

**CHAPTER 18****ARTICLE I.****PLANNING COMMISSION****Sec. 18-1. Establishment, powers and duties.**

There shall be a city planning commission for the city 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 commission shall have the functions, powers and duties which are prescribed by law. (10/19/63)

**Sec. 18-2. Composition; qualifications, appointment and terms of members.**

The Commission shall consist of seven members, appointed by the Council, all of whom shall be residents of the City and who shall be freeholders qualified by knowledge and experience to make decisions on questions of community growth and development. Each member of the Commission shall take an oath of office. The five members currently in office shall continue to serve for the balance of their existing terms; one new member shall be appointed whose term shall expire October 20, 1967; one new member shall be appointed whose term shall expire October 20, 1968; the last mentioned two appointments shall be made coincident with the passage of this ordinance. Subsequent appointments shall be made for terms of four years each. One of the members of the Commission may also be a member of the Board of Zoning Appeals of the City. (2/14/67)

The 2/14/67 amendment changed the membership from five to seven. .

**Sec. 18-3. Consultants.**

The City Manager, City Engineer, and one member of the Council of the City shall on and after January 1, 1963 be consultants to the Planning Commission and who shall be entitled to attend all regular and special meetings of the Planning Commission, participate in the discussions and other activities of the Commission except that they shall not constitute members of the Commission nor shall they have the power to vote. The consultants named in this section shall serve as such without compensation. (10/19/63)

**Sec. 18-4. Removal of members.**

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. (10/19/63)

**Sec. 18-5. Compensation of members.**

All members of the City Planning Commission shall serve as such without compensation. (10/19/63)

**Sec. 18-6. Vacancies.**

Any vacancy in the membership of the City Planning Commission shall be filled by the Council for the unexpired term only. (10/19/63)

**Sec. 18-7. Chairman; secretary.**

The City Planning Commission at its first monthly meeting in October shall elect a Chairman from its appointed members, whose term of office as Chairman shall be for one year, and he shall be eligible for re-election. At the same meeting the Commission shall also elect one of its members as secretary whose term of office as secretary shall likewise be for one year, and who shall be eligible for re-election. At the same meeting the Commission shall also elect one of its members as Vice-Chairman whose term of office shall be for one year and who shall be eligible for re-election. (10/19/63)

**Sec. 18-8. Meetings; rules for transaction of business; minutes and records.**

The City Planning Commission shall hold at least one regular meeting in each month, shall adopt rules and regulations for the transaction of its business, and shall keep official minutes and records of its resolutions, transactions, findings and determinations, which records shall be public records. (10/19/63)

**Sec. 18-9. Program of work and outline of activities.**

As soon as practicable after the appointment of the members thereof, the City Planning Commission shall prepare a program of work and shall adopt such program after consultation with the Council. The program of work shall outline the activities in which the Commission expects to engage;

assembling such data regarding the city and adjacent territory as the Commission may deem to be necessary in exercising its functions, powers and duties; analyzing such data and making such studies as may be necessary in the preparation of a master plan for the City; preparing such master plan as a general guide for the development of the city and as a basis for the preparation of zoning and other regulations; and recommending to the Council appropriate procedures for effectuating the plan. (10/19/63)

The 5/22/67 amendment deleted subsection numbers, added paragraph 15, rewrote paragraphs 7, 21, & 33.

## ARTICLE II - ZONING

### Sec. 18-10. Definitions

For the purpose of this chapter, certain terms and words are herein defined. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used for" include the meaning "designed for;" the word "structure" includes the word "building" the word "shall" is mandatory and not directory, the word "lot" includes the words "plot" and "tract." Terms not herein defined shall be construed as defined in the building code. (10/19/63)

**Accessory building.** A subordinate building, the use of which is incidental to that of the main building or to the use of the premises. (10/19/63)

**Alley.** A public thoroughfare which affords only a secondary means of access to abutting property. (10/19/63)

**Apartment house.** See "dwelling, multiple." (10/19/63)

**Basement.** A story, the floor of which is two (2) feet or more below grade, but with not more than one-half ( $\frac{1}{2}$ ) of its height below grade. A basement is counted as a story for the purpose of height regulations. (10/19/63)

**Boarding house.** A dwelling other than a hotel, where for compensation, meals or lodging and meals, are provided for five (5) or more persons. (10/19/63)

**Building.** Any structure for the support, shelter and enclosure of persons, animals, chattels or property of any kind. When a building or structure is divided into separate parts by fire walls and having separate plumbing, electrical, heating, drainage and ventilation systems, each part so divided shall be deemed a separate building. (5/22/67)

**Building, height of.** The vertical distance from the grade of the highest point on the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. (10/19/63)

**Cellar.** A story having more than one-half ( $\frac{1}{2}$ ) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height

measurements unless it is subdivided, rented, sold or leased for dwelling purposes. (10/19/63)

Dwelling. Any building or portion thereof, which is designed or used exclusively for residential purposes. (10/19/63)

Dwelling, single-family. A building designed for or occupied exclusively by one family. (10/19/63)

Dwelling, two-family or duplex. A building designed for or occupied exclusively by two families. (10/19/63)

Dwelling, multiple. A building or portion thereof designed for or occupied by more than two families. (10/19/63)

Family. Any number of persons living together as a single housekeeping unit whether related to each other legally or not; and shall be deemed to include servants. (10/19/63)

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 building to resist the spread of fire. (5/22/67)

Garage, private. A building or portion thereof housing not to exceed three (3) motor-driven passenger vehicles. (10/19/63)

Garage, public. Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles. (10/19/63)

Garage, storage. Any building or premises, used for housing only of motor driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold. (10/19/63)

Grade. The elevation duly established and adopted according to law as designated by the City Manager. (10/19/63)

(a) For buildings abutting on one street only, the elevation of the officially established grade at the center of that wall which abuts on the street. (10/19/63)

(b) For buildings abutting on more than one street, the average of the elevations of the officially established grades as the centers of all walls which abut on streets. (10/19/63)

(c) For buildings which have no wall abutting on a street, the average level of the natural ground adjacent to the exterior walls of the building. (10/19/63)

(d) All walls approximately parallel to and not more than fifteen (15) feet from a street line are to be considered as abutting on that street. (10/19/63)

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 used no name plate exceeding seventy-two (72) square inches in area, nor any artificial lighting, nor any display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling, and 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. (10/19/63)

Hotel. Any building having ten or more sleeping rooms or where accommodations for more than twenty (20) persons are provided, and in which for compensation lodging is provided, with or without meals. (10/19/63)

Lot. A measured parcel of land having fixed boundaries and designated on a plot of survey. (5/22/67)

Lot, width. The mean width of a lot measured at right angles to its depth. (10/19/63)

Non-conforming use. Any building or land lawfully occupied by a use at the time of the effective date of this chapter or amendments thereto which does not conform after the effective date of this chapter or amendments thereto with the use regulations of the district in which it is situated. (10/19/63)

Parking area. An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted and no fees are charged. (10/19/63)

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. (

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. (10/19/63)

Street line. A dividing line between a lot, tract or parcel of land and a contiguous street. (10/19/63)

Structure. That which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground. (10/19/63)

Structural alteration. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof. (10/19/63)

Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided in Article XIV. In measuring a yard for purposes of determining the required width of a side yard, the required depth of a front yard or the required depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. (10/19/63)

Yard, front. A yard extending across the street side of a lot measured between the side yard lines and being the minimum horizontal distance between the street line and the main building. Steps, unenclosed balconies and unenclosed porches may extend not more than ten (10) feet into the required front yard. (10/19/63)

Yard, rear. A yard extending across the rear of a lot measured between the rear lot line and the rear of the main building or any projection thereof other than steps, unenclosed balconies or unenclosed porches except as otherwise provided in this chapter. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. (10/19/63)

Yard, side. A yard between the building and the side line of the lot. (5/22/67)

Trailer courts shall be as defined in the state code. (10/19/63)

**ARTICLE III**

**ZONING DISTRICTS - BOUNDARIES**

**Sec. 18-11. Districts.**

In order to regulate and restrict the location of buildings and land intended for trades, industries, residences or other purposes, to regulate and limit the height and size of buildings, to regulate the limit and intensity of the use of land and the density of population, and to regulate and determine the size of the yards and other open spaces surrounding buildings, the City of Fredericksburg is hereby divided into districts as herein described. (10/19/63)

**Sec. 18-11.1. Boundaries of various districts**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this chapter, the following rules shall apply:

(1.) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map or description accompanying and made a part of this chapter are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.

(2.) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this chapter are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map or described herein.

(3.) In subdivided property, the district boundary lines on the map accompanying and made a part of this chapter shall be determined by the scale contained on such map.

(4.) In any case where uncertainty exists as to the exact location of the district boundary lines, such location shall be determined by the Board of Zoning Appeals.

(5.) Where the boundary line of a zoning district divides a lot of record at the time of the enactment of this ordinance, the whole lot shall be considered to be in the district which contains the largest portion of said lot.

(6.) District R-2 shall include all areas not included in the boundary descriptions of Districts R-1, R-3, B, C, D, D-1, and E.

**Sec. 18-12. Zoning map.**

The boundaries of the zoning districts and the flood plain zone 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 chapter and filed in the office of the City Inspector or such other office or department of the City of Fredericksburg as may be hereafter provided by ordinance. (3/12/68)

The 3/12/68 amendment rewrote Sec. 18-12.

