

ZONING ORDINANCE

Town of Cheriton, Virginia

Adopted August 18, 1994

Amended November 29, 2001

Amended September 26, 2012

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ARTICLE 1 - IN GENERAL

Section 1-1 Authority to Establish Zoning; Official Title: This ordinance, to be cited as the Zoning Ordinance of the Town of Cheriton, Virginia, is hereby ordained, enacted and published by the Town Council of Cheriton, Virginia, pursuant to the provisions of Title 15.2, Chapter 22, Article 7 of the Code of Virginia, 1950, as amended.

Section 1-2 Repeal of Conflicting Ordinances: All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. Specifically, this shall repeal the Zoning Ordinance of Cheriton, Virginia, adopted in 1983, along with all subsequent amendments thereto.

Section 1-3 Conflict With Other Laws: Whenever these standards are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, deed restrictions, covenants or ordinances, the most restrictive, or that imposing the highest standards shall govern.

Section 1-4 Town and County Liability: The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by the Town of Cheriton, which administers zoning control and building permits, nor the County of Northampton, which administers erosion and sediment control, of the suitability of such land or structure for developing or use.

Section 1-5 Severability Clause: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof other than that part so declared to be unconstitutional or invalid.

Section 1-6 Purpose and Intent: This ordinance, insofar as is practicable, is intended to be in accord with and to implement the goals, objectives and policies set forth in the Comprehensive Plan of the Town of Cheriton adopted by the Town Council of Cheriton.

The regulations that follow are part of a comprehensive and long-range program to guide and facilitate the orderly and economical growth of the community and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. Most specifically, the purpose of these regulations is to:

- A. Provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- B. Reduce or prevent congestion in the public streets;
- C. Facilitate the creation of a convenient, attractive and harmonious community;
- D. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- E. Protect against destruction of or encroachment upon historic areas;

- F. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities or natural resources existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;
- G. Encourage economic development activities that provide desirable employment and enlarge the tax base;
- H. Provide for the preservation of agricultural and forestal lands;
- I. Provide for the orderly development of the Town in order to conserve valuable natural resources including agricultural land, wetlands, waters and wildlife;
- J. Allow for the provision within the Town of a supply of safe, sanitary housing, in suitable environments, with a balance and variety of types adapted to age groups and family structures;
- K. Allow for the excavation or mining of soil or other natural resources; and
- L. Reduce or prevent sedimentation and soil erosion from nonagricultural lands.

Section 1-7 Nonexclusionary Intent: It is not the intent of this ordinance to exclude any economic, racial, religious or ethnic group or persons with disabilities from enjoyment or residence, land ownership, or tenancy within the Town; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of economic, racial, religious or ethnic groups, or persons with disabilities; nor is it the intent of this ordinance to use public powers in any way to deny anyone the otherwise lawful use of the resources within the Town of Cheriton based upon family status, except as may be the incidental result of meeting the purpose outlined in Section 1-6 herein.

Section 1-8 Territory Affected: This ordinance shall apply to all lands, wetlands, and water areas within the corporate limits of the Town of Cheriton.

Section 1-9 Enumeration of Districts: For the purpose of this ordinance, those areas under Town Zoning control, as determined in accordance with the provisions in Section 1-6 are hereby divided into the following zoning districts:

Primary Districts:

Residential - 20 District	“R-20”
Residential - 11 District	“R-11”
Residential - Mixed District	“RM”
Agricultural/Residential	“A/R”
Commercial Neighborhood District	“CN”
Commercial General District	“CG”
Industrial Limited District	“IL”
Industrial General	“IG”

Supplementary District:

Chesapeake Bay/Atlantic Ocean
Preservation Area

“CB/AOPA”

Locations of these districts can be found on the Town of Cheriton Zoning Map.

A graphic illustration of lot and yard requirements can be found on Figure 1, page 4.

Section 1-10 Provisions for Official Zoning Map: The boundaries of the zoning districts are shown on the official zoning map of Cheriton, Virginia, which together with all notations, amendments, and explanatory matter thereon are hereby made a part of this ordinance. The official zoning map shall be attested by the signature of the Mayor, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator where it shall be accessible to the general public. An exact copy of such map shall be filed with the Clerk of the Circuit Court of Northampton County, Virginia.

Section 1-10.1 Changes or Amendments: If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the change has been approved by the Town Council, or no more than 10 days after approval. Such changes shall be attested by the initials of the Zoning Administrator and the date of entry. A paper copy of such map or maps shall be filed with the Clerk of the Circuit Court of Northampton County. Changes to this ordinance which involve matters portrayed on the official zoning map shall become effective immediately upon being entered onto the official zoning map. No change of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided under Article 4.6.

Section 1-10.2 Replacement: In the event that any or all of the official zoning maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new official zoning map. The new official zoning map may correct drafting or other errors, or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be attested by the signature of the Mayor and shall be witnessed. Unless the prior official zoning map or maps have been lost or totally destroyed, the prior map or maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment, if any, of the prior map or maps.

Figure 1

ILLUSTRATION OF LOT TERMS

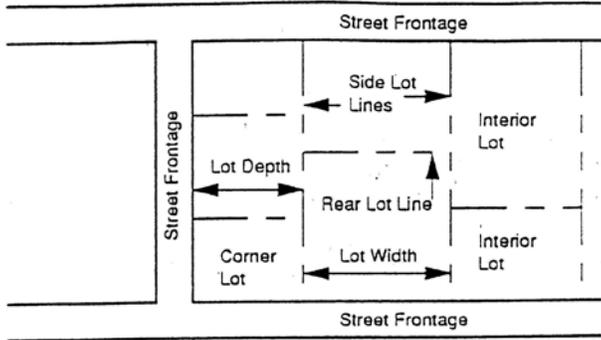
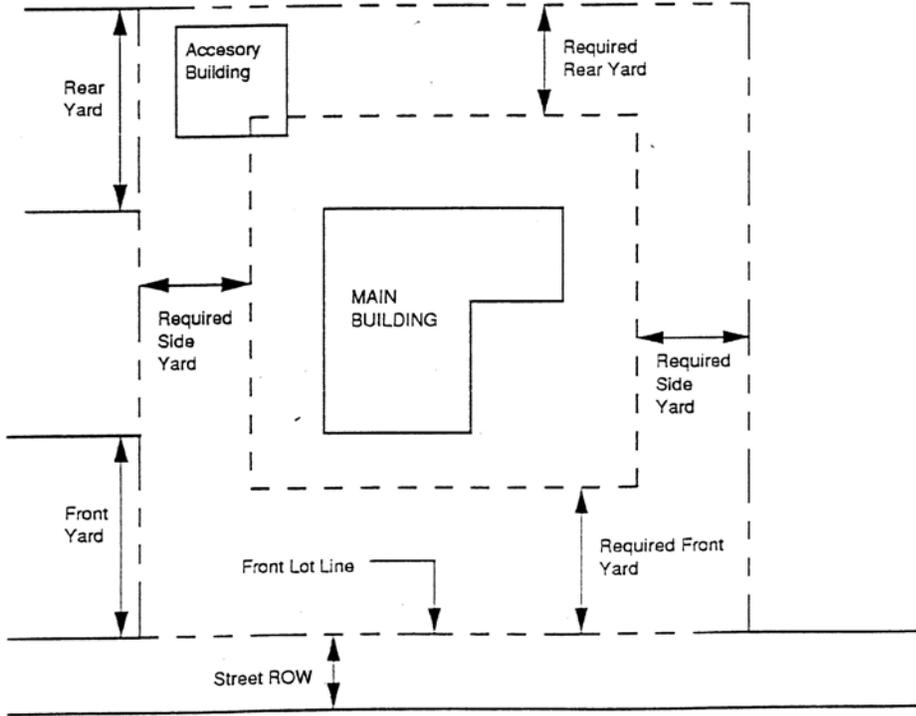


ILLUSTRATION OF REQUIRED YARDS



Section 1-11 Application and Interpretation of District Boundaries: Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Unless otherwise indicated, district boundaries indicated as approximately following the center lines of existing or proposed roads, streets, highways, alleys or railroads; mean low water or center lines, as indicated, of streams, ponds, drainage ditches, or other natural and man-made bodies of water; property lines, or civil boundaries, shall be construed to follow such lines. In the event of change in shorelines, the boundary shall be construed as moving with the actual shoreline.
- B. Boundaries indicated as parallel to or extensions of features indicated in Subsection A shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- C. If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the size of the scale shown on the official zoning map.
- D. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of Article 6.
- E. Where the exact location of district boundaries is not clear after application of the rules presented, the Board of Zoning Appeals shall hear and decide such questions in accordance with the provisions of Article 6.
- F. In case any territory has not been specifically included within a district or where territory becomes a part of the incorporated area of Cheriton by annexation from unincorporated territory in Northampton County, such territory shall automatically be classified in the most restrictive contiguous district until otherwise classified.

Section 1-12 Application of District Regulations: The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.
- B. No building shall hereafter be erected, constructed, or altered so as to exceed height or bulk limits to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower to smaller rear yards, front yards, side yards, or other open spaces than herein specified.
- C. No new yard or lot shall hereafter be created nor shall any yard or lot existing at the time of enactment of this ordinance be altered so that width, depth, or area requirements; front

side, or rear requirements; or other requirements of this ordinance are not maintained, except when a portion of a lot is acquired for public use.

- D. No part of a yard, other open space, off-street parking space, or loading space required about or in connection with any building shall be included as part of a yard, other open space, off- street parking space, or loading space for another building, except as provided hereinafter.
- E. Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.

ARTICLE 2 - DEFINITIONS

Section 2-1 General Usage: For the purpose of this ordinance, certain words and terms are herein defined as follows.

Section 2-1.1: Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

Section 2-1.2: The word “may” is permissive.

Section 2-1.3: The word “shall” is mandatory.

Section 2-1.4: Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Section 2-1.5: The word “building” includes the word “structure;” the word “lot” includes the words “plot” and “parcel.”

Section 2-1.6: The word “used” shall be deemed also to include “designed,” “erected,” “reconstructed,” “altered,” “placed,” or “moved.”

Section 2-1.7: The terms “land use” and “use of land” shall be deemed also to include “building use” and “use of a building.”

Section 2-1.8: The word “State” means the Commonwealth of Virginia.

Section 2-1.9: The word “Town” means the incorporated Town of Cheriton of Northampton County, Commonwealth of Virginia, and the term “Town boundary” means any exterior boundary of the incorporated Town of Cheriton.

Section 2-1.10: The word “County” means the County of Northampton, Commonwealth of Virginia, and the term “County boundary” means any exterior boundary of the County or any boundary of unincorporated territory within the County.

Section 2-1.11: The word “person” includes a firm, association, organization, partnership, trust, company, corporation, and bodies politic and corporate as well as an individual.

Section 2-1.12: The words “Board of Appeals” shall mean the Board of Zoning Appeals of the Town of Cheriton.

Section 2-1.13: The words “Planning Commission” shall mean the Planning Commission of the Town of Cheriton, Virginia.

Section 2-1.14: The words “Town Council” shall mean the governing body of the Town of Cheriton.

Section 2-1.15: The term “Code of Virginia” shall include “as amended.”

Section 2-1.16: The word “adjacent” means nearby or next to and not necessarily “contiguous.”

Section 2-2 Interpretation by Zoning Administrator: In case of any dispute over the meaning of a word, phrase, or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this ordinance as set forth in Article 1, provided, however, that an appeal may be taken from any such determination as provided in Section 6-3.B.

