall be four hundred (400) feet.

4. Sanitary sewers shall be installed with a minimum cover of five (5) feet below finished grade.

3-4.9 General Standards

All other design criteria and construction standards shall be in accordance with the City Design Standards and Construction Criteria. Where standards and criteria are not provided or are found not applicable, the Director of Public Works shall provide the governing standards or shall rule upon those standards proposed by the developer.

DIVISION 5:
PRELIMINARY PLAT AND PLAN

3-5.1 Preliminary Plan Conference

1. Prior to the submission of the preliminary plat and plan, the applicant shall contact the Director of Public Works to schedule a preliminary plan conference. The purpose of this conference is to establish the following:

   A. Use, scope, type, density, physical characteristics and phasing of proposed subdivision.

   B. Coordination of proposed subdivision with the adopted Comprehensive Plan, the adopted comprehensive facilities plans, the capital improvements program, and plans for development of neighboring properties.

   C. Coordination of transportation improvements with existing and planned streets within the vicinity of the proposed subdivision.

   D. Reasonable regulations and provisions uniquely applicable to the proposed subdivision as related to physiography, public utility and facilities service, drainage and flood control, transportation environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive, and harmonious development.

2. The Director of Public Works shall place the matter on the agenda of the next meeting of the Preliminary Plan Committee and shall notify the applicant of the conference meeting date.

3. The applicant shall provide sketches, exhibits, or other materials as necessary to adequately describe the proposed subdivision.

4. The Preliminary Plan Committee, upon completion of conference shall identify those comprehensive planning issues, subdivision and site planning considerations, reasonable regulations and other provisions which are found to be supportive of the purposes of this Ordinance, as well as contributive to the applicant's understanding of the general requirements for subdivision approval.

5. The Preliminary Plan Committee shall meet monthly on a regularly scheduled date. This committee shall consist of the following members: The Director of Public Works, the Director of Planning and Community Development, the Zoning Administrator and a member of the Planning Commission.

6. The Preliminary Plan Conference does not supplant the requirement for the submission of a preliminary subdivision plat and plan or any other provisions of this Ordinance of the Zoning Ordinance.

3-5.2 Approval Procedures

1. Whenever the owner of any tract of land in the City desires to apply to subdivide the same, the applicant shall submit a preliminary plat and plan of the proposed subdivision to the Director of Public Works. This plat and plan shall be in compliance with the provisions of this Ordinance and in accord with the proceedings of the Preliminary Plan Conference.

2. An applicant shall file six (6) copies of the preliminary plat. The plat shall be prepared by a person qualified to do such work, including but not limited to land planners, architects, landscape architects, professional engineers, and land surveyors. The preliminary plat shall be filed thirty (30) days prior to the meeting at which the plat is to be considered by the Planning Commission.

3. A decision to approve or disapprove the preliminary plat and plan shall be rendered by the Planning Commission within sixty (60) days from the date of application.

4. At the time of the hearing before the Planning Commission, the Director of Public Works shall present recommendations related to City Staff review of the preliminary plat including, but not limited to, compliance with the Ordinance.

5. The applicant shall be advised in writing within ten (10) days of Planning Commission action on the preliminary plat .

6. Any person aggrieved by any decision of the Planning Commission may, within ten (10) days of such decision, appeal to the City Council. The City Council may approve, deny, or modify the appeal upon review of the facts and findings at a regularly scheduled meeting within sixty (60) days from the date of such appeal.

7. The approval of the preliminary plat by the Planning Commission does not guarantee approval of the final plat and plans; neither does preliminary plat approval constitute approval or acceptance of the subdivision by the City Council or establish authorization to proceed with construction or improvements within the subdivision.

8. Applicants shall have not more than twelve (12) months after receiving the preliminary plat approval to submit a final plat for a portion or all of the subdivision. Failure to do so shall render the preliminary plat approval null and void. The Planning Commission may, upon written request by the subdivider, grant an extension of the twelve (12) month time period. Such extension shall be for a period not to exceed twelve (12) months and only one such extension shall be granted for any preliminary subdivision plat.

3-5.3 Preliminary Plat and Plan Information

The preliminary plat and plans shall indicate the following:

1. The title under which the subdivision is proposed to be recorded and the names and addresses of the owner and subdivider as well as holders of any easements affecting the property. The plat shall also show the name of the individual or firm who prepared the plat; the date of plat; the north point; the horizontal scale and contour interval.

2. A vicinity map at a scale of one inch to two thousand feet shall be included on the plat showing the relationship of the proposed subdivision to the adjoining property and the area within one mile radius describing all adjoining roads, city corporate limits, neighboring subdivisions, and other landmarks.