**Sec. 18-13. Future annexations.**

Any territory hereafter annexed to the City of Fredericksburg shall be in District R-1. (10/19/63)

**ARTICLE IV****GENERAL REGULATIONS****Sec. 18-14. All districts.**

Except as otherwise provided in this ordinance:

(1.) All buildings or structures hereafter erected, converted, enlarged, reconstructed or structurally altered and all buildings, structures, and land hereafter used or changed in use shall comply with all of the district regulations established by this ordinance for the district in which the building, structure, or land is located. (10/19/63)

(2.) The yard regulations required by this ordinance shall be considered minimum regulations for each and every building or structure existing on June 26, 1952, and for any building or structure hereafter erected or structurally altered. (10/19/63)

(3.) Every building, group of buildings, structure or structures hereafter erected or structurally altered shall be located on a lot as herein defined. (5/22/67)

(4.) For every building or structure there shall be provided at the time of construction, or at any other time herein specified, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles as established by this ordinance for the district in which the structure is located. (10/19/63)

(5.) Every building or structure hereafter erected or structurally altered for commercial purposes shall provide adequate facilities for the loading and unloading of goods in compliance with all of the district regulations established by this ordinance for the district in which the building, structure, or land is located. (10/19/63)

The 5/22/67 amendment rewrote subsection (3).

**Sec. 18-14.1. Residential parking generally.**

For every main building within Districts R-1, R-2, and R-3 there shall be provided at the time of construction, or at any other time herein specified, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows: (10/19/63)

(1.) All residential structures shall provide, either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building or each dwelling unit added in the case of the enlargement of an existing building. (10/19/63)

(2.) Boarding and rooming houses shall provide on the lot, space for the parking of one (1) automobile for each two (2) accommodations in a new building, or each two (2) accommodations added in the case of the enlargement of an existing building. (10/19/63)

(3.) Church, high school, college and university auditoriums, theaters, general auditoriums, stadiums and other similar places of assembly shall provide, either on the lot or within three hundred (300) feet of such structure at least one (1) parking space for every five (5) fixed seats or portion thereof in a new building, or each five (5) seats or portion thereof added in the case of the enlargement of an existing building. (10/19/63)

(4.) Structures hereafter erected or converted for use as hospitals or nursing or convalescent homes shall provide one (1) parking space for each three (3) beds capacity, including infants' cribs and children's beds. (10/19/63)

*(5.) To be added after printing*  
**Sec. 18-14.2. Advertising signs generally.**

Unauthorized signs. No additional signs shall be permitted in Districts R-1, R-2, R-3, B and C, except as specifically provided for in Sec. 18-42.

Requirement for signs. Signs in District D and E shall conform to State laws and requirements of the City of Fredericksburg.

**Sec. 18-14.3. Additional height and area regulations.**

Open or lattice enclosed fire escapes of non-combustible material required by law may project into a yard not more than four (4) feet, provided, however, they shall not be closer than two (2) feet to any side yard lot line in Districts R and B. The ordinary projection of chimneys and pilasters shall be permitted by the Building Inspector when placed so as not to obstruct light and ventilation.

**Sec. 18-14.4. Qualifying or supplemental district regulations.**

The regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

**Sec. 18-14.5. Additional requirements.**

Schools, public buildings and institutions may be erected to a height not exceeding eighty-five (85) feet in any district in which they are permitted, provided front and rear yards are increased in depth and side yards are increased in width one (1) foot for each foot in height that the building exceeds the height regulations of the district in which it is located.

**Sec. 18-14.6. Structural requirements.**

Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, etc., and structures of like kind may be erected to a height in accordance with existing or hereafter additional ordinances of the City of Fredericksburg, provided no tower, other than a church spire or tower of a public building, shall exceed the height district limits by more than twenty-five (25%) percent, without the express approval of the Zoning Board of Appeals. No sign, name plate or advertising device of any kind whatsoever shall be installed upon or attached to any chimney, tower, tank or other structure which extends above the height district limits except in District C, D and E.

**Sec. 18-14.7. Additional area regulations.**

(1.) In computing the depth of the rear yards, where the rear yard opens into an alley, one-half ( $\frac{1}{2}$ ) of the width of the alley may be considered to be a portion of the rear yard.

(2.) Every part of the required rear yard must be open to the sky, unobstructed except for accessory buildings in the rear yard and except for the ordinary projections of sills, belt courses, cornices and other ornamental features.

## ARTICLE V

RESIDENTIAL DISTRICT R-1  
(Single family)

## Sec. 18-15. Use regulations.

In Residential District R-1 any building to be erected or land to be used shall be for one or more of the following uses:

- (1.) Single family dwellings.
- (2.) Parks and playgrounds where no admission fee is charged.
- (3.) Historic and educational shrines and museums in existing buildings of historical interest. The collection of admission fees and the incidental sale of literature, handicraft articles, confections, and refreshments shall be permitted.
- (4.) Accessory buildings. Except as provided for corner lots, accessory buildings shall be located behind the rear building line of the main building and at least five (5) feet from any property line. Accessory buildings may be constructed only after the construction of the main building has commenced and may be used only after the main building is completed and in use.
- (5.) A temporary sign or signs aggregating eight (8) square feet in area or less appertaining to the lease, hire, or sale of the building or premises on which the sign is displayed.
- (6.) Public utilities. Poles, wires, distribution transformers and other facilities necessary for the provision and maintenance of public utilities including water and sewage facilities.
- (7.) Truck gardening, other than the raising of livestock or poultry and other farming activities that would be objectionable to surrounding residents. The sale of produce on the premises is specifically prohibited. (10/19/63)

## Sec. 18-16. Height regulations.

Structures may be erected up to forty (40) feet in height from grade except that:

- (1.) Fire towers are exempt from the provisions of

his ordinance. Belfries, monuments, television antennae, chimneys, radio aerials, cooling towers, elevator penthouses and similar structures not normally occupied by workmen may be increased in height up to twenty-five per cent (25%) of the height zone limits. Parapet walls may be up to four (4) feet above the height of the buildings on which they rest. No sign, name plate, or advertising device of any kind may be installed upon or attached to any of the above structures. (10/19/63)

(2.) Any accessory building which is within ten (10) feet of any party lot line shall be one (1) story or less in height. All accessory buildings shall be less than the main building in height. (10/19/63)

**ec. 18-17. Area regulations.**

(1.) For residential lots containing or intended to contain a single family dwelling the minimum lot area shall be as follows: (10/19/63)

Type of Lot	Minimum Lot Area
(a) Lots served by public water and sewage disposal systems....	10,000 sq. ft.
(b) Lots served by individual water or sewage disposal systems.....	15,000 sq. ft.
(c) Lots served by individual water and sewage disposal systems.....	20,000 sq. ft.

(2.) Where individual septic tanks and/or individual wells are used, greater lot areas may be required if the health officer determines that there are factors of drainage, soil condition, or other conditions to cause potential health problems. (10/19/63)

(3.) Any lot of record at the time of the adoption of this ordinance which is less in area than the minimum required by this ordinance may be used for a single family residence when the other requirements of this ordinance are met. (10/19/63)

**ec. 18-18. Setback regulations.**

In this zone the minimum setback distances from the front lot line to the building line shall be as follows:

(1.) Where a setback depth has not been established in any block, buildings shall be erected thirty-five (35) feet or more from the front lot line. (10/19/63)

(2.) Where setback depths have been established, buildings shall be erected a distance from the front lot line which is at least equal to the average setback of all the houses on that side of the street and in the block in which the building is located. The setback in all such cases shall be at least twenty-five (25) feet but need not exceed thirty-five (35) feet. (10/19/63)

#### Sec. 18-19. Frontage regulations.

Lots intended for single family dwellings and served by public water and sewer shall have a minimum lot width at the setback line of seventy-five (75) feet. Lots intended for single family dwellings and served by septic tanks and/or private wells shall have a minimum lot width at the setback line of one hundred (100) feet. Any lot of record at the time of the adoption of this ordinance which is less in frontage than the minimum required by this ordinance may be used for any permitted use provided that the other requirements of this ordinance can be met. (10/19/63)

#### Sec. 18-20. Yard regulations.

(1.) Side. The minimum side yard shall be ten (10) feet or more and the total width of the two side yards combined shall be twenty (20) feet or more. Steps from grade up to the first floor may project not more than three (3) feet in the required side yard and roof overhang, including gutters may project not more than eighteen (18) inches into the required side yard. (5/22/67)

(2.) Rear. Each main building shall have a rear yard of twenty-five (25) feet or more. Every part of the rear yard must be open to the sky and unobstructed except for accessory buildings which may cover up to forty per cent (40%) of the required rear yard area. Whenever a rear lot line abuts the side lot line of another property, accessory buildings shall be erected ten (10) feet or more from the rear lot line. (10/19/63)

The 5/22/67 amendment rewrote subsection (1.).

#### Sec. 18-21. Special provisions.

(1.) For all existing corner lots the side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings. (10/19/63)

(2.) For subdivisions platted after the enactment of this ordinance each corner lot shall have extra width sufficient for maintenance of required building setback lines on both streets. (10/19/63)

**ARTICLE VI****RESIDENTIAL DISTRICT R-2  
(Multi-family)****Sec. 18-22. Use regulations.**

In Residential District R-2 any building to be erected or land to be used shall be for one or more of the following uses:

- (1.) Any use permitted in Residential District R-1. (10/19/63)
- (2.) Two family dwellings and duplexes. (10/19/63)
- (3.) Apartment houses. (10/19/63)
- (4.) Public and semi-public uses such as schools, churches, colleges, playgrounds, private schools having curricula the same as ordinarily given in public schools and colleges, parks, and golf courses. (10/19/63)
- (5.) Home occupations conducted by the occupant. (10/19/63)
- (6.) Professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling by the occupant where only one (1) person is employed other than members of the family residing on the premises. (10/19/63)
- (7.) Professional shingles of two (2) square feet in area or less. (10/19/63)
- (8.) Church bulletin boards and signs for the display of names of educational institutions. The aggregate area of signs and bulletin boards for each such establishment shall be thirty (30) square feet or less, and an individual sign or bulletin board shall be fifteen (15) square feet in area or less. (10/19/63)
- (9.) Accessory buildings. Except as provided for corner lots, accessory buildings shall be located behind the rear line of the main building and at least one half the distance from the side yard line that is required for the main building. Accessory buildings may be constructed only after the construction of the main building has commenced and may be used only after the main building is completed and in use. (5/22/67)
- (10.) Non-transient rooming and boarding houses where accommodations for five (5) guests or less are provided. (10/19/63)

The 5/22/67 amendment rewrote subsection (9).