Section 2-3 Specific Definitions:

Access or Accessway: A way or means of approach or admission.

Accessory Use or Structure: A use or structure which (a) is clearly incidental to and customarily found in connection with the principal use and structure; (b) is subordinate to and serves the principal use or structure; (c) is located on the same lot or parcel as the principal use or structure; (d) is not, in any case of accessory structures, attached by any common wall or by a common roof to a principal structure.

Administrator, The: The Zoning Administrator of the Town of Cheriton.

Agricultural lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

Agriculture: The use of land, buildings and structures for forestry, dairying, pasturage, field crops, vegetables, fruit or sod growth, horticulture, floriculture and the raising of livestock and poultry.

Alley: A permanent service-way providing a secondary means of vehicular access to abutting properties or structures and not intended for general traffic circulation.

Alteration: Any change in the total floor area, use or design of an existing structure.

Amend or Amendment: Any repeal, modification or addition to a regulation; any new regulation; any change in number, shape, boundary or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

Apartment House: A building containing three or more dwelling units which serves as the residence of three or more families living independently of each other.

Architect: A person licensed to practice as an architect in the Commonwealth of Virginia.

Base Flood/100-Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

Base Flood Elevation (BFE): The Federal Emergency Management Agency designated 100-year water surface elevation.

Basement: The lowest story of a building having part but not less than one-half of its height below grade.

Best Management Practices or BMPs: A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Block: That property abutting one side of the streets, and lying between the nearest intersection or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing in any barrier to the continuity of development.

Board of Supervisors: The Board of Supervisors of Northampton County, Virginia.

Board of Zoning Appeals: The Board of Zoning Appeals of the Town of Cheriton.

Boarding or Rooming Houses: A dwelling unit other than a motel, hotel, or inn, in which, for compensation, lodging and meals are furnished to people for long periods of time.

Buffer Area or Zone: A component of the Resource Protection Area, an area of natural or established vegetation managed to protect other components of a Resource Protection Area and State waters from significant degradation due to land disturbances.

Buffer or Screening: A device or natural growth, or a combination of both, designed or used as a barrier to vision or noise between adjoining properties or land uses.

Buildable Area: The area of a lot or parcel remaining after required yards, open spaces, parking, loading and access areas have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

Building, Accessory: See “Accessory Use or Structure” as defined in this section.

Building Coverage: All areas under roof or projection from buildings on a lot or parcel.

Building, Elevated: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).

Building, Height of: The vertical distance from the average elevation of the ground surface along the front of the building to the highest point of the roof thereof.

Building Inspector: An appointed official of the County responsible for inspecting buildings for conformity with County and State regulations thereof and for certifying such inspections.

Building, Main: The building or one of the principal buildings housing the principal use on the lot or parcel.

Carport: Any space outside a building and contiguous thereto wholly or partly covered by a roof, and used for the shelter of motor vehicles.

Carry-out or Drive-in Restaurant: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a “fast food” or primarily a “carry establishment.”

Cellar: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such portion of a building shall not be used for habitation.

Chesapeake Bay/Atlantic Ocean Preservation Area or “CB/AOPA”: Any land designated by the Board of Supervisors or Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-10, Section 10.1-2107 and Section 15.2-2283 of the Code of Virginia. A Chesapeake Bay/Atlantic Ocean Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

Circus: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without side shows.

Club: An association of persons for the promotion of some common object, as literature, science, politics, good fellowship, etc., created for the benefit of its members or the general public and not for profit. The term “club” shall include “lodge.”

Cluster Development: An arrangement of structures or adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements for lot widths with the decrease in lot width or area compensated by maintenance of equivalent open space either elsewhere on the lot or in the form of common open space.

Commercial: Any wholesale, retail, or service business activity established to carry on trade for profit.

Common Open Space: Any space, tract, or parcel of land owned in undivided interest, not devoted to residential uses or structures but directly related and adjacent to a cluster development or planned development, as herein provided.

Community Center: A building or set of buildings designed or used to serve as a social center of a town, village or other aggregation of residential property.

Comprehensive Plan: The adopted Comprehensive Plan for Cheriton, Virginia, including all amendments and elements.

Conceptual Development Plan: A required submission at the time of filing for an amendment to the Cheriton Zoning Map for all districts, prepared and approved in accordance with the provisions of Article 5-1.B, which generally characterized the development of the subject property and its resulting impact on adjacent properties and/or County in general. Also known as a preliminary development plan.

Condominium: Ownership of single units in a multiple unit structure or complex having common elements.

Construction Footprint: The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

Court: An open space bounded on two sides or more by a structure or a group of structures.

Craft Industry: Manufacture or processing of items by hand not involving assembly line techniques.

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

Day Care Centers: Facilities providing day care or nursery services for six or more children.

Developer or Subdivider: A person having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on behalf in planning, negotiating or in representing or executing the requirements of the ordinances or the Code of the County or the Town.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Diameter at Breast Height or "DBH": The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

Director of Planning and Zoning: An appointed County official who serves as the Director of Planning and Zoning for Northampton County, Virginia, or his designed deputy or assistant.

District: Districts as referred to in Section 15.2-2280, of the Code of Virginia.

Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Driveway or Accessway: That space specifically designated and reserved on the site for movement of vehicles from one site to another or from a site to a public street or access easement.

Dump Heap (Trash Pile): Any area of 100 square feet or more lying within 1,000 feet of a state highway, a residence, a farm or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

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

Dwelling: A structure or part of a structure containing one or more dwelling units. Dwellings may be further identified as one-family (or single-family), duplex, multiple-family, semi-detached, or attached. Dwelling units contain independent living facilities, and generally contain permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Accessory: A subordinate dwelling unit located on the same lot occupied by the main dwelling unit, and is detached from the main dwelling unit. Accessory dwellings may be manufactured homes as defined herein. No accessory dwelling may exceed 1,200 square feet in floor area.

Dwelling, Attached: One of two or more residential buildings having a common or party wall separating dwelling units.

Dwelling, Duplex: A two-family residential structure; the residential units may be arranged one above the other, or be semi-detached.

Dwelling, Manufactured Home: A structure subject to federal regulation, which is transportable in one or more sections, is eight body feet or more in width or forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when attached to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term Manufactured Home does not include a Mobile Home, Travel Trailer, or Recreational Vehicle.

Dwelling, Modular: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site.

Dwelling, Multi-Family: A building containing three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Semi-Detached: One of two buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, Single-Family: A residential dwelling unit designed for and occupied by one family only.

Dwelling, Temporary: A portable dwelling but not necessarily attached to a permanent foundation.

Dwelling, Two-Family: A residential building containing not more than two dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two families.

Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, and containing not less than 600 square feet of residential floor area.

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

Encroachment: The advance or infringement of uses, plant growth, fills excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineer: A person licensed to practice as a professional engineer in the Commonwealth of Virginia.

Erected: Shall be taken to mean constructed, reconstructed, moved or structurally altered.

Fabrication: The process of constructing or assembling a product from previously prepared parts, elements or materials which have been manufactured off-site of the fabrication activity.

Fairground: A parcel or tract of land used either temporarily or permanently (as permitted herein), as the site of any fair, exposition or public display.

Farm: A parcel of five acres or more which is used for agricultural purposes.

Farm Market: Means a permanent building or structure used for the retail sales of agricultural and seafood products; may also involve the accessory sales of other unprocessed foodstuffs and homemade handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50 percent of the total sales area.

Farm Stand: means a temporary open-air stand or place for the seasonal selling of agricultural or aquaculture products. A farm stand is portable and capable of being dismantled or removed from the sales site.

Fast Food Establishment: See “Carry Out or Drive-In Restaurant.”

Fence: A fixed structure designed to prevent escape or intrusion or to define property.

Fire Lane: A means of access of sufficient design to permit ingress and egress by fire fighting equipment.

Fish Farming: The raising of fish; a form of aquaculture utilizing ponds or other scientific methods.

Flea Market: A retail establishment or area of land on which are sold second-hand or antique goods, a substantial proportion of which sales are on a consignment basis.

Flood or Flooding:

1. A general or temporary condition of partial or complete inundation or normally dry land areas from the:
 - a. Overflow of inland or tidal waters; or,
 - b. The unusual and rapid accumulation or runoff of surface waters from a source.
2. The collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1.) above.

Floodplain or Flood Prone Area: Any land area susceptible to being inundated by water from any source.

Floor Area: The total gross floor area of all floor or portions of floors in a structure and measured from outside to outside of exterior walls.

Floor, Lowest: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR Section 60.3.

Freeboard: A safety factor usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for tidal or wave action.

Frontage: Lot width at the building set back line along a public road, private road or access easement (see "Lot Width").

Funeral Parlor: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for: (a) embalming; (b) performance of autopsies or other surgical procedures; and (c) cremation.

Garage, Private: An accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot

occupied by a multi-unit dwelling, the private garage may be designated and used for the storage of one and one-half times as many automobiles as there are dwelling units.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repair, equipping, renting, selling or storing motor-driven vehicles.

Grain Dryer: A facility for drying grain. A commercial grain dryer is one in which the grain dried is primarily grown by sources other than the owner and/or operator of the facility. A non-commercial grain dryer is one in which the grain dried is primarily grown by the owner and/or operator of the facility.

Health Official: The Director of Health for Northampton County or his designated agent or deputy.

Highly Erodible Soils: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, as defined by the "Food Security Act (F.S.A.) Manual" of August, 1988 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly Permeable Soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soils Conservation Service.

Home Occupation: An occupation conducted in a dwelling unit or a dwelling accessory structure, provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit or 23~~5~~ percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated;
- D. There shall be no sales, other than items handcrafted in the premises in connection with such home occupation;

- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential or rural neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage off the premises. Boarding and rooming houses, tourist homes and private educational institutions shall not be deemed home occupations.

Homeowners Association: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or home-owner is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property or private road; and (c) the charge if unpaid becomes a lien against the property.

Hospital, Sanitarium, Sanatorium: Any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatrics, orthopedics, cancer, mental, tuberculosis, chronic diseases and obstetrics. The term "hospital" shall also include sanitariums and sanatoriums including those where mental patients, alcoholics, and drug addicts are treated or cared for under the supervision of licensed medical personnel.

Hotel: Any building containing 10 or more guest rooms where for compensation lodging, meals or baths are provided for 10 or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or apartment hotel.

Impervious Cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Inns, General, and Bed and Breakfast: A dwelling unit, other than a motel, hotel, rooming or boarding house, where for compensation lodging and/or meals are furnished to overnight transients, such facility having no more than four bedrooms.

Junk Yard: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof.

Loading Space: Any off-street space available for the loading or unloading of goods, not less than 15 feet wide, 25 feet long and 14 feet high, and having direct usable access to a street or alley, except where one such loading space has been provided, any additional loading space lying

alongside, contiguous to and not separated from such first loading space need not be wider than 12 feet.

Lot: A parcel of land occupied or to be occupied by a building and its accessory buildings or by a group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having at least the minimum area required by this ordinance for a lot in the zone in which such lot is situated and either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot Area: The total horizontal area included within the rear, side and front lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking area and other accessory uses. Lot area shall not include portions under water except where the total area of a body of water is within a lot.

Lot, Corner: A lot abutting on two or more roads, rights-of-way or access easements at their intersection of the two sides of a corner lot; the front of the lot shall be deemed to be the shortest of the two sides fronting on such roads, rights-of-way or access easements.