3. Certified boundary survey and topographic mapping with a horizontal scale not less than one inch (1") equals one hundred (100) feet and a contour interval of not greater than two (2) feet describing the area covered by the proposed subdivision. The 100-year HUD flood plain limits shall be delineated where applicable.

4. Location, width, and names of all existing or platted streets within or adjacent to the subdivision, easements, railroad rights of way, and land lot lines, total acreage in each use, both proposed and existing, including utilities and watercourses.

5. Parcels of land intended to be dedicated, or reserved for public use, or to be reserved in deed for the common use of property owners in the subdivision.

6. Parcels of land intended to be dedicated, or reserved for public use, or to be reserved in deed for the common use of property owners in the subdivision.

7. Areas described in the Comprehensive Plan as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the land being subdivided.

8. Preliminary sketch plans indicating the provisions for all utilities, including but not limited to, the proposed method of accomplishing water supply, sewage disposal, stormwater management, and preliminary sketch plans for any bridges or culverts that may be required shall be submitted.

9. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.

10. Zoning classifications and proposed use for the area being subdivided.

11. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed and the anticipated timing to achieve the same.

DIVISION 6:
FINAL PLAT AND PLANS

Final plat and plans for subdivision, prepared and approved in accordance with the provisions of this Article, shall be required to assist the City Council in assuring the orderly development of subdivisions in harmony with the Comprehensive Plan, the Zoning Ordinance, and this Ordinance.

3-6.1 Approval Procedures

1. Eight (8) copies of the final subdivision plat and plans shall be submitted to the Director of Public Works. The site plan shall be accompanied by payment of a fee for review and processing; with fee based on a fee schedule adopted by the City Council.

2. Within three (3) days of receipt the Director of Public Works shall distribute a copy of the final plat and plan to each of the following agencies for review and comment on the completeness and compliance of the site plan with this Ordinance and all applicable standards:

   A. Public Works

   B. Planning and Community Development

   C. Fire Marshall

   D. Zoning and Building Inspections

   E. Virginia Department of Highways and Transportation

   F. U.S. Soil Conservation Service

   G. Architectural Review Board (where applicable)

   All agency review and comments shall be completed within thirty (30) calendar days from the distribution of the final plat and plan.

3. The Director of Public Works shall provide the applicant with a copy of all agency review comments and recommendations. In cases where final plat and plan revisions, deletions or additions are necessary to complete and satisfy the agency review process, the applicant shall be so notified in writing.

4. Upon the applicant's incorporation into the final plat and plan of agency recommendations and the receipt of revised submissions, the Director of Public Works shall forward the site plan to the Planning Commission with a recommendation for approval or denial, with applicable comments supporting the recommendation.

5. The Planning Commission shall schedule a meeting to act upon the final plat and plan within thirty (30) days after it has been initially submitted to the Director of Public Works. The Planning Commission shall recommend to the City Council to either approve or deny the final plat and plan, and giving with the latter specific reasons therefor. Reasons for denial shall relate in general terms such modifications or correc-

tions as will permit approval of the site plan. If any required revised submissions of the final plat and plan have not been received and found acceptable by the Director of Public Works within the thirty (30) day period, the Planning Commission shall deny the final plat and plan and reschedule a second public hearing to act on the matter for its following meeting agenda. The City Council shall be notified of such denial. If required revised submissions have not been submitted by the applicant prior to the second public hearing, the Planning Commission shall deny final plat and plan and any subsequent submission of the final plat and plan shall be considered as an original submission with new filing fees required. The City Council shall be notified of such denial.

6. The City Council shall schedule a public hearing to act upon the final plat and plan within sixty (60) days after it has been initially submitted to the Director of Public Works. The City Council shall consider the recommendations of the Planning Commission and the Director of Public Works. The City Council shall consider the recommendations of the Planning Commission and the Director of Public Works and shall act to either approve or deny the final plat and plan. The City Council shall not consider any plat and plan which is deemed an incomplete submission by the Director of Public Works or the Planning Commission nor shall it approve any plat or plan which has been denied by the Planning Commission on the basis of untimely submission of requested revisions.

7. Any person aggrieved by any decision of the Planning Commission may, within ten (10) days of such decision, appeal to and have a determination made by the City Council. The City Council may approve, deny, or modify the appeal upon review of the facts and finding at a regularly scheduled meeting within sixty (60) days from date of such appeal.

8. Any applicant aggrieved by the failure of the City Council to act on a site plan within sixty (60) days of original submission or aggrieved by any decision of the City Council relative to a site plan may within ten (10) days of such decision or lack thereof, appeal to the Fredericksburg Circuit Court.