**Sec. 18-23. Height regulations.**

Structures may be erected up to forty (40) feet in height from grade except that:

- (1.) A public or semi-public building such as a school, church, or library may be erected to a height of sixty-five (65) feet from grade provided that required front and rear yards shall be increased in depth and side yards

increased in width one (1) foot for each foot in height over forty (40) feet. (10/19/63)

(2.) Church spires and fire towers are exempt from the provisions of this ordinance. Belfries, monuments, television antennae, chimneys, radio aerials, cooling towers, elevator penthouses and similar structures not normally occupied by workmen may be increased in height up to twenty-five per cent (25%) of the height zone limits. Parapet walls may be up to four (4) feet above the height of the buildings on which the walls rest. No sign, name plate, or advertising device of any kind may be installed upon or attached to any of the above structures. (10/19/63)

(3.) Any accessory building which is within ten (10) feet of any party lot line shall be one (1) story or less in height. All accessory buildings shall be less than the main building in height. (10/19/63)

**Sec. 18-24. Area regulations.**

(1.) Residential lots in the R-2 zone shall conform to the following lot area requirements which describes the intended use of the lot and the water and sewage disposal systems immediately available on the lot:

Type of Lot	Minimum Lot Area (sq. ft.) Re- quirements for Lots Served By:		
	Public Water & Sewage Disposal	Individual Water or Sqwage Disposal	Individua Water & Sewage Disposal
Lots intended for a single family house	5,500	15,000	20,000
Lots intended for a two family or duplex residence.	6,000	16,000	21,000
Lots intended for a three (3) family residence	8,000	17,000	22,000 (

(2.) For each additional dwelling unit one thousand (1,000) square feet or more shall be added to the minimum area requirement describing the water and sewage disposal systems immediately available for the lot. Where individual septic tanks and/or wells are used, greater lot areas may be required if the health officer determines that there are factors of drainage, soil condition, or other conditions to cause potential health problems. (10/19/63)

(3.) Any lot of record at the time of adoption of this ordinance which is less in area than the minimum required by this ordinance may be used for a single family residence when the other requirements of this ordinance are met. (10/19/63)

(4.) Every structure containing two (2) or more dwelling units shall provide seven hundred and fifty (750) feet of open yard area per dwelling unit in addition to the designated parking area required by this ordinance. Unobstructed side, rear, and front yard areas shall be considered open yard area for the purposes of this requirement. (10/19/63)

(5.) Structures erected prior to January 1, 1950, may be converted to any permitted residential use even though the frontage, side yard, open space, rear yard, and set back requirements cannot be met provided that:

(a) The lot upon which the structure is located has not been reduced in size subsequent to June 26, 1952. (10/19/63)

(b) The structure is served by public water and sewer systems. (10/19/63)

(c) The following minimum lot areas are provided:

Number of Dwelling Units in Structure	Minimum Lot Area
One (1) dwelling unit	No minimum
Two (2) dwelling units	5,000 sq. ft.
Three (3) dwelling units	7,000 sq. ft.
For each additional dwelling unit, one thousand (1,000) square feet shall be required. (10/19/63)	

**Sec. 18-25. Setback regulations.**

In this zone the setback distances shall be as follows:

(1.) Where a setback depth has not been established in any block subdivided into lots subsequent to the passage of this ordinance, buildings shall be erected a minimum of thirty-five (35) feet or more from any street right-of-way which is sixty (60) feet or greater in width and a minimum of sixty-five (65) feet or more from the center line of any street right-of-way less than sixty (60) feet in width. (10/19/63)

(2.) In blocks where the lots were subdivided prior to the passage of this ordinance and/or where setback depths have been established in a block, buildings shall be erected a distance from the center line of the street

right-of-way which is at least equal to the average setback of all structures on that side of the street and in the block in which the building is located. The setback in all such cases shall be not less than twenty-five (25) feet from any street right-of-way which is sixty (60) feet or greater but need not exceed thirty-five (35) feet in width, or fifty-five (55) feet or more from the center line of any street right-of-way which is less than sixty (60) feet in width, but need not exceed sixty-five (65) feet. (10/19/63)

**Sec. 18-26. Frontage regulations. (Width)**

Lots intended for residential structures and served by public water and sewer shall have a minimum lot width at the setback line of fifty-five (55) feet. Lots intended for residential structures and served by septic tanks and/or private wells shall have a minimum lot width at the setback line of one hundred (100) feet. Any lot of record at the time of the adoption of this ordinance which is less in frontage than the minimum required by this ordinance may be used for any permitted use provided that the other requirements of this ordinance are met. (10/19/63)

**Sec. 18-27. Yard regulations.**

(1.) Side. The minimum side yard shall be 10% or more of the total lot width at the set-back line and the combined side yard width shall be 20% or more of the lot width at the set-back line. However, regardless of the lot width, no side yard shall be less than five (5) feet in width. Nothing in this section shall require the minimum side yard to exceed fifteen (15) feet nor the combined side yards to exceed thirty (30) feet. Steps from grade to the first floor may project not more than three (3) feet into the required side yard and roof overhang including gutters may project not more than eighteen (18) inches into the required side yard. (5/22/67)

The 5/22/67 amendment rewrote subsection (1.)

(2.) Repealed. (5/22/67)

(3.) Rear. Each main building shall have a rear yard of twenty-five (25) feet or more. Every part of the rear yard must be open to the sky and unobstructed except for accessory buildings which may cover up to forty per cent (40%) of the required rear yard area. Whenever a rear lot line abuts the side lot line of another property, accessory buildings shall be erected five (5) feet or more from the rear lot line. (10/19/63)

### **Sec. 18-28. Special provisions**

(1.) For all existing corner lots the side yard on the side facing the side street shall be ten (10) feet or more for the main building and fifteen (15) feet for accessory buildings. (10/19/63)

(2.) For subdivisions platted after the enactment of this ordinance each corner lot shall have extra width sufficient for maintenance of required building setback lines on both streets. (10/19/63)

## **ARTICLE VII**

### **RESIDENTIAL DISTRICT R-3 (Multi-family plus hospitals)**

#### **Sec. 18-29. Use regulations.**

In Residential District R-3, any building to be erected or land to be used shall be for one or more of the following uses: (10/19/63)

(1.) Any use permitted in Residential District R-2. (10/19/63)

(2.) Hospitals and nursing or convalescent homes. Institutions for the care and treatment of the mentally ill, alcoholics, or narcotics addicts are specifically prohibited. (10/19/63)

#### **Sec. 18-30. Height regulations.**

The height regulations for District R-3 shall be the same as the height regulations for District R-1 and R-2. (10/19/63)

**Sec. 18-31. Area regulations.**

The area regulations for District R-3 shall be the same as the area regulations for District R-2, except that the provisions of Sec. 18-24(4.) shall not apply in the R-3 zone. Hospitals and nursing homes shall provide one hundred (100) square feet of open area in addition to required parking area for each one (1) bed capacity. (10/19/6

**Sec. 18-32. Setback regulations.**

The setback regulations for District R-3 shall be the same as the setback regulations for District R-2. (10/19/63)

**Sec. 18-33. Frontage regulations.**

The frontage regulations for District R-3 shall be the same as the frontage regulations for District R-2. (10/19/63)

**Sec. 18-34. Yard regulations.**

The yard regulations for District R-3 shall be the same as the yard regulations for District R-2. (10/19/63)

**Sec. 18-35. Special provisions.**

The special provisions governing corner lots shall be the same in District R-3 as for District R-2. (10/19/63)

**ARTICLE VIII****COMMUNITY UNIT PLAN****Sec. 18-36. Use regulations and development regulations.**

The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Inspector of Fredericksburg a plan for the use and development of all such tract of land for residential purposes. Such development plan shall be referred to the City Planning Commission for study, public hearing and report to the City Council. If the Commission approves the development plan, the City Council may authorize the

issuance of building permits and certificates of occupancy therefor, even though the use of land and the use and location of structures, including the yards and open spaces required by this chapter, do not conform in all respects to the regulations contained in other sections of this chapter. The City Planning Commission shall make a report to the City Council setting forth their reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(1.) That the values of buildings and the character of the property adjacent to the area included in said plan will not be adversely affected.

(2.) That said plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.

(3.) That the buildings shall be used only for residential purposes and the usual accessory uses such as automobile parking areas, garages, community activities, including local shopping centers.