Lot Coverage: The total area covered by or devoted to individual lots as opposed to common area plus the area of all streets, service drives or parking bays in developments which have common areas such as in cluster developments. The impervious area of any lot or parcel, including, but not limited to buildings, roads, drives, parking areas, sidewalks, patios, decks, etc.

Lot, Depth Of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

Lot, Double Frontage: An interior lot having road frontage on two or more roads.

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

Lot, Through: An interior lot, fronting on two parallel or approximately parallel streets.

Lot, Width: The average horizontal distance between side lot lines.

Lot of Record: A lot which has been recorded in the Clerk's Office of the Circuit Court of Northampton County.

Manufacture and/or Manufacturing: The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Mobile Home Park: Any area of 10 acres or more designed to accommodate 25 or more mobile homes intended for residential use where residence is in mobile homes exclusively and lots are rented rather than sold.

Mass or Community Subsurface Drainfield: A system used to receive sanitary waste in the ground, serving three or more independent homes, structures or commercial units off-site of the land, lot, or area being served; also known as a community, public, or central sewer system.

Medical Center: Establishment wherein medical care is provided on an outpatient basis, as distinguished from a hospital or a professional office.

Mobile Home Trailer: An industrialized single-family dwelling unit designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor or incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like.

Modular Home: See “modular unit” and “sectional home” as defined in this section.

Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. This term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements incorporated into a structure at the site.

Motor Lodge (Motel): One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Motorhome: A *recreational* vehicle which is self-propelled or designed for self-propulsion, having a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as *recreational* living quarters for human beings (see “Trailer, Travel and Recreation”).

New Construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming Structure: An otherwise legal building or structure that does not conform to the minimum area or lot width requirements or permitted uses of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonpoint Source Pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nonprofit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Nontidal Wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

Nursing Home: The term “nursing home” includes rest homes, convalescent homes and homes for the aged, and shall mean a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

Off-Site: The term “off-site” describes a location on an area of land which is proximate to a parcel of land defined as “on-site.”

Off-Street Parking Area or Parking Bays: Space provided for vehicular parking outside the dedicated street right-of-way.

On-Site: “On-Site” shall be construed to be describing a location on all or on a portion of a parcel of land which is the subject of an application for approval by the Town Council, Planning Commission or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control.

Open Space: Water or land left in undisturbed open condition or developed as a landscaped area unoccupied by buildings, streets or parking lots, or occupied by approved commonly owned recreational facilities.

Parcel: Any tract of land or water not subdivided.

Parking Space: A space of sufficient size and shape to park one standard size automobile and containing not less than 180 square feet of area (nine feet by 20 feet), except parking spaces for handicapped access, which shall be 260 square feet in area (13 feet by 20 feet). Parallel parking spaces shall be 198 square feet in area (nine by 22 feet).

Pen: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals or poultry; a coop.

Performance Bond: A bond of surety, and/or cash deposit approved by the Town Council equal to full cost of improvements required by these regulations and providing for completion of such improvements within a definite term.

Plan of Development: The process for site plan or subdivision plan review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article, prior to any clearing or grading of a site or the issuance of a building permit.

Planner; Land Planner: A professional person qualified to prepare development plans, site plans, and/or subdivision plats, who is either registered as such or who meets the standards of the American Institute of Certified Planners (AICP).

Plat: A map or plan of a tract or parcel of land which is to be or has been subdivided. When used as a verb, “plat” is synonymous with “subdivide”.

Poultry: Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, etc.

Present Tense: Words in the present shall include the future tense.

Private School: The term “private school” includes private schools, colleges, or universities, and private instructional/training institutions.

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

Property: Any tract, lot or parcel or several of the same collected together for the purpose of subdividing, preparing a site development plan and/or developing.

Public Access Easement: A legal easement, or series of easements, which grant and guarantee the right of access for emergency and public service vehicles to any given area or right-of-way.

Public Buildings: The term “public buildings” shall be considered for the purpose of this ordinance to be any building owned by a governmental organization such as a county, city, town, state or federal government. Such buildings may include city hall, a county courthouse, a state armory, a federal office building, a post office, an auditorium, a museum, an art gallery, a college or university, hospitals, clinics, schools, libraries, police and fire stations, etc.

Public Facilities: The term “public facilities” shall be considered for the purpose of this ordinance to be any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to: public roads, schools, water supply and sewer facilities, and police and fire protection facilities.

Public Road: A publicly-owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of

Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (Section 10.1-603 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the local government in accordance with the standards of that local government.

Public Sewer System: A central system for the removal, carrying off, treatment and disposal of sewage, serving or designed to serve three or more independent dwellings or structures, and which may be owned and/or operated by a municipality or county or service authority or by a person approved by the Cheriton Town Council in accordance with Title 62.1 of the Code of Virginia, and licensed by the State Corporation Commission; including a master septic field system operated by a home owners' association.

Public Water Supply: A central system for supplying potable water to three or more independent dwellings and which may be owned and/or operated by a municipality or county or service authority or by a person approved by the Cheriton Town Council and properly licensed by the State Board of Health in accordance with Title 62.1 of the Code of Virginia, and licensed by the State Corporation Commission.

Record, Recorded, Recording: Admission to record in the office of the clerk of a court of competent jurisdiction.

Recreation Area, Commercial: Any establishment operated as a commercial enterprise in which seasonal facilities related to outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment stands, equipment sales or rentals.

Recreational Vehicle: A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck or vehicle; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Redevelopment: The process of developing land that is or has been previously developed.

Rehabilitation and Group Homes or Centers: Facilities to restore persons to a state of physical, mental or moral health through treatment and training.

Required Open Space: Any space required in any front, side or rear yard.

Resource Management Area or "RMA": That component of the Chesapeake Bay/Atlantic Ocean Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

Resource Protection Area or “RPA”: That component of the Chesapeake Bay/Atlantic Ocean Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Restaurant: Any building in which for compensation food or beverages are dispensed for consumption on the premises including, among other establishments, cafeterias, cafes, tea rooms and confectionery shops.

Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards) such as the following, which serve as illustrations only and are not to be considered to be exclusive: drug stores, newsstands, food stores, candy shops, milk dispensaries, dry goods and notions stores, antique stores, florists, opticians, music and radio stores, tailor shops, barber shops and beauty shops.

Road: See “Street” as defined in this section.

Saltwater Intrusion: Displacement of fresh surface water or ground water by the advance of seawater, sometimes caused by overdraft of a well.

School of Special Instruction: A school offering musical, dramatic, artistic and cultural subjects.

Semi-Public Building: Any building designed for the use of the general public or any segment of the general public and which is owned and/or operated by a nonprofit association.

Setback: The minimum distance by which any building or structure shall be separated from a lot line.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit with off-street parking provided on the property and related in size and type of shops to the trade area the unit serves.

Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combination thereof, by any means whereby such letters, etc., are made visible for the purposes of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, a rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than two square feet in area is excluded from this definition.

Sign, Area: The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back-to-back, that is, on opposite sides of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.

Sign, Auction: A sign, not illuminated, advertising an auction to be conducted on or off the lot or premises upon which it is situated. Such signs may be erected not more than one month before the date of the action advertised and shall be removed within 48 hours of the conclusion of such auction.

Sign, Business: A sign, either free standing, projecting or wall, which directs attention to a product, commodity and/or service available on the lot, premises or farm upon which such sign is situated.

Sign, Directional: A sign, one end of which is pointed, on which an arrow is painted, or otherwise indicates the direction to which attention is called, not illuminated, four square feet or less in area, giving the name only of a person, farm, business or other establishment.

Sign, Free Standing: A business sign located upon a lot or parcel of ground outside the required setback area, not attached to the main building.

Sign, General Outdoor Advertising: A sign which directs attention to a product, commodity, or service not necessarily available on the premises, over 100 square feet.

Sign, Home Occupation: A sign not exceeding four square feet in area directing attention to a service available on the premises, but which service is clearly a secondary use of the dwelling.

Sign, Hunting, Fishing or Trespassing: A sign, not illuminated, one and one-half square feet or less in area, erected on the appurtenant premises solely as a warning or notice.

Sign, Identification: A sign which identifies or otherwise describes the name, ownership or location of the lot or parcel of land upon which it is situated.

Sign, Illuminated: A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

Sign, Location: A sign which directs attention to the approximate location of an establishment from which the advertised products, service or accommodation may be obtained and not situated upon the premises upon which such establishment is located, 100 square feet or less in area.

Sign, Political: A sign not illuminated, two and one-half square feet or less, in which there is presented a candidate or issue, subject to a federal, state or local government plebiscite. Such sign may be erected not more than one month prior to the date of voting and shall be removed within 10 days thereafter.

Sign, Portable: Any sign that is not permanently affixed to a building, structure or the ground.

Sign, Projecting: A business sign erected, projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six feet from the wall surface of the building on which such sign is erected.

Sign, Public: A sign owned by and erected at the instance of a federal, state or local government agency.

Sign, Sale or Rental: A sign, not illuminated, which designates all or portions of the lot or premises upon which it is located to be for sale or lease. Such signs shall be removed within one week of sale or lease of the lot or premises upon which such sign is situated. The lettering or message on any one side of such sign may be different from any other side.

Sign, Subdivision or Entrance: A sign, not illuminated, 60 square feet or less in aggregate area, identifying a subdivision or business and located thereon at the entrance to such subdivision or business. Such sign shall be not greater in height than six feet and shall be set back from any right-of-way for proper sight distance.

Sign, Temporary Directional: A directional sign erected for a period of not more than 10 days.

Sign, Temporary Event: A sign, not illuminated, describing a seasonal, brief or particular event or activity to be or being conducted upon the lot or premises upon which such sign is located. Such sign may be erected not more than one month before the event or activity described, shall be removed within one week of its conclusion, and in no event shall such sign be displayed for a period longer than six months in any one calendar year.

Sign, Wall: A business sign erected or painted on a building front visible from the exterior thereof, no part of which is more than 12 inches from the surface of the building on which it is erected; such sign may be illuminated.

Site Development Plan: Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information required by this ordinance.

Solar Energy System, Large: A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 999 kW, which will be used primarily to reduce onsite consumption of utility power for commercial and industrial applications.

Solar Energy System, Small: A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics that has a maximum power of not more than 15 kW, which will be used primarily to reduce onsite consumption of utility power for residential, noncommercial, small commercial, and small industrial applications.

Solar Energy System, Utility Scale: A solar energy conversion system consisting of photovoltaic panels, support structures, and associated control or conversion electronics, which has a rated capacity more than one MW or greater to provide electricity to the local utility provider.

Special Flood Hazard Area: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 19-2, (c) of this ordinance.

Specifications: A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the applicable ordinances of the County or the Town.

Start of Construction: The date the building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Store: See “Retail Stores and Shops” as defined in this section.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

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

Street, Arterial: See Street, Minor Arterial and Street, Principal Arterial.

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

Street, Cul-de-sac: See Cul-de-sac.

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

Street, Local: A street which primarily provides direct access to residential, commercial, industrial, or other abutting property. The local street system includes all facilities not classified as a principal arterial, minor arterial or collector street. A local street offers the lowest level of mobility and usually does not serve a bus route. Overall operating speeds are low in order to

permit frequent stops or turning movements to be made with maximum safety. Service to through traffic movement is deliberately discouraged.

Street, Major Thoroughfare: A public street including minor arterial, principal arterial, or primary highway, all as defined herein.