9. Approval of a final plat and plan by the City Council submitted under the provisions of this Article shall expire six (6) months after the date of such approval, unless:

   A. The final plat has been recorded in the Office of the Clerk of the Circuit Court and a subdivision bond acceptible to the City has been posted with the Director of Public Works.

   B. An extension has been granted by the Planning Commission upon receipt of written request by applicant. Such extension grant shall not exceed a period of six (6) months.

   C. A major final plat or plan revision has been submitted. Such revision shall be processed in the same manner as originally approved. Minor plat and plan revisions may be processed administratively, based on the review and recommendations of the Director of Public Works.

3-6.2 Final Plat Information

The final plat shall be submitted to the Director of Public Works in clearly legible blue or black line copies and shall indicate the following information:

1. All final plats of subdivisions shall be prepared at a scale of not less than one (1) inch equal to one hundred (100) feet with letters and figures not less than 0.10 inch equal to one hundred (100) feet with letters and figures not less than 0.10 inch in height on a sheet or sheets not to exceed twenty-four (24) inches by thirty-six (36) inches.

2. Name of subdivision, owner and address, city, state, north point, the scale and date of drawing and number of sheets. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join. A blank oblong space 3 inches by 3 inches shall be reserved for the use of the approving authority.

3. Location of proposed subdivision by an insert map at a scale of not less than one (1) inch equal to two thousand (2000) feet describing thereon north point, ajoining roads and their names and identifying numbers, city corporate limits, neighboring subdivisions, and other landmarks.

4. A certified boundary survey with an error of closure within the limit of one (1) foot in twenty-five thousand (25,000) feet related to the true meridian, and showing the location of all monuments and their type of material. The survey may be related to the United States Coast and Geodetic Survey, state grid north if the coordinates of two adjacent corners of the subdivision are shown.

5. Certificate signed by the surveyor or engineer setting forth the source or sources of title of the owners of the land subdivided and the places of record of the last instruments in the chain of title.

6. A statement to the effect that the subdivision as appears on this plat is with the free consent and in accordance with the desire of the owners, proprietors and trustees, if any, and shall be signed and duly acknowledged before the City office authorized to take acknowledgement of deeds.

7. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be shown on the plat.

8. The accurate location and dimension by bearings and distances of all lots and street lines, boundaries of all easements, parks and school sites or other public areas; total acreage of subdivided area; the numbers and areas of all building sites; all existing and platted streets and their names, numbers, and widths; watercourses and their names, names of owners and property lines, both within the boundaries of the subdivision and adjoining such boundaries.

9. All dimensions shown in feet and decimals of a foot to the closest one hundredth (0.01) of a foot; all bearings in degrees, minutes and seconds to the nearest second.

10. All off-street parking, related driveways, entrance types, loading spaces and walkways, indicating type and dimensioning of surfacing, size, stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the provisions of the Zoning Ordinance.

11. The proposed location, general use, number of floors, height, floor area ratio and the net and gross floor area for each building, to include outside display areas, and where applicable the number, size and type of dwelling units.

12. Plans and profiles for all public streets, including centerline elevations computed to nearest one hundredth (.01) of a foot at fifty (50) horizontal station intervals and at other locations of geometric importance.

13. Sufficient information to show how the physical improvements associated with the proposed subdivision are compatible with existing or proposed development of record on adjacent properties, which may include schematic plans for stormwater management, sanitary sewer, water supply and future transportation improvements.

14. Plans and profiles detailing all existing and proposed utilities, including water and sanitary sewer facilities, indicating all pipe sizes, types and grades with supporting capacity calculations, and where connection is to be made to the City or to other utility system.

15. Plans and profiles detailing the provisions for the adequate disposition of natural and storm water in accordance with the City's Design Standards and Construction Criteria, indicating the location, size, type and grade of ditches, catch basins and pipes and connections to existing drainage system, and on-site storm water retention where deemed appropriate and necessary by the City, and with supporting contributing area and design computations as may be required.

16. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction as required by the City Erosion and Sediment Control Ordinance and design standards of the State Soil Conservation Service.

17. Proposed finished grading by contours to be supplemented where necessary by spot elevations and sectional information. Limits of grading shall be clearly indicated.

18. A geotechnical report prepared by or under the direction of a professional engineer, experienced in soil and foundation engineering, shall be submitted for site plans located in areas where special soil or water conditions are deemed by the Director to be potentially injurious.

19. Geometric location data and areas for all private or public rights-of-way, common areas, utility centerlines and easements, structures, and lot lines.

20. Typical roadway and parking area pavement and design sections.

21. Plans of contributing drainage area and the computed limits of the 100-year floodplain, with drainageway cross-sections and water surface elevations plotted on profile of the pre- and post-development condition, where required by the Director of Public Works.