(4.) That the average lot area per family contained in the site, exclusive of the area occupied by streets, shall not be less than the lot area per family required for the district in which the development is located; provided, however, that the lot area for any multiple dwelling contained in the site shall not be less than 2,000 square feet for each dwelling unit of three rooms and 2,200 square feet for each dwelling unit of four or more rooms. (10/19/63)

#### ARTICLE IX

##### DISTRICT "B" (Limited business)

###### Sec. 18-37. General.

Regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the district regulations for District B. (10/19/63)

###### Sec. 18-38. Use regulations.

(1.) Any use permitted in District R-3. (10/19/63)

(2.) Private clubs and lodges. (10/19/63)

(3.) Boarding and lodging houses and tourist homes, (10/19/63)

(4.) Repealed. (5/27/67)

(5.) Nursing homes, professional offices, and business offices. The sale of goods on premises or the stocking or storing of commodities intended for wholesale or retail sale is specifically excluded. (10/19/63)

(6.) Parking lots where no fee is charged, and where vehicles of less than one ton capacity are parked. (10/19/63)

(7.) Banks, trust companies, building and loan associations and similar financial institutions. (10/19/63)

**Sec. 18-39. Height regulations.**

Height regulations shall be the same as District R-3 height regulations. (10/19/63)

**Sec. 18-40. Area regulations.**

(1.) Area regulations in District B shall be the same as area regulations in District R-3 for all uses permitted in District R-3. (10/19/63)

(2.) Private clubs, lodges, boarding and lodging houses and tourist homes shall conform to all area regulations of District R-3. (10/19/63)

(3.) Hotels, motels, hospitals, and nursing homes shall observe setback and rear yard regulations, provided for multiple family dwellings in District R-3. Side yard shall be ten (10) feet minimum width for structures of this type and an additional five (5) foot buffer strip, landscaped and maintained, shall be constructed adjacent to any lot used or zoned for residential purposes. (10/19/63)

(4.) Professional and business offices, private clubs and lodges, and banks, trust companies, and similar financial institutions, shall observe all side yard and rear yard regulations for multiple family dwellings in District R-3. Set back from the lot line to the building line shall not be less than fifteen (15) feet. (10/19/63)

(5.) Free parking lots shall have a seven (7) foot buffer strip adjacent to residential lots and streets abutting District R-3, B or C except for authorized exits and entrances similar to that provided for hotels and motels in District B. Artificial lighting for such lots shall be extinguished before 10 P. M. of each and every night and the arrangement of such lighting shall be such as to not interfere with adjacent property owners. Central flood or tower lighting shall be prohibited. (10/19/63)

(6.) Structures in existence in this District at the time of the passage of this ordinance may be converted to any use permitted in this District even though area regulations as required in Section 18-40 are not fully complied with. (10/19/63)

**Sec. 18-41. Parking regulations.**

(1.) Boarding and lodging houses and tourist homes shall provide one (1) off-street parking space for each two (2) rentable rooms. (10/19/63)

(2.) Clubs and lodges shall provide one (1) off-street parking space for each 200 square feet of first floor area of each club or lodge. (10/19/63)

(3.) Hospitals and nursing homes shall provide one (1) off-street parking space for each three (3) beds capacity, including infants' cribs and children's beds. (10/19/63)

(4.) Professional offices, business offices, banks and trust companies and similar financial institutions shall provide one (1) off-street parking space for each four hundred (400) square feet of floor space utilized by such professional offices, business offices, banks, trust companies, and similar financial institutions. (10/19/63)

(5.) The above provisions shall not be deemed to require owners or tenants of structures covered by Sec. 18-40(6.) to furnish more off-street parking spaces than can be provided within the confines of the property and no structural alteration of the building or buildings thereon shall be required. (10/19/63)

**Sec. 18-42. Sign regulations.**

(1.) Each establishment on a premises may erect up to two (2) signs totalling fifteen (15) square feet of area or less to identify an institution located on the premises or to direct attention to a service available on the premises. All such signs shall be painted on, attached flat against, or engraved into the building. (10/19/63)

(2.) In addition, one (1) detached sign of ten (10) square feet of area or less, which may be illuminated, shall be allowed for each building provided that such sign shall be erected at least seventy (70) feet from any lot zoned or used for residential purposes. On corner lots, such signs shall be erected at least fifteen (15) feet from any street right-of-way, or shall be so elevated that the lowest part of the sign is at least five feet above grade. (10/19/63)

(3.) All illumination shall be shielded from direct view and shall not exceed two hundred fifty (250) watts. Flashing signs are specifically prohibited. (10/19/63)

(4.) One temporary sign of ten (10) square feet of area or less appertaining to the lease, hire, or sale of the building or premises shall be permitted. (10/19/63)

## ARTICLE X

### DISTRICT "C" (Community-highway business)

#### Sec. 18-43. General.

The regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the district regulations in District C. (10/19/63)

#### Sec. 18-44. Use regulations.

- (1.) Any use permitted in District R-3 or District B. (
- (2.) Drug stores. (10/19/63)
- (3.) Bake shops where products are sold only at retail and only on premises. (10/19/63)
- (4.) Barber shops and beauty parlors. (10/19/63)
- (5.) Funeral homes. (10/19/63)
- (6.) Offices. (10/19/63)
- (7.) Studios. (10/19/63)
- (8.) Retail grocery stores not exceeding 2,000 sq. ft. in retail sales area and 1,000 sq. ft. in stock storage area including basement space used as stock storage. (10/19/63)
- (9.) Self service laundries containing not over 20 washers with appurtenant ironers and related equipment. (10/19/63)
- (10.) Hotels and motels. (5/22/67)

The 5/22/67 amendment added subsection (10.).

#### Sec. 18-45. Height regulations.

Height regulations for District C shall be the same as for District R-3 and District B. (10/19/63)

#### Sec. 18-46. Area regulations.

(1.) Area regulations in District C shall be the same as area regulations in District R-3 and District B for uses permitted in District R-3 and District B. (10/19/63)

(2.) All retail and commercial uses permitted in this District shall observe setback and rear yard regulations for multiple family dwellings in District R-3. (10/19/63)

(3.) Side yard widths for all commercial uses permitted in this District shall be the same as District B for hotels, motels and similar uses. (10/19/63)

**Sec. 18-47. Parking.**

(1.) Parking regulations for buildings permitted in District R-3 shall be the same in District C as are provided in District R-3. (10/19/63)

(2.) Commercial buildings as permitted in this District shall provide off-street parking area on the same lot with the building or structure equal to the sq. ft. area of the first floor of such building or structure. (10/19/63)

(3.) Hotels shall provide one (1) off-street parking space for each four (4) rentable rooms. (10/19/63)

(4.) Motels shall provide one (1) off-street parking space for each rentable unit. (10/19/63)

**Sec. 18-48. Loading regulations.**

Commercial buildings shall provide adequate off-street facilities for the loading and unloading of merchandise within the building or on the lot of which the building is erected in such a manner as not to obstruct the free flow of traffic on any street or alley adjacent thereto. (10/19/63)

**ARTICLE XI**

**DISTRICT "D"  
(General business)**

**Sec. 18-49. General.**

The regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the district regulations in District D. (10/19/63)

**Sec. 18-50. Use regulations.**

A building or premises may be used for any purpose except the following:

- (1.) Any use excluded in District E. (10/19/63)
- (2.) Blacksmithing or horseshoeing shop. (10/19/63)
- (3.) Contractor's plant or storage yard. (10/19/63)
- (4.) Coal, coke or wood yard. (10/19/63)
- (5.) Cooperage works. (10/19/63)
- (6.) Ice plant or storage house. (10/19/63)

- (7.) Livery stable. (10/19/63)
- (8.) Lumber yard. (10/19/63)
- (9.) Machine shop of more than 2,000 square feet of floor area. (10/19/63)
- (10.) Milk distributing station. (10/19/63)
- (11.) Stone yard or monumental works, not to include a retail business where displaying, lettering, carving, resurfacing or polishing is done. (10/19/63)
- (12.) Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a business conducted on the premises. The process of the bottling of soft drinks for the purposes of this ordinance shall not be construed as manufacture or treatment. (10/19/63)
- (13.) Refining and bulk storage of petroleum products. (6/10/65)

**Sec. 18-51. Height regulations.**

No building or structure in this District shall exceed four and one-half ( $4\frac{1}{2}$ ) stories nor fifty-five (55) feet in height. (10/19/63)

**Sec. 18-52. Area regulations.**

No side, rear or front yard will be required in this district. (5/22/67)

The 5/22/67 amendment rewrote this section.

**Sec. 18-53. Parking.**

(1.) Any structure used for retail commercial purposes shall provide an off-street parking space equal in area to the square foot area of the first floor of such building used for retail purposes not to exceed 5,000 square feet. (10/19/63)

(2.) Two or more commercial establishments may jointly operate one parking lot within 400 feet of any entrance of the joint operators measured along the street. The area of such lot shall equal  $\frac{4}{5}$  of the combined ground floor area of such commercial establishments used for retail or wholesale purposes. (10/19/63)

(3.) Movie theatres, arenas and like places of assembly shall provide one off-street parking space for each ten (10) seats in such place of assembly. (10/19/63)

(4.) Office buildings shall provide one off-street parking space for each ten (10) available desk spaces, but in no case less than two off-street parking spaces for each office suite.

(5.) The requirements of Sec. 18-36, shall not apply in District D where any building or structure therein existing on June 26, 1952, may be subsequently rebuilt, remodeled or converted to another use permitted in said district.

**Sec. 18-54. Loading regulations.**

(1.) Commercial buildings shall provide adequate off-street parking facilities for loading and unloading of merchandise, within the building or on the lot on which the building is erected, in such a manner as not to obstruct the free flow of traffic on any street, alley or sidewalk adjacent thereto.

(2.) The requirements of Sec. 18-48 shall not apply to existing commercial buildings or their rebuilding or remodeling in Districts R-1, R-2, R-3, B, C, or D unless required by other City ordinances or State laws, except that warehouses hereafter constructed, or enlarged or extended more than 2,000 square feet of first floor area, in District D shall provide off-street loading or unloading.

**ARTICLE XII**

**DISTRICT "D-1"**

**(General business plus mobile homes)**

**Sec. 18-55. Use regulations.**

In Business District D-1, any building to be erected or land to be used shall be for the following purposes:

- (1.) Any use permitted in District D.
- (2.) Mobile home parks.

**Sec. 18-55.1. Mobile home parks.**

**Sec 18-55.2. Location. Mobile home parks.**

All mobile homes, not for sale by a dealer, shall be parked, located or used for living quarters in mobile home parks, and mobile home parks may be located only in the D-1 or E zones. (10/19/63)

**Sec. 18-55.3. Site plan. Mobile home parks.**

(1.) Drainage. All mobile home parks shall be graded and, if necessary, in the opinion of the City Engineer, provided with drainage structures so as to insure rapid drainage and freedom from stagnant pools of water. (10/19/63)

(2.) Lot Requirements. Each individual mobile home space shall provide a minimum width of thirty (30) feet and a minimum length of seventy (70) feet.