Street, Minor Arterial: The minor arterial street interconnects and augments the principal arterial street system, and provides service to trips of moderate length at a somewhat lower level of travel mobility than a principal arterial. Such a street also serves intra-urban trips between smaller geographic areas than those associated with the higher system and may carry local bus routes providing intra-community continuity. It may also function as a principal arterial street when sufficient capacity is not provided on the principal arterial system. Ideally, a minor arterial street does not penetrate identifiable neighborhoods, and the facility is designed with greater emphasis on traffic movement or services than on providing access to abutting land.

Street, Primary Highway: Any street so classified by the Virginia Department of Transportation, bearing a route number less than 600. Primary highways shall not include interstate highways.

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

Street, Private: A local or collector street which affords the principal means of access to a property and/or an abutting property, is encompassed by a right-of-way dedicated to public use, is guaranteed to be maintained by a private corporation or adjacent landowners within the platted subdivision or development, and is constructed to standards adopted by the Town of Cheriton. The right-of-way shall not be less than forty feet.

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

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

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

Street, Travel Lane: A right-of-way, commonly but not always located on the front of a lot, providing access from one lot to another, and serving the same function as a service drive, although not necessarily a public street.

Street, Width: The total width of the strip of land dedicated or reserved for public travel including the roadbed, curb and gutter, sidewalks, planting or landscaping strips, and where necessary, utility easements.

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.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

Structure, Historic: Any structure that is;

1. Listed individually in the National Register of historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program, as determined by the Secretary of the Interior.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value for the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Surveyor, Land: A person who is recognized by the State and who is registered with the Virginia Department of Professional and Occupational Registration as a “registered land surveyor.”

Theater, Indoor: A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

Tidal Wetlands: Vegetated and nonvegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

Tourist Home: A dwelling where only lodging is provided for compensation for up to 14 persons (see also “Hotels” and “Boarding and Rooming Houses” as defined in this section) and open to transients.

Tower, Communications: A tower or structure meant to support equipment used to transmit and receive communications signals, including radio, television, and wireless telephone signals.

Trailer, Business: A structure or vehicle mounted on wheels for use on roads, propelled or drawn by its own or other motor power, and designed and constructed to provide for temporary human habitation for one or more persons or for the conduct of a business, profession, trade or occupation or for use as a selling or advertising device.

Trailer, Business Office: An industrialized unit designed for transportation after fabrication on streets and highways on its own wheels or on flatbed and arriving at the site where it is to be occupied as an office complete and ready for occupancy except for minor or incidental unpacking and assembly operation, located on jacks or permanent foundation, connected to utilities and the like.

Trailer, Travel and Recreation: A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for temporary human habitation.

Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7.5 minute topographic quadrangle map (scale 1:24,000).

Use: The principal purpose for which a lot or the main building thereon is designated, arranged, or intended and for which it is or may be used, occupied or maintained.

Use, Accessory: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such relaxation shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary or undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

Water-Dependent Facility: A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resource facilities.

Watershed: The region drained by or contributing water to a stream, creek, pond or other body of water.

Water Table: The upper surface of ground water in the unconfined surface aquifer, known as the Columbia Aquifer, which is located in a zone of saturated soil material, except when separated from underlying ground water by an zone of unsaturated soil material.

Wayside Stand: Means a temporary open-air stand or place for the seasonal selling of homemade products and handicrafts. A wayside stand is portable and capable of being dismantled or removed from the sales site.

Wetlands: Tidal and nontidal wetlands.

Wind Energy System, Large: A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.

Wind Energy System, Small: A private wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of not more than 50 kW, which will be used primarily to reduce onsite consumption of utility power.

Wind Energy System, Utility Scale: A wind energy conversion system consisting of more than one wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than one MW or greater.

ARTICLE 3 - NONCONFORMING USES

Section 3-1 Intent: Some existing lots, uses, structures, or combinations of uses and structures will not meet the requirements set out by this ordinance for districts. These nonconformities are declared by this ordinance to be incompatible with the requirements of the districts. It is the intent of this ordinance to permit nonconformities to continue until they are removed or discontinued but not in any way to encourage their survival; nor to permit their enlargement, expansion, or extension; nor to permit their use as a grounds for adding other structures or uses which would be prohibited in the district involved.

Section 3-2 Continuation:

- A. Use. If, at the time of enactment of this ordinance, there is any legal activity which is being pursued, or any lot or structure being legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided except that general advertising structures and general outdoor advertising signs that become nonconforming because of a rezoning have 24 months within which to be relocated in a permitted area.
- B. Lots of Record. If, at the time of enactment of this ordinance, there is a legal lot or parcel which does not meet the minimum lot area requirement within a district of record, said lot or parcel of record may be used as a building site provided the use proposed is a permitted use as established by this ordinance, and provided further the requirements for minimum set-backs can be met. Variances of yard requirements must be decided upon by the Board of Zoning Appeals in accordance with Article 6.
- C. Structures. Where a lawful structure exists at the time of enactment of this ordinance that could not be built in the district in which it is located under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, any structure or portion thereof may be altered to decrease its nonconformity.
 2. Should a nonconforming structure be moved for any reason for any distance it shall thereafter conform to the regulations pertaining to the district in which it is located.
 3. Should a nonconforming structure, portion of the nonconforming structure, or nonconforming portion of a structure, other than a single-family dwelling unit, be damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. If damage or destruction amounts to less than 50 percent of the replacement cost at the time of destruction, a structure or portion thereof may be reconstructed or restored provided its degree of nonconformity is not increased beyond that which existed just prior to such

damage. If the provisions of this ordinance cannot be met, the owner or owners of the structure may apply for a variance from the Board of Zoning Appeals.

- D. Restoration. The cost of land or any factors other than the cost of the structure are excluded in the determination of the cost of restoration for any structure or activity devoted to a nonconforming use.
- E. Historic and Single-Family Structures. If a nonconforming structure be a single-family dwelling or a historic structure or area as herein defined, it may be restored or replaced regardless of the percentage of destruction.
- F. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to such extent that the structure is kept in a usable condition. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared necessary for safety upon order of any County building or health official.

Section 3-3 Nonconformity in General:

- A. If there is any change in title or renewal of a lease of any nonconforming lot or structure access, the existing use may continue.
- B. If any nonconforming use, structure or activity is discontinued for a period exceeding two years after enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- C. Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such existing use may be changed to an even more limited use.
- D. Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of the ordinance are excluded.
- E. All nonconforming uses shall be issued a Certificate of Occupancy within six months after the adoption of this ordinance.
- F. Whenever the boundaries of a district are changed, any use of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.

Section 3-4 Provisions for Special Uses: Any use of a structure which exists at the time of enactment of this ordinance which is permitted in the district in which it is located as a special use, shall not be deemed a nonconforming use or structure, but shall, without further action by the County, be considered a conforming use. However, such a use or structure shall be subject to the requirements of this ordinance as a “special use” when expansion, enlargement or modification is proposed.

Section 3-5 Nonconforming Use and Development Waivers: The lawful use of a building or structure which existed on the date of adoption of this ordinance or which exists at the time of any amendment to this Article, and which is not in conformity with any provisions of this Ordinance may be continued in accordance with the provisions of this Article. No change or expansion of use shall be allowed with the exception that:

- A. The Zoning Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations; waivers/variances for additions must be acted upon by the Town of Cheriton Board of Zoning Appeals in keeping with Article 6 of this Ordinance provided that:
 - 1. There will be no increase in nonpoint source pollution load;
 - 2. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Article.
 - 3. The intent of Article 3 nonconforming uses is upheld.

- B. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper enforcement of this Article, the following information:
 - 1. Name and address of property owner;
 - 2. Legal description of the property and type of proposed use and development;
 - 3. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
 - 4. Location and description of any existing private water supply or sewage system.
 - 5. A nonconforming use and development waiver/variance shall become null and void 12 months from the date issued if no substantial work has commenced.

ARTICLE 4 - ADMINISTRATION AND ENFORCEMENT

Section 4-1 Zoning Administrator: This ordinance shall be administered by the Zoning Administrator who shall be appointed by the Town Council and assisted by such other persons as the Town Council may direct. The Zoning Administrator shall have all necessary authority to administer and enforce the provisions of this ordinance.

Along with his deputies and inspectors, the Zoning Administrator is hereby empowered to enter and go upon any private or public property in the Town for the purpose of inspecting for compliance with this ordinance and of administration and enforcement hereof, provided that any and all such entries shall be in accordance with the general requirements of due process and nothing herein shall authorize or purport to authorize any unlawful search or seizure.

Section 4-2 Zoning Clearance: It shall be unlawful to use land or structures or to alter or erect structures until a zoning clearance is obtained from the Zoning Administrator. Where site plan review is required, the application for zoning clearance may be incorporated into the application for site plan review, in which case the requirements for site plan review in Article 17 herein shall apply. The intent of the zoning clearance is to show that land and uses of land and structures are in conformity with the provisions of this ordinance.

- A. Application for Zoning Clearance. An application for zoning clearance shall contain the following:
1. Name, address, and phone number of the applicant.
 2. Signature of the applicant attesting to the truth of all information required.
 3. Zoning district.
 4. Three plot plans drawn to scale, showing lot dimensions, location and size of existing and proposed structures and uses, yard dimensions, easements, and street and highway rights-of-way.
 5. Such other information as may be required by the Zoning Administrator in order for him to determine conformance with this ordinance.
- B. Approval of Zoning Clearance. Within 30 days of receipt of the application, the Zoning Administrator shall approve or disapprove the application. One copy of the plot plan shall be returned to the applicant along with the zoning clearance or a written denial and reasons for denial. Zoning clearances incorporated into building permits and/or site plan review procedures shall expire in the same manner as building permit and/or site plan approval.

Section 4-3 Special Use Permits: The Cheriton Town Council may grant a special use permit where such special use or structure is permitted by the terms of this ordinance. The Town Council may grant, deny, or grant conditionally the permit.

- A. Procedure. An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:
1. The applicant shall submit an application to the Town Council through the Zoning Administrator in the same manner as in requesting a zoning clearance. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met.
 2. The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate a recommendation to the Town Council.
 3. Within 60 days of the first meeting of the Town Council after receipt of the application, the Town Council shall hold a public hearing after notice in accordance with Section 15.2-2204 of the Code of Virginia.
 4. The Town Council shall review the recommendation of the Zoning Administrator or any other reports, visit the site if appropriate, and meet with the applicant.

Section 4-3.1 Conditions and Bonds: The Cheriton Town Council may impose conditions, limitations, or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as but not limited to the following:

- A. Abatement or restriction of noise, smoke, dust, vibration, odors, wastes, or other elements that may affect abutting or adjacent properties.
- B. Establishment of setbacks, (side, front, and rear) area requirements necessary for orderly expansion and for preventing traffic congestion.
- C. Providing for adequate parking and ingress and egress to public streets and roads necessary to prevent traffic congestion.
- D. Providing adjoining property with a buffer fence or line of evergreens or shield from view of the proposed use and/or structure.
- E. After due consideration, the Town Council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or special conditions.
- F. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal. Furthermore, the Town Council may require a bond, in a reasonable amount determined by the Town Council, to insure compliance with the terms and conditions of any special use permit.

Section 4-3.2 Review Standards: The Cheriton Town Council shall consider the following in reviewing a special use application:

- A. The proposed use and/or structure appears on the official schedule of district regulations or elsewhere in this ordinance.
- B. The proposed use and/or structure complies with the regulations governing individual special uses.
- C. The proposed use and/or structure is consistent with the Town's Comprehensive Plan.
- D. The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.
- E. The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.