22. Estimate of daily vehicle trips generated by the site development.

23. Locations for all open spaces, identifying areas for and improvements to all recreational facilities, tot lots, natural areas, and related pedestrian accommodations.

24. Location and method of garbage and refuse collection.

25. Location of street signs, as required by Director of Public Works.

26. Location and method of lighting provisions for private driveways, streets and parking areas.

27. Additional information specific to proposed use as deemed necessary by Director of Public Works for adequate subdivision plan review.

DIVISION 7:
SUBDIVISION LOT GRADING PLANS

3-7.1 Approval Procedures

1. Three (3) copies of the subdivision lot grading plan must be submitted to and approved by the Director of Public Works prior to the issuance of a building permit. The subdivision is intended to assure and promulgate consistency between the individual lot development process and the overall subdivision site improvement process as governed by the final plat and plans. Further, it is used to check the final grading and drainage on a given lot prior to the issuance of the occupancy permit. The occupancy permit will be refused if the plan and the on-site grading do not substantially agree unless such deviation has been approved by the Director of Public Works. Subdivision lot grading plans can be incorporated in the final plat and plans when these documents are submitted. However, the lot grading plan can be submitted after final plat and plan approval but in no case shall a building permit be approved prior to submission and approval of the lot grading plan.

2. Minor revisions to an approved lot grading plan may be approved by submitting a description of the proposed revisions in letter form. Once approved, these revisions become part of the lot grading plan for the subdivision.

3. Lot grading plans shall be certified by an engineer, architect, surveyor or landscape architect registered and authorized by the State to practice as such.

4. The lot grading plan shall be prepared on a sheet not to exceed 8½" by 14". The subdivision name, lot number of record, lot area and boundary data, and adjoining lot numbers and street names shall be indicated.

3-7.2 Lot Grading Plan Requirements

The following items are to be included on the subdivision lot grading plan for each lot:

1. Subdivision lot grading plans shall be to a scale of one (1) inch equal to 30 feet, or less on all lots. All plans will have two foot contours defining existing elevations and finished lot grading with all proposed elevation changes at the time the plan is submitted.

2. All physical improvements on the lot shall be graphically indicated. Spot elevations are required to be shown at all house entrances, at the driveway entrance and at all changes in grade of the driveway. Spot elevations should be shown at each corner of the house. Walkout basements should be indicated on the plans, showing the entrance and the appropriate spot elevations.

3. Where no curb and gutter street section is planned or exists, the minimum size allowed for a driveway culvert is 12 inches and the inverts for the pipe must be shown. In any case, where a driveway culvert must be larger than 12 inches based on the flow, culvert computations must be submitted.

4. To assure adequate overlot drainage, the minimum lot grade should be 2%. Any swales on a lot must be at a minimum 2% slope but should preferably be at 3%. On single family subdivision lots a driveway parking pad shall be installed to accommodate the off-street parking requirement. This parking pad should be at no greater than 5% grade and no less than 1%. The portion of the driveway from the street to the parking pad should be on grade of no more than 15% and no less than 1%. A waiver request shall accompany any plans which do not conform to these driveway standards.

5. The lead walk and all risers must be shown on the plan and the elevations of the risers must be specified.

6. Erosion controls are required for all areas on the lot where the ground will be disturbed. The original erosion controls for the subdivision are satisfactory for areas that they will cover as long as the erosion controls are not removed or the erosion control bond escrow released until all the construction on the lot is completed and the ground cover has been stabilized.

7. All existing water, storm drainage, sanitary sewer, and other utility easements shall be indicated. Utility connection points to the lot should be indicated. Existing drainage easements must be honored and additional easements provided for all areas of concentrated flow on lot grading plans and subdivision plans. These areas include natural drainage ways (swales) concentrating flow from several lots, swales leading into culverts, and those stabilized existing drainageways handling the outfall of other drainage structures.

8. Lot grading plans for subdivision houses should be designed so that if stormwater is collected in a mid-block swale along the rear yards and routed toward the street in an open swale running between two adjacent houses, the maximum allowable watershed area for such a surface swale passing between two adjacent houses shall be one (1.0) acre with the average (CxA) factor not to exceed 0.50.

9. To insure the maintenance of the original intent for subdivision stormwater management, lot grading plans should either delineate the drainage divide within the applicable area of the subdivision, or a notation by the engineer on the lot grading plan to the effect that it conforms to the approved overall drainage plan for the subdivision.

DIVISION 8:
SUBDIVISION BONDS

In order to obtain guarantee of performance to assure timely completion and competent construction of subdivision physical improvements, the applicant is required to post a bond or other acceptable surety under the provisions contained in this section. Such bond shall be posted prior to recordation of the subdivision plat to which the bond applies.