(3.) Mobile home separation. Mobile homes shall be parked so that there shall be at least a fifteen (15) foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, clearance may be less than fifteen (15) feet but shall not be less than ten (10) feet. No mobile home shall be located closer than ten (10) feet from any building within the park or from any property line bounding the park.

(4.) Access and egress. Each mobile home space shall front upon either a public street or road or upon an interior driveway of not less than thirty (30) feet in width which shall have unobstructed access to a public street or highway. All driveways and interior mobile home parks' streets shall be graveled or hard surfaced to a width of fifteen (15) feet.

(5.) Adequate recreational areas, as grass plot or other means in the amount of 150 square feet for each mobile home space provided shall be made available on the lot on which the mobile home park is located in addition to the other space requirements, or within three hundred (300) feet thereof.

(6.) The boundaries of each mobile home space shall be marked by shrubbery, fences, or other means acceptable to the City Inspector.

**Sec. 18-55.4. Utilities and services. Mobile home parks.**

(1.) Water. An adequate supply of pure water shall be supplied by pipes to all buildings and mobile home spaces within the mobile home park. Each mobile home space shall be provided with a cold water tap.

(2.) Sewage disposal. Each mobile home space shall be provided with a connection to an approved sewage disposal system.

(3.) Toilet facilities. Toilets shall be provided as required by the State Department of Health's Rules and Regulations governing mobile home parks.

(4.) Electric service. Each mobile home space shall be provided with an electric service capable of supplying a nominal voltage of 240 volts.

(5.) Refuse removal. Tightly covered leak-proof garbage containers with garbage and refuse collection frequent enough to insure that garbage cans shall not overflow shall be provided for each mobile home space in use.

**Sec. 18-56. Other regulations.**

Except for mobile homes any permitted use shall be subject to the District D regulations for such land use.

**ARTICLE XIII DISTRICT "E"**  
**(Industrial limited plus mobile home parks)**

**Sec. 18-57. Mobile home parks.**

Mobile home parks will be allowed only in District E and D-1. Mobile home parks now in existence in other districts, according to this ordinance shall be permitted to remain, provided all other requirements of this article are met.

**Sec. 18-58. Use regulations.**

A building or premises shall be used for any purpose except the following:

- (1.) Acetylene gas manufacture or storage.
- (2.) Acid manufacture.
- (3.) Alcohol manufacture.
- (4.) Ammonia, bleaching powder or chlorine manufacture
- (5.) Arsenal.
- (6.) Asphalt manufacture or refining.
- (7.) Auto wrecking.
- (8.) Blast furnace.
- (9.) Bag cleaning.
- (10.) Boiler works.
- (11.) Brick, tile, pottery or terra cotta manufacture other than the manufacture of handicraft products only.
- (12.) Candle manufacture.
- (13.) Celluloid manufacture or treatment.
- (14.) Cement, lime, gypsum or plaster of paris manufacture.
- (15.) Central mixing plant for cement mortar, plaster or paving materials.
- (16.) Coke ovens.
- (17.) Cotton gin.
- (18.) Cotton oil manufacture.
- (19.) Cresote manufacture or treatment.
- (20.) Disinfectants manufacture.
- (21.) Distillation of bones, coal or wood.
- (22.) Dyestuff manufacture.
- (23.) Exterminator and insect poison manufacture.
- (24.) Emery cloth and sandpaper manufacture.
- (25.) Explosives or fireworks manufacture or storage.
- (26.) Fat rendering.
- (27.) Fertilizer manufacture.
- (28.) Fish smoking and curing.
- (29.) Forge plant.

- (30.) Garbage, offal or dead animal reduction or dumping. (10/19/63)
- (31.) Glue, size or gelatin manufacture. (10/19/63)
- (32.) Iron, steel, brass or copper foundry or fabrication plant, employing more than fifteen (15) persons. (10/19/63)
- (33.) Junk, iron or rags storage or bailing. (10/19/63)
- (34.) Lampblack manufacture. (10/19/63)
- (35.) Match manufacture. (10/19/63)
- (36.) Oilcloth or linoleum manufacture. (10/19/63)
- (37.) Oiled rubber goods manufacture. (10/19/63)
- (38.) Paint, oil, shellac, turpentine or varnish manufacture. (10/19/63)
- (39.) Paper and pulp manufacture. (10/19/63)
- (40.) Omitted. (6/10/65)
- (41.) Pickle manufacture. (10/19/63)
- (42.) Potash works. (10/19/63)
- (43.) Pyroxylin manufacture. (10/19/63)
- (44.) Rock crusher. (10/19/63)
- (45.) Rolling mill. (10/19/63)
- (46.) Rubber or gutta-percha manufacture or treatment. (10/19/63)
- (47.) Salt works. (10/19/63)
- (48.) Sauerkraut manufacture. (10/19/63)
- (49.) Saw mills. (10/19/63)
- (50.) Shoe polish manufacture. (10/19/63)
- (51.) Smelting of tin, copper, zinc or iron ores. (10/19/63)
- (52.) Snuff manufacture. (10/19/63)
- (53.) Soap manufacture other than liquid soap. (10/19/63)
- (54.) Soda and compound manufacture. (10/19/63)
- (55.) Stockyard or slaughter of animals or fowls, except the slaughter of fowls incidental to a retail business. (10/19/63)
- (56.) Stone mill or quarry. (10/19/63)
- (57.) Stove polish manufacture. (10/19/63)
- (58.) Sugar refining. (10/19/63)
- (59.) Tallow, grease or lard manufacture or refining from, or of animal fat. (10/19/63)
- (60.) Tanning, curing or storage of raw hides or skins. (10/19/63)
- (61.) Tar roofing or waterproofing manufacture. (10/19/63)
- (62.) Vinegar manufacture. (10/19/63)
- (63.) Wool pulling or scouring. (10/19/63)
- (64.) Yeast plant. (10/19/63)
- (65.) And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise. (10/19/63)

A manufacturing use which would normally be prohibited because its usual operations are obnoxious or offensive through the emission of smoke, dust, fumes, odors, or vibrations may be granted a permit to operate within District E if the City Council determines that the use would be in-offensive because of its remote location, or that technological improvements in processes, special design features, or particular precautions will make the use compatible with neighboring land uses. (9/13/66)

**Sec. 18-59. Height regulations.**

The height regulations shall be the same as in District D. (10/19/63)

**Sec. 18-60. Area regulations.**

The area regulations shall be the same as in District D.

**Sec. 18-61. Parking regulations.**

(1.) Parking regulations for all buildings and premises permitted in Districts R-1, R-2, R-3, B, C and D shall be the same in District E.

(2.) Six (6) off-street parking spaces, plus one (1) off-street parking space for each ten (10) persons employed on the shift having the greatest number of employees, shall be provided for all industrial plants.

**Sec. 18-62. Prior existing requirements.**

The requirements of Sec. 18-36, shall not apply where any building or structure in District E existing on June 26, 1952, may thereafter be rebuilt, remodeled, or converted to another use permitted in said district.

**ARTICLE XIV****NON-CONFORMING USES****Sec. 18-63. Continued use.**

If, at the time of the enactment of this ordinance, any lot, building or structure is being used in a manner or for a purpose which does not conform to the provisions of this ordinance, and is not prohibited by some other ordinance, this use may be continued and no change of title or possession shall be construed to prevent the continued non-conforming use of such lot, building or structure, except that may be otherwise provided in this chapter.

**Sec. 18-64. Change of non-conforming uses.**

Any non-conforming use which is not otherwise unlawful may be hereafter extended throughout any part of a building or structure which was manifestly designed or arranged for

such use at the time of the enactment of this ordinance. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of an equally or more restricted nature. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

**Sec. 18-65. Compliance with ordinance.**

No building or structure devoted to a non-conforming use shall be hereafter extended or enlarged except in conformity with the provisions of this ordinance.

**Sec. 18-66. Abandonment of non-conforming use.**

No building or structure, in which a non-conforming use is abandoned for a period exceeding one year or is superceded by a permitted use subsequent to the enactment of this ordinance, shall again be devoted to any prohibited use.

**Sec. 18-67. Conflicting requirements.**

Nothing in Sections 18-65 and 18-66 of this article shall be construed to prevent the rebuilding and use in Districts R-1, R-2, R-3 of any neighborhood store building in existence at the time of the passage of this ordinance which may hereafter be destroyed by fire, or any other cause.

**Sec. 18-68. Restoration or strengthening.**

Nothing in this ordinance shall prevent the strengthening or restoring to a safe and lawful condition of any part of any building declared unsafe or unlawful by the City Inspector or other duly authorized city officials.

**Sec. 18-69. Residence occupancy requirements.**

The occupancy of buildings or property by a watchman or caretaker shall not constitute residence occupancy within the meaning of this ordinance.

**ARTICLE XV - ENFORCEMENT****Sec. 18-70. Enforcement officer.**

This ordinance shall be enforced by the City Inspector of the City of Fredericksburg. (10/19/63)

**Sec. 18-71. Applications for building permits.**

All applications for building permits, as required by the Building Code, shall be accompanied by plans in duplicate drawn to scale, showing the actual shape and dimensions of the lot to be built upon, and the size and location of the building or buildings and accessory buildings existing or to be erected or altered, and the intended use of each such building or buildings, and such other information as may be required or necessary to determine and provide for the enforcement of the provisions of this chapter. (10/19/63)

**Sec. 18-71.1. Certificate of Occupancy.**

A certificate of occupancy shall be required for the use of land or occupancy of buildings for any of the following:

- (1.) Occupancy and use of any building erected after January 1, 1967. (5/22/67)
- (2.) Change in use of an existing building to the use of a different zone classification. (5/22/67)
- (3.) Change in occupancy or ownership of a commercial or industrial use. (5/22/67)
- (4.) Occupancy and use of vacant land. (5/22/67)
- (5.) Occupancy of commercial or industrial buildings that are enlarged or structurally altered. (5/22/67)
- (6.) Any change in use or occupancy of a non-conforming use. (5/22/67)

No occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the zoning administrator. (5/22/67)

Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of this chapter. A record of all certificates of occupancy shall be kept on file in the office of the zoning administrator and copies shall be furnished on request, to any person having proprietary or tenancy interest in the building or land affected. (5/22/67)

The 5/22/67 amendment inserted this section

**ARTICLE XVI AMENDMENT****AMENDMENTS****Sec. 18-72. Authority for change.**

(1.) Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, from time to time, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by resolution of the City Council, or by motion of the Planning Commission of the City, or by petition of any property owner addressed to the City Council.