Section 4-3.3 Effect of Approval: The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from the term of the special use permit without the express written consent of the Cheriton Town Council. The approval of special use permits shall be valid for a period of 18 months after the date of approval by the Town Council. Within the 18 month period, a building permit and/or zoning clearance shall have been approved and issued and construction or use commenced within one year thereafter. Failure to comply with the above requirement shall cause the subject's special use permit to be null and void and the holder of said special use permit shall be so notified. This time provision does not apply to special use permits approved prior to the effective date of this amendment.

Section 4-3.4 Reconsideration of Applications: A property owner or other petitioner who has filed for a special use permit may not submit substantially the same application for special use within a period of 12 months from the date of the original denial by the Cheriton Town Council.

Section 4-4 Special Use Permit Approval Guidelines: Uses permitted by special use permit, as listed in the zoning district provided for, shall be permitted subject to all the other requirements of this ordinance, only upon the obtaining of a special use permit from the Cheriton Town Council. The Town Council shall issue a permit for such use if it finds that the use for which the permit is sought:

- A. Will not be hazardous or injurious to, or in conflict with the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved or conducted in connection with it, its site layout and its relation to roads giving access to it;
- B. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use;

- C. Will not be detrimental to public welfare or injurious to property or improvements in the neighborhood;
- D. Will be in accord with provisions of the ordinance and the plan of use and development embodied therein, as well as in accord with such Comprehensive Plans or parts thereof from time to time adopted by the governing body;
- E. Will not adversely affect surface or ground water.

Section 4-5 Enforcement: All departments, officials, and public employees of the Town of Cheriton and/or Northampton County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. Any permit issued in conflict with the provisions herein shall be null and void.

Section 4-6 Violations: Any person may file a written complaint with the Zoning Administrator concerning violation of this ordinance. Such complaint shall state fully the causes and basis thereof. If the Zoning Administrator finds upon investigation that any of the provisions of the ordinance are being violated, he shall notify by certified mail the person responsible for such violation, indicating the nature of the violation and ordering the violation corrected within a reasonable period of time, as determined by the Zoning Administrator and may take any action authorized by law to insure compliance with or prevent further violation of the provisions of this ordinance. The Zoning Administrator may grant an extension of the time if he deems such extension justified in the circumstances of the case and such extension will not, in his opinion, cause substantial peril of life, health or property.

Section 4-7 Penalties: Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating or causing or permitting the violation of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10.00 nor more than \$1,000.00. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day the offense continues, or is permitted by such person, firm, or corporation and shall be punishable as herein provided.

Section 4-8 Fees and Charges: All fees and charges for zoning activities, including but not limited to, permit applications, inspections, certificates, reviews, variances, and appeals, shall be established from time to time by the Cheriton Town Council at its sole discretion.

ARTICLE 5 - AMENDMENTS AND APPEALS

Section 5-1 Amendments to the Zoning Ordinance: The Cheriton Town Council may, from time to time, after examination, review and public hearing herein, amend, supplement, modify, or repeal the provisions herein or subsequently established.

- A. Initiation of Amendments. Proposals for amending this ordinance may be initiated by resolution of the Town Council or by motion of the Planning Commission or by application of the owner, contract owner, or optionee of the subject property in the Town of Cheriton.
- B. Procedure for Amending. In order for the provisions of Section 7-1 to be interpreted relative to any given zoning map amendment, specific information is needed for the evaluation and testing of said zoning map amendment. Therefore, in keeping with ~~Title~~ Section 15.2-2286, of the Code of Virginia, the following information shall be submitted along with the standard petition for rezoning of land in the Town of Cheriton. However, such development plan or portions thereof need not be submitted where the Zoning Administrator has determined that such plan or portion thereof is not necessary to the adequate review of the rezoning application.
1. Two copies of an application on forms provided by the Town, completed and signed by the applicant.
 2. Two copies of a certified plat of the subject property with the boundaries outlined in red. The certified plat shall show:
 - a. Metes and bounds of all property lines, and bearings and distance of each zoning district.
 - b. Total area of property presented in square feet or acres.
 - c. Scale and north arrow.
 - d. Location of all existing buildings and structures.
 - e. Names and route numbers of all boundary roads or streets, and the width of existing right(s)-of-way.
 - f. Seal and signature of person preparing the plat.
 3. Two copies of a legal description of the property, including metes and bounds of each zoning district proposed.
 4. One copy of the current Town of Cheriton Zoning Map covering the area of the application, one inch equals 500 feet (1" = 500'), showing:
 - a. Boundaries of the subject property outlined in red.

- b. Major thoroughfare access to the property and any known plans for future widening as indicated in the adopted Comprehensive Plan or a plan prepared by the Virginia Department of Transportation.

If more than one Zoning Section Sheet is required to cover the subject property, such sheets shall be attached so as to create an intelligible map.

- 5. An application filed by an agent, contract purchaser or lessee shall include a written statement signed by the property owner indicating his endorsement of the application.
- 6. Three copies of a written statement of justification, dated and signed, and the following information:
 - a. Existing topography with a maximum contour interval of five feet.
 - b. A schematic land use plan, at the appropriate scale, showing the proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths; all proposed major open space areas; limits of clearing; the general location of all proposed community and public facilities and the generalized proposed plan for all water, sanitary waste facilities and drainage improvements.
 - c. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.
 - d. A statement explaining the relationship of the development to the adopted Comprehensive Plan of the Town.
 - e. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measure of screening in accordance with the provisions of Article 16, and dimensions of all peripheral yards that will be provided.
 - f. A statement setting forth the maximum height of all proposed buildings in the development, and the general location of all those buildings where the height is proposed to exceed 40 feet.
 - g. A statement or presentation setting forth the maximum number of dwelling units proposed, and the density and the open space calculations.
 - h. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

- i. A statement of those special amenities that are proposed within the development.
 - j. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.
 - k. A statement setting forth the proposed approximate development schedule.
 - l. Any additional information that the applicant may desire to proffer in the consideration of the application.
 - m. Where applicable, any other information as may be required by the provisions of Article 7.1.
7. An application fee as provided for in Section 4-8.
 8. A fiscal (cost/revenue) study of the impact on the town.
 9. Evidence of submitting necessary information to the staff of the State Water Control Board or State Health Department, as appropriate, regarding any sanitary outfall, package plant, lagoon system or mass drainfield.
 10. Any proffers which the applicant may wish to present to ease any detrimental impact on the Town. The application will not be judged complete by the Zoning Administrator until such information is received and deemed complete. Once deemed complete, the Administrator shall have 30 calendar days to review such information and prepare a staff report after which the required public hearing can be scheduled before the Planning Commission under applicable laws governing same.
 11. After notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, the Planning Commission shall consider the proposed amendment and submit a recommendation, along with plats and explanatory materials to the Town Council. If the Commission fails to submit a recommendation to the Town Council within 60 days of the first meeting of the Planning Commission after the proposed amendment has been referred to it, the Planning Commission shall be deemed to have recommended approval of the proposed amendment.
 12. The Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, and shall take action within 60 days from the date of the public hearing. The Town Council and the Planning Commission may hold a joint public hearing.
 13. After the public hearing, the Town Council may make appropriate changes or corrections in the proposed amendment provided that no additional land may be zoned to a different classification than was contained in the public notice required by Section 15.2-2204 of the Code of Virginia.

14. Each motion of intent to amend by the Town Council or Planning Commission shall state the public purpose therefore.

Section 5-2 Special Conditions: In addition to the regulations provided for the zoning districts by this ordinance, the Town Council may adopt, as part of an amendment to the zoning map, reasonable conditions when such conditions shall have been proffered in writing, in advance of the public hearing, by the owner of the property submitting the zoning map amendment. Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning ordinance, provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance (Code of Virginia, Section 15.2-2297.A).

Section 5-3 Reconsideration of Applications: A property owner or other petitioner to amend this ordinance may not submit substantially the same application for amendment within a period of 12 months from the date of the original denial by the Town Council.

Section 5-4 Appeals: Any persons or agency allegedly aggrieved by a decision, order, requirement, or determination of the Zoning Administrator in the administration or enforcement of this ordinance may appeal such decision to the Board of Zoning Appeals in accordance with the provisions of Article 6 hereof.

Any persons or agency allegedly aggrieved by a decision, order requirements, or determination of the Board of Zoning Appeals, the Town Council, the Zoning Administrator, or any other officers or department of the Town of Cheriton and/or Northampton County may appeal such decision to the Circuit Court of Northampton County, Virginia, in the manner prescribed by Virginia State Law.

Section 5-5 Withdrawal of Rezoning Petitions: A petitioner for rezoning may withdraw his petition from consideration prior to the Planning Commission or Town Council's action, if said Planning Commission or Town Council permit such withdrawal "Without Prejudice" and not be affected by Section 5-3 above.

ARTICLE 6 - BOARD OF ZONING APPEALS

Section 6-1 Composition of Board of Zoning Appeals: A Board of Zoning Appeals consisting of five members shall be appointed by the Circuit Court of Northampton County, Virginia. The term of office of the original members of the Board of Appeals shall be for five years except that the original appointments shall have been made for such terms so that the term of one member shall expire each year. One member of the Board of Zoning Appeals may be a member of the Planning Commission, however, no member shall hold any public office. Members of the Board of Zoning Appeals may receive such compensation as may be authorized by the Town Council.

Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term. A member whose term expires shall continue to serve until the successor is appointed and qualified. Members shall be removed for cause as provided in Section 15.2-2308 of the Code of Virginia.

Section 6-2 Procedures: The Board of Zoning Appeals shall follow the procedures as provided in Section 15.2-2308.

- A. The Board of Zoning Appeals shall adopt rules as it may deem necessary to carry out the duties imposed by this ordinance, such rules being in accordance with the provisions of this ordinance and other ordinances of the Town, County, and general laws of the State of Virginia.
- B. The Board of Zoning Appeals shall elect annually a Chairman and Vice-Chairman from its own membership. The Chairman may administer oaths and compel the attendance of witnesses. The Vice-Chairman shall act in the absence of the Chairman.
- C. The meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other time as a quorum of the Board of Appeals may determine.
- D. All meetings of the Board of Zoning Appeals shall be open to the public.
- E. The Board of Zoning Appeals shall keep a full public record of its proceedings, showing the vote or failure to vote of each member on each question.
- F. The concurring vote of a majority of the members shall be necessary to reverse any decision, order, requirement, or determination of an administrative official or to decide in favor of the application on any matter which comes before the Board of Zoning Appeals.
- G. Any member of the Board of Zoning Appeals shall be disqualified to act upon a matter before the Board of Zoning Appeals with respect to property in which the member has an interest.
- H. A quorum shall be at least three members.