1. The bond agreement shall apply to required physical improvements located within the existing or proposed public right-of-way or easements or as are connected to any public utility or facility in form and substance as approved by the City.

2. The bond shall be of an amount equal to the estimated developed cost of the required physical improvements, and shall be an irrevocable bond agreement between the applicant and the City. The estimate of cost shall be approved by the Director of Public Works.

3. The maximum period of the bond agreement shall be eighteen (18) months.

4. The Director of Public Works shall provide the applicant and the surety, approximately forty-five (45) days prior to bond expiration a written report summarizing the status of the construction and completion inspections. The report shall caution applicant and surety that the applicant will be in default if work is not completed within the stated period.

5. The applicant may request, and be granted, an extension of the expiration date for a period not to exceed one (1) year, provided that:

   A. All surety consents have been acquired and accepted by the City.

   B. The applicant has submitted an acceptable program of completion to the Director of Public Works.

   C. Inspection of existing physical improvements is found satisfactory.

6. Forms of guarantees shall be limited to the following:

   A. Corporate surety bonds from an insurance corporation licensed in Virginia.

   B. Cash escrows in the face amount of the bond.

   C. Letters of credit from an insured lending institution which terminate a minimum of six (6) months after the termination of the bond agreement.

7. The subdivision bond shall be released only upon the findings of the City that support satisfactory completion of all improvements. Prior to bond release, the Director of Public Works shall provide the City Council with a report of findings and, if found acceptable, the bond shall be released upon a majority vote of Council.

DIVISION 9:
VIOLATIONS AND PENALTIES

1. Any person who sells or transfers any land of a subdivision before such plat has been duly approved and recorded as provided herein shall be subject to a fine of not more than five hundred dollars ($500.00) for each lot or parcel of land so subdivided, transferred, or sold; and otherwise in accordance with the Code of Virginia governing penalties for misdemeanors.

2. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who subdivides any land, constructs any improvements, erects any building, or uses any land in violation of any preliminary or Final Subdivision plat or plan submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each lot that constitutes a violation and each day that a violation continues shall be deemed a separate offense subject to cumulative fines and other penalties.

3. Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.

4. The Zoning Administrator may initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.

5. Upon his becoming aware of any violation of any provisions of this Ordinance, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

6. The remedies provided for in this Section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ORDINANCE NO. 82-8

(An ordinance to incorporate erosion and sediment control into the Fredericksburg City Code.)

CHAPTER 17, Article 4

EROSION AND SEDIMENT CONTROL

4-1 Title

This ordinance shall be known as the "Erosion and Sediment Control Ordinance" of the City of Fredericksburg.

4-2 Purpose

The purpose of this ordinance is to prevent the adverse effects caused by the rapid shift in land use from undeveloped to developed uses which has accelerated the processes of soil erosion and sedimentation and, as a result, polluted and despoiled the water and air in the City; further, it is necessary to establish and implement an ordinance to protect the land, water, air and other natural resources of the City and to promote the public health and welfare of Fredericksburg by establishing standards for the control of erosion and sedimentation and by establishing procedures whereby these standards shall be administered and enforced.

4-3 Authorization

This Erosion and Sediment Control Ordinance is authorized by Title 21, Chapter 1, Article 6.1 of the Code of Virginia of 1950, as amended, known as the "Erosion and Sediment Control Law".

4-4 Definitions

As used in this ordinance, unless the context clearly indicates otherwise:

A. Agent shall mean the representative of the City Council of the City of Fredericksburg appointed to serve as the agent of the Council in administering this ordinance.

B. Plan approving authority shall mean the agent responsible for determining the adequacy of an erosion and sediment control plan aubmitted for land disturbing activities on a unit or units of land and shall approve such plan if the plan is determined to be adequate.

C. Commission shall mean the Virginia Soil and Water Conservation Commission created by Section 21-6 of the Code of Virginia of 1950, as amended, and Charged to the establishment and implementation of the State Erosion and Sediment Control Program as adopted by the Commission.

D. Land disturbing activity shall mean any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the state, including but not limited to clearing, grading, excavating, transporting, and filling of land, other than federal lands, except that the term shall not include:

1. such minor land disturbing activities as home gardens and individual home landscaping, repairs, and maintenance work;

2. individual service connections and the construction, installation, or maintenance of electric and telephone utility lines, and the installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surface road, street, or sidewalk provided such land disturbing activity is confined to the area of the road, street, or sidewalk which is hard surfaced;

3. septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;

4. tilling, planting, or harvesting of agricultural, horticultural, or forest crops;

5. construction, repair, or rebuilding of the tracks, right-of-way, bridges, communication facilities, and related structures and facilities of a railroad company;

6. preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development;

7. disturbed land areas for commercial or noncommercial uses of less than ten thousand square feet in size;

8. installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

9. emergency work to protect life, limb, or property and emergency repairs, provided that, if the land disturbing activity would have required an approved erosion and sediment control plan or if the activity were not an emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirements of the Agent.