(2.) No zoning ordinance shall be amended or reenacted unless the City Council has referred the proposed amendment or reenactment to the Planning Commission of the City for its recommendations. Failure of the Planning Commission to report in sixty days to the City Council shall be deemed approval.

(3.) An affirmative vote of at least a majority of the members of the City Council shall be required to adopt, amend or reenact a zoning ordinance.

(4.) Before approving and adopting any zoning ordinance or amendment thereof, the City Council and the Planning Commission of the City shall each hold at least one public hearing thereon. Notice of each hearing shall be given as required by State law.

**Sec. 18-73. Fees.**

The City Council or any committee thereof or any board or official of the city government shall not consider any petition or ordinance providing an amendment to this ordinance unless and until the person or persons requesting the amendment shall have deposited with the City Inspector the sum of twenty-five (\$25.00) dollars to cover the cost of advertising and/or recording of the proceedings of the public hearing, and no part of the said deposit of twenty-five (\$25.00) dollars shall be refundable.

## ARTICLE XVII

## BOARD OF ZONING APPEALS

**Sec. 18-74. Requirements to establish board.**

There shall be a Board of Zoning Appeals established in accordance with the laws of the State of Virginia in such cases made and provided.

**Sec. 18-75. Meetings.**

(1.) The meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearing of the Board shall be open to the public. The Board 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 examinations and other official actions, all of which shall be immediately filed in the office of the City Inspector and shall be a public record.

(2.) Each member shall be paid ten 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.) The Board shall not authorize any variance, nor any special exception, nor shall the Board hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary, until after notice and hearing as provided by State law.

**Sec. 18-76. Appeals.**

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Fredericksburg affected by any decision of the City Inspector. Such appeals shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the City Inspector and with the Board, a notice of appeals specifying the grounds thereof. The City Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the City Inspector certifies to the Board, after notice of appeal shall have been filed with him or if that, by reason of facts stated in the certificate, a stay would, in his opinion or its opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the City Inspector and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

The Board is also authorized to hear and act upon appeals from the decisions of the Board of Historic Buildings in accordance with Sec. 18-95 ETSEQ. (11/14/67) The 11/14/67 amendment added this section.

**Sec. 18-77. Jurisdiction.**

The jurisdiction, powers and duties of the Board shall be as prescribed by the laws of the State of Virginia.

**ARTICLE XVIII****INTERPRETATION, VIOLATION, PENALTIES****Sec. 18-78. Interpreting and applying provisions.**

In interpreting and applying the provisions of this chapter, 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 annual any easements, covenants, or other agreement between parties,

provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall govern.

**Sec. 18-79. Violation of provisions of chapter.**

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than two hundred and fifty dollars for each offense. Each day's continuance of such violation shall constitute a separate offense.

**Sec. 18-80. Recourse for unlawful use.**

The City Manager or City Inspector or other proper officer of the City of Fredericksburg may institute any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

**ARTICLE XIX**

**EFFECT OF INVALIDITY; CONFLICTING ORDINANCES**

**Sec. 18-81. Validity of ordinance.**

Should any section or provisions of this ordinance be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Sec. 18-82. Conflicting ordinances.**

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

**Secs. 18-83 thru 18-94 not used.**

**ARTICLE XX - OLD AND HISTORIC FREDERICKSBURG DISTRICT****Sec. 18-95. Creation; boundaries.**

In order to promote the general welfare by creating within this city an atmosphere of appreciation for our past heritage, as related to its original commercial activity, as to its unique historical development by outstanding citizens, and to preserve the architectural dignity of existing period structures, as well as to create an atmosphere for orderly modern growth for future generations, there is hereby created a district to be known as the "Old and Historic Fredericksburg District," the boundaries of which shall be:

Beginning at a point formed by the intersection of the Rappahannock River and what is now or formerly was Jefferson Street; thence westerly along said Jefferson Street to a point west of Caroline Street; thence northerly more or less parallel with Caroline Street along a line so located as to include all properties fronting on Caroline Street to Dixon Street; thence westerly along Dixon Street to Charles Street; thence northerly along Charles Street to Dunmore Street; thence westerly along Dunmore Street to a point west of Prince Edward Street; thence northerly more or less parallel with Prince Edward Street along a line so located as to include all properties fronting on Prince Edward Street to Hawke Street; thence easterly along Hawke Street to a point west of Caroline Street; thence northerly more or less parallel with Caroline Street along a line so located as to include all properties fronting on Caroline Street to Canal Street; thence easterly along Canal Street extended to the Rappahannock River; thence southerly along the Rappahannock River

to the point of beginning; except that all buildings fronting on William Street and all buildings fronting on the 800, 900 and 1000 blocks of Caroline Street shall be excluded from the district. (9/12/67)

**Sec. 18-96. Certificate of approval required for the demolition, removal, or exterior alteration of buildings in the Old and Historic Fredericksburg District.**

No building built prior to 1870 within the Old and Historic Fredericksburg District shall be demolished, removed, or altered in exterior architectural features or appearance, including the placement of signs, until a Certificate of Approval is issued by the Board of Historic Buildings. (9/12/67)

**Sec. 18-97. Other buildings.**

(a) Other buildings within the City of Fredericksburg, not otherwise covered by Section 18-96 hereinabove, may be placed under the jurisdiction of this ordinance by the voluntary application of the owner thereof to, and acceptance by the Board of Historic Buildings. Such buildings shall be clearly identified by a distinctive plaque approved by the Board of Historic Buildings. (9/12/67)

(b) Any other building placed under the jurisdiction of this ordinance by voluntary application by the owner shall be identified in a document executed by or on behalf of the Board of Historic Buildings and this document shall be admitted to the records of the Clerk of the Circuit Court of the city. (9/12/67)

(c) The Board of Historic Buildings shall further upon acceptance of such building, promptly communicate the fact to the city inspector who shall upon receiving such information promptly conform the zoning map of the city accordingly. (9/12/67)

(d) Any building so included shall not be removed from the provisions of this article except by an ordinance of the City Council. (9/12/67)

**Sec. 18-98. Board of historic buildings.**

(a) Creation. For the purpose of administering the provisions of this article, there is hereby created a Board of Historic Buildings which shall consist of seven members who are residents of the city or who conduct their primary business or profession in the city. These members



shall be appointed by the City Council. (9/12/67)

(b) Membership. Of the seven members so appointed, one shall be (1) a licensed real estate broker or salesman; one shall be (2) a licensed architect; one shall be (3) a member of the planning commission; and four members shall be citizens at large. (9/12/67)

(c) Terms. Members shall be appointed for a term of four years. Initial appointments shall be three members for four years, and three members for two years. The term of the planning commission member shall be concurrent with his appointment to the planning commission. (9/12/67)

(d) Organization. The board shall elect from its own membership a chairman, vice-chairman and a secretary, who shall serve annual terms and may succeed themselves. (9/12/67)

(e) Rules. There shall be a regular meeting of the board monthly. Special meetings of the board may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members of the board, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. (9/12/67)

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board. The board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the city and the general laws of the State of Virginia. (9/12/67)

(f) Powers and duties. It shall be the function of the Board of Historic Buildings to pass upon the appropriateness of the exterior architectural features of the buildings reconstructed, altered or restored or used in the Old and Historic Fredericksburg District wherever such exterior features are subject to public view from a public street or way. (9/12/67)

(g) Guidelines. In reaching its decisions, the Board of Historic Buildings shall consider: (9/12/67)

- (1) Historical significance. (9/12/67)
- (2) Architectural significance and appearance. (9/12/67)
- (3) Effect on the tourist industry. (9/12/67)
- (4) Value and use of buildings. (9/12/67)
- (5) Effect on surrounding property. (9/12/67)
- (6) Inordinate hardship. (9/12/67)

**Sec. 18-99. Application for certificate of approval.**

(a) Applications. All applications for a Certificate of Approval shall be made, in writing, together with adequate documents to clearly indicate the work to be done, to the city building inspector, who shall immediately refer it to the secretary of the Board of Historic Buildings, who shall cause the matter to be advertised for hearing at a regular or special meeting of the board provided that notice of such hearing is published once a week for two successive weeks in a newspaper having general circulation in the city. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than ten days after final publication. (9/12/67)

(b) Certification of approval or disapproval. After consideration of all drawings, documents and other information presented to it, the board may certify approval or disapproval. Such certification shall be accomplished by a statement of the board's reasons for approval or disapproval. In the event of disapproval, the board shall, when appropriate, advise the applicant and make recommendations of changes which might lead to approval. A copy of such certification shall be forwarded to the applicant and to the city inspector within thirty-five days from the date of the hearing. (9/12/67)

(c) Records. A record of the actions of the board shall be maintained and shall be open to public inspection. (9/12/67)

(d) Appeals. The applicant may appeal within ninety days the decision of the Board of Historic Buildings to the Board of Zoning Appeals, which shall be bound by the provisions of this ordinance. In the event the Board of Zoning Appeals approves the appeal, it shall immediately direct the Board of Historic Buildings to issue the appropriate certification. (9/12/67)

**Sec. 18-100. City codes and ordinances.**

Nothing in this chapter shall be construed to prevent the application of the building code or other laws and ordinances applicable thereto. (9/12/67)

**Sec. 18-101. Exclusions.**

The provisions of Article 20 shall not apply to property owned by either the City of Fredericksburg, Virginia, the Commonwealth of Virginia, or the United States of America and used or to be used for public purposes. (9/12/67)

The 9/12/67 amendment inserted Article XXV,

**CHAPTER 32. LAND SUBDIVISION & DEVELOPMENT****ARTICLE I - IN GENERAL****Sec. 32-1. Statement of policy and purpose.**

All ordinances presently and hereafter enacted within Chapter 32 of the City Code shall be pursuant to the statutes of Virginia<sup>1</sup> in such cases made and provided and shall be for the purposes of assuring the orderly subdivision of land and its development to provide for the harmonious and economic development of the city, for the coordination of streets with-in subdivisions of land with other existing or permanent streets, for adequate open spaces for traffic, recreation, light and air, and for distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity. (9/12/67)

**Sec. 32-2. Title.**

This chapter shall be known and will be cited as the "Subdivision Ordinance of Fredericksburg, Virginia". (9/12/67)

**Sec. 32-3. Definitions.**

For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane. The term "person" shall mean and shall include any person, firm or corporation. (9/12/67)

---

<sup>1</sup>Virginia Code Section 15.1-465 to 15.1-485.