Section 6-3 Powers and Duties: The powers and duties of the Board of Zoning Appeals shall be the following, as provided by Section 15.2-2309 of the Code of Virginia:

- A. Administrative Review. The Board of Zoning Appeals shall hear and decide appeals from any decision, order, requirement, or determination of any administrative official in the administration or enforcement of this ordinance.
- B. Appeals. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of The Town of Cheriton affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days after the decision appealed from and shall follow this procedure:
1. Applications specifying the grounds for appeal shall be filed with the Secretary of the Board of Zoning Appeals who shall refer the application to the Board of Zoning Appeals and to the Zoning Administrator.
 2. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the paper constituting the record upon which the action appealed from was taken.
 3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certification a stay would in his opinion cause imminent peril of life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Zoning Appeals or by a Court of Record, on application and notice to the Zoning Administrator and for good cause shown.
 4. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals or other matters referred to said Board. After notice and public hearing as required by Section 15.2-2204 of the Code of Virginia, the Board of Zoning Appeals shall decide the matter within 60 days from the date of such public hearing.
 5. Each application for an appeal shall be accompanied by payment of a fee to be determined by the Town Council to help defray the cost of publicizing and conducting the public hearing.
 6. In exercising its powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the decision, order, requirements, or determination of the Zoning Administrator and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a zoning clearance.
- C. Variances. The Board of Zoning Appeals may grant upon appeal or original application in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this ordinance shall be observed and substantial justice done. In authorizing a variance, the Board of Zoning Appeals may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that conditions imposed are being and will

continue to be complied with. No variance shall be granted until the Board of Zoning Appeals has held a public hearing and given public notice in accordance with Section 15.2-2204 of the Code of Virginia. No variance shall be granted until the Board of Zoning Appeals finds and is satisfied:

1. That the property owner acquired his property in faith but by reason of the exceptional narrowness, shallowness, size, or shape of the specific piece of property at the effective date of this ordinance; by reason of exceptional topographic conditions; or by reason of other extraordinary situations or conditions of such piece of property or of the use or development of property immediately adjacent thereto, the strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the use of the property or there exists a clearly demonstrated hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
 2. That the strict application of this ordinance would produce undue hardship.
 3. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 4. That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
 5. That the condition or the situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this ordinance.
- D. Interpretation of the Zoning District Boundaries. The Board of Zoning Appeals may hear and decide applications for interpretation of the district boundaries where there is any uncertainty as to the location of the district boundary. The Board of Zoning Appeals shall interpret the map in such ways as to carry out the intent and purpose of this ordinance for the particular district in question; however, it shall not have the power to change substantially the locations of district boundaries as established by ordinance.

Section 6-4 Appeals from the Board of Zoning Appeals: Any person or persons, taxpayer, officer, department, board, or bureau of the Town of Cheriton jointly or severally aggrieved by any decision of the Board of Zoning Appeals may present to the Circuit Court of Northampton a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

- A. Upon presentation of such petition, the court shall allow a “writ of certiorari” and shall prescribe therein the term within which a return thereto must be made and served upon the defense attorney, which may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice of the Board of Zoning Appeals, and due cause shown, grant a restraining order.

- B. While not required to return the original paper acted upon by it, the Board of Zoning Appeals may be required by such writ to return certified sworn copies thereof or of portions thereof. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision, appeals from, and shall be certified.
- C. If, upon hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall continue a part of the proceedings upon which the determination of the court shall be made.
- D. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

ARTICLE 7 - ZONING GUIDELINES AND CONDITIONAL ZONING

Section 7-1 Intent: In the process of considering the rezoning of land, it is the intent that in order to meet the test of reasonableness and the test of like land treated alike, the following factors shall be considered before zoning to a particular category:

- A. Character of the area.
- B. Land use and activities.
- C. Suitability for proposed use.
- D. Availability of public facilities.
- E. Compliance with Comprehensive Plan, land use, coastal management and environmental objectives.

Section 7-2 Supplemental Considerations and Regulations: Rapid development of employment, residential and commercial facilities in the Town of Cheriton and the resulting impact on existing public facilities, highways and other necessary public facilities and services and natural resources could exceed the Town's ability to provide for such facilities. Therefore, under authority of Section 5.2 of this ordinance and Section 15.2-2297 of the Code of Virginia, the Town Council may impose conditions, including reasonable employment limitations, to ease the effect of rezoning land on the general public and on the Town's natural resources.

Section 7-2.1 Conditions: In addition to the regulations herein provided for the respective zoning districts, the Town Council may adopt as a part of an amendment to the zoning map reasonable conditions provided that said conditions shall have been proffered in writing in advance to the public hearing on said amendment to the zoning map amendment, and provided that said conditions are accepted by the governing body as a condition to said amendment of the zoning map. Said accepted conditions shall be recorded in the records of the circuit court and run with the land until changed as a result of another rezoning approval or amended with the approval of the land owners and the Town Council (see Section 5-2).

Section 7-3 Conditional/Contractual Zoning - Procedure:

- A. Once a rezoning petition has been filed and accepted by the Zoning Administrator, it shall be reviewed in keeping with the guidelines as found in Section 7-1 herein by the Zoning Administrator. The Zoning Administrator shall prepare a report and recommendation for presentation to the Planning Commission, a copy of which shall be transmitted to the applicant.
- B. The Zoning Administrator's report, if found proper, shall indicate those conditions that are deemed necessary to ease the impact on the Town.
- C. The Planning Commission, at a duly conducted public hearing, shall consider the Zoning Administrator's recommendations and discuss same with the applicant. The Commission

shall forward their recommendations on the zoning petition to the Town Council for action.

- D. After the recommendation of the Commission is made and prior to the Town Council's public hearing on the petition, the petitioner shall proffer in writing his agreement or non-agreement with the recommended conditions. Said proffer shall be addressed to the Town Council.
- E. Once there is an agreement on the proffered conditions by the Town Council and the petitioner and the rezoning petition is approved with said proffered conditions, said proffers shall be recorded in the Clerk of the Circuit Court's office as a lien on said property involved in the rezoning petition and shall run with the land until removed by the Town Council as a result of an amendment to the original application or as a result of a subsequent rezoning petition.

ARTICLE 8 - "R-20" - RESIDENTIAL DISTRICT

Section 8-1 Intent: The R-20 district is intended to provide for suburban density residential development where such development presently exists or where the Town wishes to encourage such development, including infill development and affordable workforce housing. The district regulations are intended to protect the essential residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. Cluster development is encouraged to reduce infrastructure costs and to preserve open space, water resources, and wildlife habitat, and to provide for dedicated recreation areas including parks, trails, and bicycle paths. This area is represented as R-20 on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 8-2 Permitted Principal Uses and Structures: The following uses and structures shall be permitted as a matter of right in the "R-20" District, subject to the other requirements of this ordinance:

- A. Single-family dwellings, including summer homes or dwellings held for seasonal, recreational, or occasional use.
- B. Accessory uses and structures.
- C. Agriculture, including the growing of forest, fruit, field and vegetable crops, but excluding grain dryers, feeder lots, dairy barns, agricultural lagoons, poultry and hog houses, kennels and other structures or areas involving the concentrated handling or containment of animals or fowl.
- D. Conservation areas, including wildlife reservations and demonstration forests.
- E. Parks and Playgrounds.
- F. Signs, subject to the provisions of Article 15 hereof.
- G. Home occupations, as defined.
- H. Day care or nursery services for less than six children.
- I. Drainage, erosion and flood control structures and devices.
- J. Public Utilities: poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- K. Cluster Development, subject to Section 18-11 hereof.
- L. Churches.
- M. Condominiums, subject to Section 18-13

- N. Small Solar Energy Systems, as defined.
- O. Small Wind Energy Systems, as defined, on lots one acre or greater in area;

Section 8-3 Special Uses and Structures: The following principal uses and structures may be permitted as a special use in the R-20 District in accordance with the provisions of Section 4 hereof.

- A. Day Care Centers.
- B. Assisted Living, Rehabilitation and Group Homes or Centers.
- C. Public services and facilities such as firehouses, rescue stations, government offices, schools, and postal facilities.
- D. Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition.
- E. Manufactured Homes.
- F. Public Utilities: public water and sewer transmission mains, trunk lines and treatment facilities, including pumping stations, mass or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- G. Funeral homes.
- H. Rooming and Boarding Houses.
- I. Inns, General, and Bed and Breakfast.
- J. Accessory dwelling units, provided that all applicable Health Department regulations are met.
- K. Farm Stands.
- L. Country Clubs, golf courses, swim and tennis clubs.
- M. Small Wind Energy Systems, as defined, on lots less than one acre in area;

Section 8-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage. Lot coverage for R-20 District shall not exceed 40% of the area of the lot.
- B. Lot, Minimum Lot Size. Minimum lot size for permitted residential subdivision and dwellings shall be 20,000 square feet.

C. Lot Width. The minimum lot width shall be 80 feet at the building setback line.

D. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
1. Front yard from U.S. Rt. 13	100 ft.	100 ft.
2. Front yard from other accessways	60 ft.	60 ft.
3. Rear yard (standard & protected coves)	35 ft.	6 ft.
4. Side yard	15 ft.	6 ft.
5. Shoreline (exposed waterfront)	100 ft.	100 ft.

NOTE: 75 ft. shoreline setback applies to all subdivisions recorded prior to October 13, 1987.

E. Height, Maximum. The maximum height for dwellings shall be 35 feet (see Section 18-7). Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than five acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.

F. Corner Lots. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be 35 feet or more for both primary and accessory structures.

G. In cases where a home is to be built in an established residential area, the minimum setback of 60 feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

Section 8-5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 16 hereof.

ARTICLE 9 - "R-11" - RESIDENTIAL DISTRICT

Section 9-1 Intent: The R-11 district is intended to provide for town density residential development where such density exists or where the Town wishes to encourage such development, including infill development and affordable workforce housing. The district regulations are intended to protect the essential residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. It is the further intent that this district be served with public or central water and sewer systems. Cluster development is encouraged to reduce infrastructure costs, preserve open space and water resources, and to provide for dedicated recreation areas including parks, trails, and bicycle paths. This area is represented as R-11 on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 9-2 Permitted Principal Uses and Structures:

- A. Single-family dwellings.
- B. Public Utilities: poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- C. Home occupations, as defined.
- D. Day care or nursery services for less than six children.
- E. Churches, as defined.
- F. Signs as permitted under Article 15 hereof.
- G. Accessory uses and structures.
- H. Cluster development, subject to Section 18-11 hereof.
- I. Condominiums, subject to Section 18-13.
- J. Drainage, erosion and flood control structures.
- K. Parks and playgrounds.
- L. Small Solar Energy Systems, as defined.

Section 9-3 Special Uses and Structures:

- A. Day Care Centers and Nurseries.
- B. Public and private schools.
- C. Public Utilities: public water and sewer transmission mains or trunk lines and treatment facilities, including pumping stations, mass or community subsurface drainfields;

electrical power transmission and distribution substations and transmission pipelines and pumping stations, unmanned telephone exchange centers, microwave and radio transmission and relay towers and substations.

- D. Country clubs, golf courses, swim and tennis clubs.
- E. Duplex dwellings.
- F. Manufactured homes.
- G. Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition.
- H. Fire and Rescue stations.
- I. Funeral homes.
- J. Accessory dwelling units, provided that all applicable Health Department regulations are met.

Section 9-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage. Lot coverage for R-11 District shall not exceed 40% of the area of a lot.
- B. Minimum Lot Size. Minimum lot size for permitted residential subdivisions and dwellings shall be 11,000 square feet with public or central sewer and water system and 20,000 square feet with either a public or central water or sewer system, but not both.
- C. Lot Width. The minimum lot width shall be 60 feet at the building setback line, except corner lots which shall have a width of 85 feet.

D. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
1. Front yard from U.S. Route 13	100 ft.	100 ft.
2. Front yard from other accessways	25 ft.	25 ft.
3. Rear yard (standard & coves)	35 ft.	6 ft.
4. Side yard	10 ft.	6 ft.
5. Shoreline (exposed waterfront)	100 ft.	100 ft.