E. Person shall mean any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of this state, any interstate body, or any other legal entity.

F. Planning Commission shall mean the Planning Commission of the City of Fredericksburg.

G. Conservation standards or standards shall mean standards adopted by the City of Fredericksburg as developed and adopted by the Commission to control erosion and sedimentation.

H. Erosion and sediment control plan or plan shall mean a document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated as to achieve the conservation objectives.

I. State erosion and sediment control program or state program shall mean the program adopted by the Commission consisting of conservation standards, guidelines, and criteria to minimize erosion and sedimentation.

J. Local erosion and sediment control program shall mean an outline or explanation of the various elements or methods employed by the City to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and includes such items as a local ordinance, policies, and guidelines, technical materials, inspection, enforcement, and evaluation.

K. Clearing shall mean any activity which removes the vegetative ground cover including, but not limited to, root mat removal and/or topsoil removal.

L. Filling shall mean any activity which deposits or stockpiles earth materials.

M. Excavating shall mean any activity which removes earth materials including, but not limited to, digging or scooping.

N. Grading shall mean any activity which strips, cuts, fills, or stockpiles, or any combination thereof, including the land in its cut-and-filling condition.

O. Transporting shall mean any activity which moves earth materials from one location to another, other than such movement incidental to grading, including, but not limited to, the effects of transporting earth materials on the vegetative ground cover over which such transporting occurs.

P. Land-disturbing permit shall mean the permit issued by the Agent for clearing, filling, excavating, grading, transporting, or any combination thereof on all land provided that all the necessary requirements of this ordinance are met.

4-5 Conservation and Management Program

The City of Fredericksburg shall adopt a soil erosion and sediment control program and a stormwater management program consistent with the state program and guidelines. To that effect, Chapter 3, State Minimum Criteria, Standards and Specification; and Chapter 4, Stormwater Management from the Virginia Erosion and Sediment Control Handbook, Second Edition, 1980, promulgated by the Commission, this day in force and any and all amendments thereto hereinafter enacted under the provisions of Chapter 1, Title 21, of the Code of Virginia of 1950, as amended, is hereby adopted by reference and made part of this ordinance.

4-6 Regulated Land Disturbing Activities.

A. Except as provided in subsection E. of this section, no person may engage in any land disturbing activity as defined in subsection D. of Section 4-4 (Definitions) until such person has submitted to the Agent five (5) copies of an erosion and sediment control plan for such land disturbing activity and such plan has been reviewed and approved and a permit issued by the Agent.

B. The Agent shall, within forty-five (45) days, approve any such plan and issue a permit if he determines that the plan meets the conservation standards and the stormwater management standards of the City's erosion and sediment control program and, if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance.

C. The Agent must act on all plans submitted within forty-five (45) days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving the specific reasons for its disapproval. When a plan submitted for approval under this section is found, upon review by the Agent, to be inadequate, the Agent shall specify such modifications, terms, and conditions, as will permit approval of the plan and communicate these requirements to the applicant as herein required. If no action is taken by the Agent within the time specified above, the plan shall be deemed approved and said person authorized to proceed with the proposed activity.

D. An approved plan may be changed by the Agent which has approved the plan in the following cases:

1. Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the plan, and appropriate modifications to correct the deficiencies of the plan are agreed to by the Agent and the person responsible for carrying out the plan; or

2. Where the person responsible for carrying out the approved plan finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the Agent and the person responsible for carrying out the plan.

E. Any person owning, occupying, or operating private agricultural, horticultural, or forest lands shall not be deemed to be in violation of this ordinance for land disturbing activities resulting from the tilling, planting or harvesting of agricultural, horticultural, or forest crops or products or engineering operations under Section 21-2(c) of the Code of Virginia of 1950, as amended.

F. For the purposes of subsections A. and B. of this section, when land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

G. The person responsible for carrying out the approved plan shall implement the erosion and sediment control measures within six (6) months after the Agent has approved the plan and issued a permit. Failure to do so shall make the approval null and void. The Agent may, upon written request by the applicant, grant an extension of this time limit.

4-7 Certification and Performance Bonding.

A. The Agent, prior to the issuance of a permit for any land disturbing activity, shall receive written notarized certification that the person responsible for carrying out the erosion and sediment control plan will properly perform the erosion and sediment control measures included in the plan and will comply fully with the provisions of this ordinance.