Agent. The representative of the City Council of the City of Fredericksburg who has been appointed to serve as the agent of the Council in the approving of subdivision plats. (9/12/67)

Alley. A public thoroughfare which affords only a secondary means of access to abutting property.<sup>1</sup> (9/12/67)

Building setback. The minimum distance that a building must be set back from the front line or front boundary line. (9/12/67)

City engineer. The engineer employed by the City of Fredericksburg. (9/12/67)

Commission. The planning commission of Fredericksburg, Virginia. (9/12/67)

Cul-de-sac. A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement. (9/12/67)

Developer. An owner of property being subdivided, whether or not represented by another person. The terms developer and subdivider shall be deemed synonymous. (9/12/67)

Easement. A grant by a property owner of the use of land for a specific purpose or purposes. (9/12/67)

Engineer. A certified professional engineer as licensed by the Commonwealth of Virginia. (9/12/67)

Governing body. The City Council of the City of Fredericksburg, Virginia. (9/12/67)

Health official. The health director or sanitarian of Fredericksburg. (9/12/67)

Jurisdiction. The area or territory subject to the legislative control of the governing body. (9/12/67)

Lot. A measured parcel of land having fixed boundaries and designated on a plot of survey.<sup>2</sup> (9/12/67)

Lot, corner. A lot abutting upon two (2) or more streets at their intersection. (9/12/67)

Lot, depth of. The mean horizontal distance between the front and rear lot lines. (9/12/67)

Lot, double frontage. An interior lot having frontage on two (2) streets. (9/12/67)

Lot, interior. A lot other than a corner lot. (9/12/67)

Lot of record. A lot which has been recorded in the office of the Clerk of the Circuit Court. (9/12/67)

Lot, width of. The mean horizontal width of a lot measured between the side lot lines at right angles to its depth.<sup>3</sup> (9/12/67)

---

<sup>1</sup>See City Code Section 18-10(2).

<sup>2</sup>See City Code Section 18-10(20).

<sup>3</sup>See City Code Section 18-10(21).

Plat. A drawing, map, plan or plot of a subdivision or the rearrangement, revision, redivision of any existing land. (9/12/67)

Record, recorded, recording. Admission to record in the office of the Clerk of a Court of competent jurisdiction. (9/12/67)

Property. Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing. (9/12/67)

Street. The principal means of access to abutting properties. (9/12/67)

Street or alley, public use of. The unrestricted use of a specific area or right of way for ingress and egress to two or more abutting properties. (9/12/67)

Street, primary. A street expected to carry a large volume of through traffic. (9/12/67)

Street, secondary. A street that is used primarily as a means of public access to the abutting properties. (9/12/67)

Street, service. A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the primary street. (9/12/67)

Street, width. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips. (9/12/67)

Subdivider. An owner of property being subdivided, whether or not represented by another person. (9/12/67)

Subdivision. A division of a lot, parcel or tract of land into three (3) or more lots or parcels of less than five (5) acres, for the purpose, whether immediate or future of sale, building development or mortgage purposes, or any division of land upon which a street, alley, or public right-of-way is dedicated. The term includes re-subdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (9/12/67)

Surveyor. Certified land surveyor as licensed by the Commonwealth of Virginia. (9/12/67)

#### **Sec. 32-4. Administration and enforcement.**

The administration and enforcement of all state laws applicable to land subdivision and development and all of the provisions of this chapter of the City Code, and all subsequent amendments to said statutes and ordinances, shall be vested in the City Manager, except that the administration and enforcement of land subdivision and development statutes or ordinances insofar as they pertain to public improvements shall be vested solely in the City Council. The planning commission shall review and approve or disapprove all sub-

**32-8. Validity.**

Should any article, section, subsection or provision of chapter be declared by a Court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional. (9/12/67)

**ARTICLE II - SIZE, SCALE AND OTHER PLAT DETAILS**

**32-100. Maximum size of plat to be recorded.**

The maximum size of a subdivision plat or photo reduction thereof to be offered for recordation in the land records of the City shall not exceed eighteen inches by twenty-six inches. (9/12/67)

**32-101. Scale.**

The scale of the proposed subdivision plat shall be such that in the opinion of the commission will clearly and legibly set forth all information required by this chapter. (9/12/67)

**32-102. Other plat details.**

Every plat intended for recording shall, in addition to the requirements set forth in the statutes of Virginia, include the following:

- (a) The name of the subdivision or other caption; the name of the engineer or surveyor; the date of the plat including all revision dates; the north point; declination scale. The commission may disapprove the proposed name of the subdivision if in its judgment the proposed name is confusingly similar to a subdivision previously established in the city. Subsequent additions or enlargements to an approved subdivision may bear the name of the original subdivision. (9/12/67)
- (b) The total area of the entire subdivision. (9/12/67)
- (c) The area, courses, distances, curve data of each lot, and designation of each lot within the proposed subdivision by number, letter, or other means which in the judgment of the commission will clearly distinguish any particular proposed lot from any other proposed lot in the same subdivision. (9/12/67)

(d) The courses, distances and curve data of all present and proposed streets, alleys and ways within and abutting the subdivision. The names of all existing and proposed streets shall be shown. A proposed street shall not bear the name of an existing street unless the former is an extension of the latter. If an extension, whether or not connected, it shall bear the name of the existing street. Use of the same name shall likewise be prohibited where the only distinction is that the existing street name is followed by the term street, boulevard, avenue, lane, terrace or other such designation and the proposed street is followed by one of the aforesaid terms differing from that used by the existing street. Nothing herein shall be construed as preventing the City Council from disapproving the name of a proposed street or of changing the name of a proposed street either before or after the proposed street is accepted into the city's system of public streets. The location of existing and proposed street lighting shall be shown. (9/12/67)

(e) The location, designation, courses, distances, curve data and widths of all existing and proposed easements for electric, gas, water, sewer, telephone and any other utility service, drainage or other purposes; except where the width of an existing easement is not indicated of record in the land records of the city the center-line of such easement shall be shown. The location and designation of all natural and artificial waters and water courses within and abutting the proposed subdivision. (9/12/67)

(f) The location and type of each monument. (9/12/67)

(g) Existing buildings, structures and graveyards within the boundary of the tract. (9/12/67)

(h) All parcels of land to be dedicated for public use. (9/12/67)

(i) Such other information as may be required by the commission. (9/12/67)

(j) A blank space reserved for the written approval of such plat by the commission and City Manager. The space shall be of such size and at such location upon the plat as the commission shall determine. (9/12/67)

**Sec. 32-103. Material used in final plat; use of ink required.**

All final plats shall be drawn in ink on permanent base reproducible material. (9/12/67)

**ARTICLE III - SPECIFICATIONS, DESIGN AND STANDARDS OF  
PROPOSED STREETS****Sec. 32-200. Alignment and layout.**

(a) The arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas, (2) must not be such as to cause unnecessary hardship to owners of adjoining property which is susceptible to future subdivision, (3) must be such as to provide access to adjoining property when and if the commission determines such access is in the present or future public interest. (9/12/67)

(b) Half streets along the boundary line of land proposed for subdivision are prohibited. (9/12/67)

(c) There shall be no buffer or reserve strips controlling access to streets, except under such limitations and conditions as may be in writing approved by the commission. Such limitations and conditions shall in effect secure the removal of the buffer or reserve strip whenever it is in the public interest that such strip be converted into a public street as an access or additional access to adjacent lands. (9/12/67)

**Sec. 32-201. Approach angle.**

Wherever feasible, streets should intersect at right angles. Intersections with primary streets shall be not less than eighty degrees, unless the commission upon recommendation of the city engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns. Secondary streets shall be required to intersect at angles of not less than sixty degrees, unless the city engineer approves variation. (9/12/67)

**Sec. 32-202. Cul-de-sacs.**

Secondary terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be not longer than four hundred feet, to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than eighty feet in diameter. (9/12/67)

**Sec. 32-203. Grades.**

The grades of streets shall not exceed ten per cent unless approved by the city engineer. For purposes of drainage, minimum of 0.5% grade shall be required. (9/12/67)

**Sec. 32-204. Curves.**

Curves within residential areas shall be of a minimum radius for safety by allowing adequate visibility, without restricting unduly the planting of shrubs or other greenery by property owners. Near curb radii of all streets shall be approved by the commission and the city engineer. These radii are to be established in conjunction with a standard set back. Each street intersection shall have a curb radius of at least twelve feet. (9/12/67)

**Sec. 32-205. Minimum right-of-way width.**

The minimum right-of-way width for proposed streets, measured from lot line to lot line shall be: (9/12/67)

- (a) Primary streets - eighty feet. (9/12/67)
- (b) Secondary streets - sixty feet. (9/12/67)
- (c) Alleys - twenty feet. (9/12/67)