NOTE: 75 ft. shoreline setback applies to all subdivisions recorded prior to October 13, 1987.

- E. Height, Maximum. The maximum height for dwellings shall be 35 feet (see Section 18-7).
- F. Corner Lots. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be 35 feet or more for both primary and accessory structures.

- G. In cases where a home is to be built in an established residential area, the minimum setback of 25 feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

Section 9-5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 16, hereof.

ARTICLE 10 – “RM” - RESIDENTIAL-MIXED DISTRICT

Section 10-1 Intent: The RM district is intended to encourage and provide for variety and flexibility in land development for higher density residential purposes and uses ancillary thereto, including infill development and affordable workforce housing, that are necessary to meet those changes in technology and demands that will be consistent with the best interest of the Town of Cheriton. The district regulations are intended to protect the mixed residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. It is the further intent that this district be served with public or central water and sewer systems, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design and a better environment. Cluster development is encouraged to reduce infrastructure costs, preserve open space and water resources, and to provide for dedicated recreation areas including parks, trails, and bicycle paths. This area is represented as RM on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 10-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right in the “RM” district subject to other provisions of this ordinance.

- A. Accessory buildings.
- B. Churches.
- C. Parks and playgrounds.
- D. Public Utilities: poles, lines, transforming pipes, meters and related or similar facilities; water and sewage distribution lines.
- E. Single-family dwellings.
- F. Signs as permitted in Article 15 hereof.
- G. Home occupations as defined.
- H. Multi-family structures with four dwelling units per building.
- I. Drainage, erosion and flood control devices.
- J. Condominiums subject to Section 18-13.
- K. Duplex dwellings.
- L. Cluster development in keeping with the provisions of Section 18-11.
- M. Small Solar Energy Systems, as defined.

Section 10-3 Special Uses and Structures:

- A. Country clubs, swim and tennis clubs.
- B. Educational facilities, public and private.
- C. Libraries.
- D. Medical Clinics and Hospitals.
- E. Day Care, Nursery and Community Centers.
- F. Professional Offices.
- G. Public Utilities: Public or central water and sewer transmission mains or trunk lines and treatment facilities and pump stations, and mass or community subsurface drainfields; electrical power and transmission and distribution substations and transmission lines and towers; unmanned telephone exchange centers.
- H. Public office buildings and facilities owned or operated by local, state or federal governments.
- I. Fire and rescue stations.
- J. Nursing homes.
- K. Multi-family structures with more than four dwelling units per building.
- L. Accessory dwelling units, provided that all applicable Health Department regulations are met.

Section 10-4 Area and Lot Widths: All residential uses within the RM district shall have the following minimum lot area, minimum lot width at the building site, and minimum site development area:

A. Single-Family Structures

	<u>Minimum Lot Area Sq. Ft. / Unit</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Width For Corner Lots</u>	<u>Minimum Development Area (Sq. Ft)</u>
1. With public water and public sewage systems	11,000	60'	60'	0
2. With public water or sewage system but not both	15,000	70'	90'	0

3. With individual water and sewage systems	20,000	80'	100'	0
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B. Duplex Structures

	Minimum Lot Area <u>Sq. Ft. / Unit</u>	Minimum Lot <u>Width</u>	Minimum Lot Width <u>For Corner Lots</u>	Minimum Development Area (Sq. Ft)
1. With public water and public sewage systems	9,000	65'	90'	0
2. With public water or sewage system but not both	20,000	110'	135'	40,000
3. With individual water and sewage systems	25,000	110'	135'	50,000

C. Multi-Family Structures (Apartments)

	Minimum Lot Area <u>Sq. Ft. / Unit</u>	Minimum Lot <u>Width</u>	Minimum Lot Width <u>For Corner Lots</u>	Minimum Development Area (Sq. Ft)
1. With public water and public sewage systems	3,600	140'	170'	17,000
2. With public water or sewage system but not both	5,500	140'	170'	25,000
3. With individual water and sewage systems			----- Not Permitted -----	

Section 10-5 Minimum Yard (Setback) Requirements: All structures within the RM district shall have the following minimum yard and setback requirements.

A. Yard Adjacent to a Road or Street

SF/Duplex Multi-Family Other

1. Right of way 50' or greater

Setback Requirements (continued)

	<u>SF/Duplex</u>	<u>Multi-Family</u>	<u>Other</u>
along state secondary & private roads.	35'	45'	60'
2. Right of way 50' or less along state secondary & private roads.	50'	60'	75'
3. The right of way of U.S. 13.	100'	100'	100'
B. Minimum For Either Side Yard	12'	30'	20'
C. Minimum Rear Yard	35'	25'	35'
D. Minimum for all Primary and Accessory Structures	100'	100'	100'
E. Minimum setback for non-shoreline accessory structures is not required except no accessory structure shall be located in the required front setback or yard.			

*Note: 75 ft. shoreline setback applies to all subdivisions recorded prior to October 13, 1987.

Section 10-6 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 16, hereof.

Section 10-7 Maximum Height of Buildings: The maximum height of all structures shall be 40 feet (see Section 18-6 and 18-7).

ARTICLE 10.A – “A/R” - AGRICULTURAL/RESIDENTIAL DISTRICT

Section 10.A-1 Statement of Intent: It is the intent of the A/R district to provide appropriate locations for open farmland or wooded land. The regulations for this district are designed to keep the farmland for farming purposes as open land with a minimum of other development. The intent of the district is to restrict general farming activity only as far as it would cause health hazards or excessive annoyance to neighboring residential areas. Cluster development is encouraged to conserve farmland. This area is represented as A/R on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 10.A-2 Principal Permitted Uses and Structures: The following uses and structures shall be permitted by right subject to other provisions herein:

1. General farming, except for hog farming and poultry houses.
2. Forestry.
3. Farm Stands.
4. Single-Family Dwellings.
5. Dwelling, accessory, on lots with a minimum area of two acres. Accessory dwellings shall be 1) limited to one per lot and 2) permitted with an occupied main dwelling.
6. Manufactured Homes 19 feet or greater in width.
7. Churches.
8. Schools, Kindergarten, Nursery.
9. Public Utilities: poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
10. Animal Hospital and Veterinary Office.
11. Specialized Animal Raising.
12. Nurseries and Greenhouses.
13. Open Space Recreation, Playgrounds, Parks.
14. Cluster Development, subject to Section 18-11 hereof.
15. Small Solar Energy Systems.
16. Large Solar Energy Systems, as defined, on lots five acres or greater in area.

17. Small Wind Energy Systems, as defined, on lots greater than one acre in area.
18. Large Wind Energy Systems, as defined, on lots five acres or greater in area.

Section 10.A-3 Special Use: The following uses shall be permitted in the Agricultural/Residential District, A/R, subject to all other requirements of this ordinance, only upon obtaining a special use permit from the governing body.

1. Farm Markets.
2. Manufactured Housing less than 19 feet in width.
3. Migrant Farmworker Housing.
4. Inns, General, and Bed and Breakfast.
5. Communications Towers
6. Public Utilities: Public or central water and sewer transmission mains or trunk lines and treatment facilities and pump stations, and mass or community subsurface drainfields; electrical power and transmission and distribution substations and transmission lines and towers; unmanned telephone exchange centers.
7. Small Wind Energy Systems, as defined, on lots less than one acre in area.
8. Large Solar Energy Systems, as defined, on lots less than five acres in area.
9. Utility Scale Solar Energy Systems, as defined, on lots greater than five acres in area.
10. Utility Scale Wind Energy Systems, as defined, on lots greater than five acres in area.

Section 10.A-4 Area Regulations: The minimum lot area for a single-family dwelling, kindergarten, nursery, animal hospital or veterinary office shall be two acres. The minimum lot area for any other permitted use shall be unrestricted.

Section 10.A-5 Setback Regulations: All structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center of any street right-of-way less than 50 feet in width; however, no building need be set back more than the average of the setbacks of the two adjacent structures on either side. A vacant lot 50 feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the “setback line.” On corner lots, the structures shall be set back 35 feet from both streets.

Section 10.A-6 Frontage Regulations: For permitted uses the minimum lot width at the setback line shall be 100 feet.

Section 10.A-7 Yard Regulations: For permitted uses the minimum side yard shall be 15 feet.

Section 10.A-8 Height Regulations: Buildings may be erected to a height of 35 feet and two and one-half stories, except that:

1. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
2. Accessory buildings shall be limited to two stories in height and any accessory building over one story in height shall be at least 10 feet from any lot line.
3. Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than five acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.
4. Large wind energy system towers shall not exceed a height of 120 feet. Large wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.

Section 10.A-9 Access: Each building shall front on a dedicated public street or a 34-foot minimum width access easement.

ARTICLE 11 - "CN" - COMMERCIAL NEIGHBORHOOD DISTRICT

Section 11-1 Intent: The CN district is intended to provide for the location, expansion, and conduct of businesses which are pedestrian and neighborhood oriented and provide convenience goods and services to the downtown area, nearby neighborhoods, and surrounding rural areas. The CN district is intended to support downtown revitalization, promote adaptive reuse of existing buildings, and preserve historic character. The CN district is pedestrian and bicycle oriented and is characterized by medium truck and vehicle traffic. This area is represented as CN on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 11-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right:

- A. Accessory buildings.
- B. Professional and business offices.
- C. Banks and lending institutions.
- D. Fire and rescue stations.
- E. Parking garages and lots.
- F. Libraries.
- G. Clothes pressing and cleaning shops.
- H. Restaurants, enclosed.
- I. Signs as permitted under Article 15 herein.
- J. Retail service stores such as barbershops, beauty parlors, shoe repair shops, hand laundries, laundromats, establishments for receiving and distributing articles for laundering or cleaning, blue print, photocopy, and similar reproduction establishments and printing establishments.
- K. Stores for the retail sale, repair (or both) of household appliances, musical instruments, sporting goods, and furniture.
- L. Stores for the retail sales of antiques and crafts, automobile supplies, books, cigars, clothing and apparel of any kind, dry goods, drugs, garden supplies, gifts, electrical goods and supplies, food and food products of any kind including production of bakery goods for retail sale in the same establishment but not including the killing of poultry or any other livestock; furniture, household furnishings and decorator supplies, hardware, florist goods, luggage and leather goods, office supplies, optical goods, pets and pet supplies but not any veterinary services. Photographic equipment and supplies, variety goods, toys, jewelry, music, stationery, newsstands and similar retail establishments.

- M. Public Utilities: poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- N. Radio broadcasting and television stations and studios.
- O. Theater (indoor).
- P. Taxicab stands.
- Q. Virginia ABC Stores.
- R. Health spa centers.
- S. Educational institutions.
- T. Schools of special instruction.
- U. Day Care centers.
- V. Community centers.
- W. Drainage, erosion and flood control devices and structures.
- X. Residential apartments above stores.
- Y. Condominiums, subject to Section 18-13.
- Z. Sidewalk cafes, restaurants, and coffee shops.
- AA. Small Solar Energy Systems, as defined.
- BB. Small Wind Energy Systems, as defined, on lots one acre or greater in area.

Section 11-3 Special Uses and Structures:

- A. Automobile service stations and laundries.
- B. Bowling alleys, roller skating and ice skating rinks, billiard parlors and pool rooms, dance halls, miniature golf, and similar forms of public amusement.
- C. Shopping centers, neighborhood.
- D. Public Utilities: public water and sewer transmission mains, trunk lines and treatment facilities and pumping stations, and massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.