B. The Agent, prior to the issuance of a permit for any land disturbing activity, shall receive a performance bond, cash escrow, letter of credit, any combination thereof, or

such other legal arrangement acceptable to the Agent, to ensure that measures could be taken by the City at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him by such approved plan as a result of his land disturbing activity. Within sixty (60) days of the completion of the land disturbing activity, such bond, cash, escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof shall be refunded to the applicant or terminated, as the case may be. These requirements are in addition to all other provisions of the ordinance relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

C. Any necessary cost estimates for erosion and sediment control measures shall be made by the Agent after consultation with the applicant.

4 -8 Other Approvals or Permits

A. Neither the City Council or any agency, officer, board, or commission of the City of Fredericksburg shall give any approval or permit of any type, including, but not limited to, a building permit, to any activity or operation involving a land disturbing activity regulated by this ordinance unless a permit has been issued by the Agent for such land disturbing activity.

B. In the case of a proposed subdivision, the applicant shall submit a plan for the temporary and permanent erosion and sedimentation and stormwater management controls required in the subdivision to the Agent when the subdivision plans are submitted to the Planning Commission. The issuance of a permit by the Agent pursuant to this ordinance shall be required for the approval of such subdivision in addition to any other requirements of the Subdivision Ordinance of the City of Fredericksburg.

4-9 Existing Conditions

A. It shall be unlawful for any owner of land in the City of Fredericksburg to wilfully suffer or permit any portion of said land owner's non-agricultural land to remain disturbed in such condition as to allow soil erosion and sedimentation therefore causing reasonably avoidable damage or harm to public and/or private property, roads, and waters.

B. The Agent shall notify the owner of any land upon which such a condition exists and shall require said land owner to submit an erosion and sediment control plan for such existing land disturbing activity. After such plan has been prepared, it shall be submitted to the Agent, reviewed and approved or disapproved under the same guidelines prescribed in Sections 4-6 and 4-7 of this ordinance.

C. Once such plan has been approved, the Agent shall require said land owner to install and maintain the control measures prescribed therein. If said land owner fails or refuses to submit an erosion and sediment control plan to the Agent within sixty (60) days after receipt of such notice or if said land owner fails or refuses to begin implementation of the control measures required by the approved erosion and sediment control plan within thirty (30) days after the receipt of said approval, said land owner shall be deemed to be in violation of the provisions of this section and subject to the penalties described in Section 4 -12 of this ordinance for such violation.

4 -10 Monitoring, Reports, and Inspections

A. Where a land disturbing activity is approved or an approval or permit issued by the Agent for such land disturbing activity which, under the provisions of this ordinance, required review of an erosion and sediment control plan, the Agent, or his authorized representative, shall periodically inspect the land disturbing activity to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation resulting from the land disturbing activity.

B. Notice of such right of inspection shall be included in the application for a land disturbing permit and shall be agreed to by the applicant under the provisions of this ordinance. The owner, occupier, or operator shall be notified as to when on-site inspections are to take place and shall be given the opportunity to accompany the inspector(s).

C. After an erosion and sediment control plan has been approved and a permit issued, the applicant shall notify the Agent in writing as to the date when the land disturbing activity will begin, how long the temporary erosion control measures will be in place, when the permanent erosion control measures will be installed, and when the land disturbing activity will cease and the ground surface stabilized. If circumstances require the adjustment of any of the aforementioned dates by more than three (3) days, the Agent shall be notified in writing at least three (3) days in advance of such adjustments.

D. If the Agent determines that the permittee has failed to comply with the approved erosion and sediment control plan, the Agent shall immediately serve upon the permittee by registered or certified mail to the address specified by the permittee in his permit application a notice to comply. Such notice shall set forth specifically the measures

needed to come into compliance with such plan and shall specify the time within such measures shall be completed. If the permittee fails to comply within the time specified, he may be subject to revocation of the permit; furthermore, he shall be deemed to be in violation of this ordinance and upon conviction shall be subject to the penalties described in Section 4-12 of this ordinance for such violation.

4-11 Administrative Appeal and Review

A. Final decisions of the Agent under this ordinance shall be subject to review by the Planning Commission, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities. An appeal hearing shall be held at, or prior to, the next regularly scheduled meeting of the Planning Commission after the appeal is made, provided that the Planning Commission and all other involved parties have had at least seven (7) days notice.

B. At the appeals review hearing, the Planning Commission shall consider the evidence of the Agent and applicant and such other evidence and opinion germane to the issue. After such consideration, the Planning Commission may reverse, modify, or affirm the action of the Agent in writing. The decision of the Planning Commission shall be final and subject only to review by the court of record of the City of Fredericksburg, provided an appeal is filed within thirty (30) days from the date of the final written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.