**Sec. 32-206. Specifications for improvements to proposed streets extending existing streets.**

Proposed streets which will extend an existing street shall be improved in like manner as the existing street, or the existing street is then being improved or to be improved (9/12/67)

**Sec. 32-207. Specifications for improvements of other streets.**

Specifications for improvements of proposed streets other than those streets mentioned in Section 32-206 shall be in accordance with design standards established by the City Manager. (9/12/67)

**Sec. 32-208. Identification signs for proposed streets.**

At each street intersection within or adjacent to the proposed subdivision one street identification sign of a design approved by the City Manager shall be installed by the subdivider. (9/12/67)

**Sec. 32-209. Private streets.**

There shall be no private street platted in any proposed subdivision. Every subdivided property shall be served from a publicly dedicated street. (9/12/67)

**Sec. 32-210. Alleys.**

Alleys should be avoided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turn-around facilities as determined by the city engineer. (9/12/67)

**ARTICLE IV - DESIGN STANDARDS OF BLOCKS**

**Sec. 32-300. Length.**

The length of a block in a proposed subdivision shall be not less than five hundred feet nor more than fifteen hundred feet. (9/12/67)

**Sec. 32-301. 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 commission may approve a single tier of lots of minimum depth when topography so dictates. (9/12/67)

**Sec. 32-302. Orientation.**

Where a proposed subdivision adjoins a primary street, the commission may require service streets parallel to such primary street to avoid unnecessary ingress or egress. (9/12/67)

**Sec. 32-303. 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. (9/12/67)

**ARTICLE V - DESIGN STANDARDS OF LOTS****Sec. 32-400. Must abut a street.**

Each lot shall abut on a street dedicated by the subdivision plat or deed of dedication, or on an existing public street. (9/12/67)

**Sec. 32-401. Corner lots.**

Corner lots shall have extra width sufficient for maintenance of required building lines on both streets upon which the corner lot abuts. (9/12/67)

**Sec. 32-402. Sidelines.**

Sidelines of lots shall be approximately perpendicular or radial to the street line. (9/12/67)

**Sec. 32-403. Remnants.**

The design of a subdivision shall preclude the existence of any remnant of land below minimum lot size. (9/12/67)

**Sec. 32-404. Minimum lot size and area.**

The minimum size and area of a proposed subdivision lot shall be as set forth in the zoning ordinances of the city. (9/12/67)

**ARTICLE VI - MONUMENTS****Sec. 32-500. Location of concrete and stone monuments.**

Permanent reinforced monuments as prescribed by the commission shall be placed at all points of curvature, point of tangency, points of compound curve, reverse curve, and at all other points along property lines that deflect by more than ten per cent unless prohibited by topography. Such permanent monuments shall be reinforced concrete at least twenty-four inches long and shall have a cross-sectional area of at least twenty-five square inches and shall be set

o approved finish grades as nearly as practicable. (9/12/67)

**ec. 32-501. Location - solid metal.**

All other lot corners shall be marked with solid metal of not less than five-eighths inch in diameter and twenty-four 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. (9/12/67)

**ec. 32-502. Must be visible; inspection by commission.**

Upon completion of all streets, sewers and other improvements in the subdivision, all monuments required by the commission shall be clearly visible. Such monuments shall be inspected and approved by the commission before any subdivision improvements are accepted by the governing body. (9/12/67)

**ARTICLE VII - PROCEDURE**

**ec. 32-600. Preliminary plat.**

The subdivider shall present to the commission as many copies of a preliminary plat as it shall require at a scale of not less than one hundred feet to the inch. The preliminary plat shall include all of the information required under section 32-102 of the City Code. The preliminary plat may be of an existing survey of record provided that such survey shows a closure of an accuracy of not less than one in twenty-five hundred. (9/12/67)

**ec. 32-601. Additional documents.**

Any of the following documents may be filed with the preliminary plat and shall be filed when requested by the commission: (9/12/67)

(a) A map of the land proposed to be subdivided showing the topography of the land at intervals satisfactory to the city engineer. The city engineer may waive the requirement of a topographic map. (9/12/67)

(b) A document indicating the elevations of existing and proposed ground surface at all street intersections which at points of major grade change along the center-line of streets together with proposed grade lines connecting therewith;

proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply; provisions for collecting and discharging surface drainage and preliminary designs of any structures that may be required; and such other data as may be deemed necessary by the commission. (9/12/67)

(c) A document or documents setting forth the plans, designs and specifications of any physical service improvement to be constructed within the subdivision by or on behalf of the subdivider, which document or documents shall incorporate sufficient information to enable the Commission to fully discharge its duties under this chapter. (9/12/67)

(d) The instrument or instruments of dedication require by state law. (9/12/67)

(e) A sketch plan showing how the entire residue or any portion or portions thereof will be subdivided in the future, whenever a part of said tract is presently proposed to be subdivided and the subdivider intends to subdivide the entire residue of such tract or a portion or portions thereof in the future. (9/12/67)

To eliminate the necessity of many separate documents, plans and sketches, the subdivider may incorporate into a single document, plan or sketch, in support of the preliminary plan or plat, all or any part of the additional information required herein. (9/12/67)

#### **Sec. 32-602. Commission procedure.**

The commission or its appointed representative may review the preliminary plat with the subdivider in order to determine whether or not the preliminary plat conforms with the requirements of this chapter and with the zoning and other laws of the city and state. The commission shall advise the subdivider in writing within 45 days after date the preliminary plat was filed concerning any additional data that may be required, and the amount of the performance bond which will be required as prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the commission may require a bona fide estimate of the cost of improvements to be furnished to the commission by the subdivider. The aforesaid communication by the commission to the subdivider may be by letter and/or by legible markings on his copy of the preliminary plat. (9/12/

**Sec. 32-603. Effect of approval of the preliminary plat.**

Approval by the commission of the preliminary plat, and of the documents required by Section 32-602, does not constitute a guarantee of approval of the final plat. (9/12/67)

**Sec. 32-604. Final plat.**

(a) No later than six months after receiving official notification that the preliminary subdivision plat has been approved by the commission, the subdivider shall file with the commission a final subdivision plat. Failure to do so shall render approval of the preliminary plat null and void unless the commission, for good cause shown, grants in writing to the subdivider an extension of time. (9/12/67)

(b) The final plat shall in all respects conform to the requirements of the approved preliminary plat and shall further conform to all requirements of Article II of this chapter and of state law. (9/12/67)

(c) All distances and bearings must balance and close with an accuracy of not less than one in ten thousand. (9/12/67)

(d) The commission shall, within fifteen days after the final plat is filed with the commission, in writing to the subdivider, either disapprove the final plat or give approval of the final plat conditioned upon the subdivider's compliance with the provisions of Section 32-606. (9/12/67)

**Sec. 32-605. When final plat may be approved.**

(a) Before any final subdivision plat may be signed and released by the commission for recording purposes, the subdivider shall either (1) complete, subject to inspection and approval of the city engineer and within time limits prescribed by the commission, all of the physical service improvements in the proposed subdivision, or, (2) execute and deliver to the commission a bond in the penalty set by the commission sufficient to cover the estimated cost of said improvements conditioned upon completion of said improvements by or on behalf of the subdivider in a workmanlike manner in accordance with the plans, specifications and construction schedules established or approved by the city engineer, and within time limits prescribed by the commission. Such bond shall be payable to the City of Fredericksburg, Virginia, shall be held by the city manager, and may be with such surety as the commission may approve; or, the commission may approve the bond without surety. Such bond may be in the form of cash. (9/12/67)

(b) No final subdivision plat shall be approved until the commission determines that the subdivider has complied with the requirements of this chapter and the requirements of state law. (9/12/67)

(c) The approval of the final subdivision plat by the commission and city manager shall be made manifest on the face thereof. (9/12/67)

(d) Upon the approval of the final subdivision plat, the commission shall forthwith deliver a signed copy thereof to the commissioner of the revenue. (9/12/67)

(e) Recordation of the final plat and deed or deeds of dedication shall be accomplished by the subdivider within a reasonable time. (9/12/67)

#### **Sec. 32-606. Changes, erasures or revisions.**

No changes, erasures or revisions shall be made on any preliminary or final plat or any other documents filed with the commission after approval of such plat or documents by the commission, unless the commission has, in writing, authorized such change, erasure or revision. As-built drawings shall be submitted by the subdivider to the city engineer upon completion of the project. (9/12/67)

#### **Sec. 32-607. Fees.**

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the commission. If the proposed subdivision plat indicates five lots or more in the proposed subdivision, the fee shall be twenty-five dollars for each preliminary sketch, each preliminary plat, and each final plat. If the proposed subdivision contains fewer than five lots, the fee shall be fifteen dollars for each preliminary sketch, each preliminary plat and each final plat. The total fee required hereunder shall be due and payable at the time of filing the sketch or plat and shall be delivered to the commission. The fee for each extension of time limit shall be one-half of the original fee due and payable at the time the extension is requested. All fees collected pursuant to this section shall be promptly delivered to the city treasurer and shall constitute a part of the general fund of the city. There shall be no fee for filing a plat revised to comply with recommendations of the commission. (9/12/67)

**sec. 32-608. Completion of improvements.**

All improvements in the proposed subdivision required to be installed or constructed by or on behalf of the subdivider shall be installed or constructed at the subdivider's cost and expense. All such improvements shall be accomplished under the city engineer's inspection. The subdivider's performance bond if such bond is required, shall not be released until construction has been inspected and approved by the city engineer in writing; and such writing shall constitute a full discharge and release of the performance bond. (9/12/67)

**sec. 32-609. Acceptance of subdivision streets and alleys.**

Before or after recordation of the final subdivision plat, the City Council shall have the right to elect by resolution entered of record whether it will or will not accept the dedication of any street or alley shown in said plat. (9/12/67)

the 9/12/67 amendment inserted Chapter 32.