4-12 Penalties, Injunctions, and Other Legal Actions

A. A violation under Section 4-6, 4-9, or 4-10 of this ordinance shall be deemed a misdemeanor and upon conviction shall be subject to a fine not to exceed one thousand dollars ($1,000.00) or a thirty (30) day imprisonment for each violation or both.

B. The Agent, acting on behalf of the City of Fredericksburg, may apply to the court of record in the City of Fredericksburg for injunctive relief to enjoin a violation or a threatened violation under Sections 4-6, 4-9, or 4-10 of this ordinance, without the necessity of showing that there does not exist an adequate remedy at law.

C. The Commonwealth's Attorney shall, upon request of the Agent, take legal action to enforce the provisions of this ordinance.

D. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation, or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

4-13 Severability

If any provision of this ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining provisions of this ordinance.

4-14 Liability

Neither the issuance of a permit under the provisions of this ordinance, nor the compliance with the provisions hereof or with any conditions imposed in the permit issued hereunder, shall relieve any person from the responsibility for damages to other persons and/or property nor impose any liability upon the City of Fredericksburg for damages to other persons and/or properties.

4-15 Agent, Duties, and Appointment

A. This ordinance shall be administered and enforced by the Agent.

B. The Agent shall be appointed by and shall serve at the pleasure of the City Council of the City of Fredericksburg.

4-16 Effective Date

This ordinance shall become effective on March 1, 1982, following adoption by the City Council of the City of Fredericksburg.

First Reading: 2/23/82 Adopted: 2/23/82

Approved as to Form: Walter Jervis Sheffield

November, 1983

ZONING DISTRICT REQUIREMENTS

ZONES	MAXIMUM DENSITY	MINIMUM DISTRICT SIZE	MINIMUM LOT AREA			MAXIMUM BUILDING HEIGHT		MAXIMUM FLOOR AREA RATIO	OPEN SPACE
R-2	2 DU/Acre	10 Acres (Cluster Sub.)	(CON) 15,000 Sq.Ft.	(CLU) 13,000 Sq.Ft.		(SF) 35 Ft.	(OTHER) 50 Ft.	.20 FAR (NR)	15% (Cluster Sub.)
R-4	4 DU/Acre	10 Acres (Cluster Sub.)	(CON) 8,400 Sq.Ft.	(CLU) 6,000 Sq.Ft.		(SF) 35 Ft.	(OTHER) 60 Ft.	.30 FAR (NR)	15 % (Cluster Sub.)
R-8	8 DU/Acre	5 Acres (W)	(SFD) 5,000 Sq.Ft.	(SFA) 1,600 Sq.Ft.	(NR) 1,500 Sq.Ft.	(SF) 40 Ft.	(OTHER) 60 Ft.	.35 FAR (NR)	25%
R-16	16 DU/Acre	5 Acres (W)	(MF) AD.	(SFA) 1,600 Sq.Ft.	(NR) 10,000 Sq.Ft.	(SFA) 40 Ft.	(MF&O) 60 Ft.	.70 FAR (NR)	25%
R-30	30 DU/Acre	3 Acres (W)	(MF) AD.	(NR) 10,000 Sq.Ft.		90 Ft.		1.00 FAR (NR)	40%
RMH	6 DU/Acre	10 Acres	(SFD) 6,000 Sq.Ft.	(MH) 4,000 Sq.Ft.	(NR) 10,000 Sq.Ft.	(R) 35 Ft.	(OTHER) 50 Ft.	N/A	20%
CT	N/A	N/A	20,000 Sq.Ft.			40 Ft.		.50 FAR	30% (LOS)
CD	N/A	HFD	UR			50 Ft.		.30 FAR	UR
C-SC	N/A	5 Acres	40,000 Sq.Ft.			40 Ft.		.50 FAR	15% (LOS)
C-H	N/A	UR	20,000 Sq.Ft.			40 Ft. (SUP)		.70 FAR	15% (LOS)
I-1	N/A	5 Acres	30,000 Sq.Ft.			50 Ft.		.50 FAR	20% (LOS)
I-2	N/A	2 Acres	(LOT SIZE) 20,000 Sq.Ft. / 100 Ft. (Lot Depth)			75 Ft.	(90 FT SUP)	1.00 FAR	10% (LOS)

ABBREVIATIONS

DU - Dwelling Unit
SUB. - Subdivision
W - Waiver
UR - Unregulated
CON - Conventional
CLU - Cluster
SFD - Single Family Detached
SFA - Single Family Attached
NR - Non-residential
MF - Multi-Family
MH - Mobile Home
SF - Single Family
O - Other
R - Residential
SUP - Special Use Permit
LOS - Landscaped Open Space