- E. Funeral parlors, homes.
- F. Craft industry.
- G. Inns, General, and Bed and Breakfast.
- H. Churches.
- I. Small Wind Energy Systems, as defined, on lots less than one acre in area.
- J. Large Solar Energy Systems, as defined.

Section 11-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage. Lot coverage in CN District shall not exceed 60% of the area of the lot.
- B. Minimum Lot Size. None required except as provided for in Article 18 herein.
- C. Minimum Lot Width. 100 feet.
- D. Yard Requirements:

	<u>Primary</u>	<u>Accessory</u>
1. Front yard		
Minimum setback	None	None
Maximum setback	20 ft.	20 ft.
3. Rear yard	None ¹	None ¹
4. Side yard	None ¹	None ¹

¹Except where a permitted use abuts a residential district where the requirement will be 25 feet for side yards and 35 feet for rear yards.

- E. Height, Maximum. All buildings: 35 feet, provided that a building may be erected to a maximum height of 45 feet if it is set back from the street and lot lines (not constituting district boundaries) in addition to each of the required minimum yard dimensions, a distance of not less than one foot for each one foot height that it exceeds the 35 foot limit (see also Section 18-7).
 - 1. Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than five acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.
 - 2. Large wind energy system towers shall not exceed a height of 120 feet. Large wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.

Section 11-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be located to the rear or side of the primary structure. Off-street parking and loading areas located to the side of the primary structure shall be set back ten (10) feet, and the resulting setback area shall be landscaped with grass, flowers, and shrubs to a height of four (4) feet. Off-street parking and loading areas are shall also be provided for in keeping with Article 16 herein.

ARTICLE 12 - "CG" - COMMERCIAL GENERAL DISTRICT

Section 12-1 Intent: It is the intent of the CG district to provide appropriate locations for a broad range of commercial activities which are characterized by heavy truck and vehicle traffic and occasional nuisance factors which are highway oriented. It is the intent of this district to accommodate commercial development while maintaining highway safety and capacity and preserving the Town's scenic and rural character. This area is represented as CG on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 12-2 Principal Permitted Uses and Structures: The following uses and structures shall be permitted by right, subject to other provisions herein:

- A. Retail stores and services, professional offices, banks and lending institutions, fire and rescue stations, libraries, restaurants, and residential apartments above stores.
- B. Automobile service stations.
- C. Bowling alleys, roller skating and ice skating rinks, billiard parlors and pool rooms, dance halls and similar forms of public amusement.
- D. Shopping centers: neighborhood, community and regional, subject to Article 18 and other provisions herein.
- E. Funeral homes.
- F. Ambulance services.
- G. Hotels and motels.
- H. Bakeries.
- I. Cabinet-making shops.
- J. Catering establishments.
- K. Retail nurseries and greenhouses.
- L. Contractors' home office facilities and storage yards, establishments for the installation and servicing of the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, tiling, ventilating; with all materials stored entirely in buildings enclosed on all sides or within walls or fences, supplemented by plantings, as may be prescribed by the Planning Commission.
- M. Frozen food lockers.
- N. Grain and feed supply stores.
- O. Machinery sales and services.

- P. Ice storage.
- Q. Monument works.
- R. Pressing and cleaning shops.
- S. Printing establishments and newspaper publishers.
- T. Retail sales of garden materials, supplies, hardware, and building material supplies and accessory uses. Display areas may be required to have screening as determined by the Planning Commission under site plan approval.
- U. Taxidermist shops.
- V. Upholstering establishments, furniture repair.
- W. Veterinary or dog or cat hospitals.
- X. Auctioneering establishments.
- Y. Automobile laundries.
- Z. Automobile parking garages, repair garages.
- AA. Automobile, truck, boat, motorcycle, trailer service and rentals; sales rooms entirely enclosed on all sides in connection with which there may be outdoor display of vehicles (a) on the same lot therewith; (b) incidental and accessory thereto; and (c) not including the display of any vehicle that is not in operating condition.
- BB. Farm equipment and machinery sales entirely enclosed on all sides in connection with which there may be an outdoor display of vehicles on the same lot as an incidental use, but not to exceed the area of the enclosed sales room.
- CC. Drive-in restaurants.
- DD. Theaters, enclosed.
- EE. Miniature golf and enclosed driving ranges.
- FF. Wholesale commercial establishments and warehouses; moving and storage establishments, packing and grading sheds.
- GG. Flea markets, wayside stands.
- HH. Signs, as permitted under Article 15 herein.
- II. Public Utilities: poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

- JJ. Drainage, erosion and flood control devices.
- KK. Mobile home and travel trailer sales and service.
- LL. Condominiums, subject to Section 18-13.
- MM. Educational institutions, public and private.
- NN. Small Solar Energy Systems, as defined.
- OO. Small Wind Energy Systems, as defined, on lots one acre or greater in area;
- PP. Large Solar Energy Systems, as defined, on lots five acres or greater in area.
- QQ. Large Wind Energy Systems, as defined, on lots five acres or greater in area.

Section 12-3 Special Uses and Structures: The following uses may be permitted by special use permit:

- A. Commercial sports arenas and stadiums.
- B. Public Utilities: public water and sewer transmission mains or trunk lines and treatment facilities and including pumping stations, massive or community subsurface drainfields; electrical power transmission lines and towers, oil and gas transmission lines and pumping stations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- C. Hospital medical centers and nursing homes.
- D. Convention centers.
- E. Soft drink bottling plants.
- F. Small Wind Energy Systems, as defined, on lots less than one acre or in area;
- G. Large Wind Energy Systems, as defined, on lots less than five acres in area.
- H. Large Solar Energy Systems, as defined, on lots less than five acres in area.

Section 12-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage. Lot coverage in CG District shall not exceed 60 percent of the area of the lot.
- B. Minimum Lot Size. None required except as required for in Article 18 herein.
- C. Minimum Lot Width. 100 feet.

D. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
1. Front yard from U.S. Route 13	100 ft.	100 ft.
2. Front yard from other roads	20 ft.	20 ft.
3. Rear yard	None ¹	None ¹
4. Side yard	None ¹	None ¹
5. Shoreline ²	100 ft.	100 ft.

¹Except where a permitted use abuts a residential district where the requirement will be 25 feet for side yards and 35 feet for rear yards.

²75 ft. shoreline setback applies to all subdivisions recorded prior to October 13, 1987.

E. Height, Maximum. All structures: 35 feet, provided that a building may be erected to a maximum height of 45 feet if it is set back from street and lot lines (not constituting district boundaries) in addition to each of the required minimum yard dimensions, a distance of not less than one foot for each one foot height that it exceeds the 35 foot limit (see Section 18-7).

1. Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than five acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.
2. Large wind energy system towers shall not exceed a height of 120 feet. Large wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.

Section 12-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided in keeping with Article 16 herein.

Section 12-6 Off-Street Parking and Loading Areas: In addition to the parking area landscape requirements in Article 16 herein, a landscaped buffer of grass, shrubs, and trees is required along the frontage of all public roads:

- | | |
|-----------------------|------------------------------|
| A. U.S. Route 13 | 20 ft. deep landscape buffer |
| B. Other public roads | 10 ft. deep landscape buffer |

ARTICLE 13 - "IL" - INDUSTRIAL LIMITED DISTRICT

Section 13-1 Intent: The purpose of the "IL" Industrial Limited District is to permit light industrial uses in locations served by major transportation facilities and in areas where employment centers close to residential concentrations will reduce traffic congestions and add to public convenience by moving places of work closer to places of residence. This area is represented as IL on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 13-2 Principal Permitted Uses and Structures:

- A. Research and technical manufacturing and the processing, fabrication, assembly and distribution of products such as computers, scientific instruments, communications and electronics equipment confined to "light industrial components or products."
- B. Laboratories; pharmaceutical and/or medical.
- C. Research and testing laboratories.
- D. Assembly of electrical appliances, radios, phonographs, televisions.
- E. Manufacturing of electrical components such as coils, condensers and transformers.
- F. Radio or television stations and transmitting devices.
- G. Contractor's equipment, storage yard or plant; or rental of equipment used by contractor.
- H. Distribution plants, parcel post, beverage and food.
- I. Automobile service stations, repair and servicing.
- J. The manufacture and assembly of mechanical devices, machines and parts such as toys, gauges, patterns, models, meters, novelties, wire products, blowers, fans, pumps, compressors, duplicators, vending machines, office machines and other light or small mechanical products.
- K. Building material sales yard.
- L. Feed and seed sales, distribution and storage yards.
- M. Farm implements, sales and service.
- N. Grain storage and distribution.
- O. Manufacture, processing, fabrication, assembly, distribution of products such as: artist supplies, drafting equipment, jewelry, silverware, musical instrument, watches, clocks, glass products made of purchased glass, surgical, medical and dental instruments and supplies, photographic equipment and supplies including processing and development plant and tool and die facilities.

- P. Temporary construction uses.
- Q. Public utilities: All necessary utilities to serve the needs of the public.
- R. Printing, lithographing or publishing establishments.
- S. Vocational, technical, and industrial and trade schools.
- T. Heavy equipment sales and service.
- U. Accessory uses and structures.
- V. Signs, as permitted under Article 15 hereof.
- W. Small Solar Energy Systems, as defined.
- X. Small Wind Energy Systems, as defined, on lots one acre or greater in area;
- Y. Large Solar Energy Systems, as defined, on lots five acres or greater in area.
- Z. Large Wind Energy Systems, as defined, on lots five acres or greater in area.

Section 13-3 Special Uses and Structures:

- A. Ethanol, gasohol or alcohol manufacturing.
- B. Airport, airstrip, helistop or heliport.
- C. Truck terminals, related repair and servicing.
- D. Moving business, including storage facilities.
- E. Assembly of modular building units.
- F. Geothermal heating facilities.
- G. Manufacture of pottery and figurines or other similar products using only previously pulverized clay and kilns fired only by electricity or gas.
- H. Coal loading and storage.
- I. Mass or community subsurface drainfields.
- J. Small Wind Energy Systems, as defined, on lots less than one acre or in area;
- K. Large Wind Energy Systems, as defined, on lots less than five acres in area.
- L. Large Solar Energy Systems, as defined, on lots less than five acres in area.

Section 13-4 Minimum Area, Lot Size, Lot Width, Setbacks, and Height Requirements:

- A. Minimum Area. Minimum area required for establishment of an IL District shall be five acres. There shall be no minimum area requirements for additions to established IL Districts, provided such area to be added adjoins and forms a logical addition to the existing IL District.
- B. Minimum Lot. One acre per use.
- C. Minimum Lot Width. 200 feet.
- D. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
1. From U.S. Route 13	200 ft.	200 ft.
2. From other access ways	75 ft.	75 ft.
3. Rear yard	50 ft.	25 ft.
4. Side yard	50 ft.	25 ft.
5. Shoreline*	100 ft.	None Required

*75 ft. shoreline setback applies to all subdivisions recorded prior to October 13, 1987.

- 6. Buffer areas along outer perimeter of zoning district:
 - a. “IL” District Abutting Agriculture District: 75-foot buffer area with 25 feet of semi-opaque screening or a reduction to a 50-foot buffer area with 50 feet of opaque screening except when the district abuts a Resource Protection Area as defined elsewhere in this ordinance.
 - b. “IL” District Abutting Residential District: 100-foot buffer area with 50 feet of semi-opaque screening or a reduction to a 75-foot buffer area with 50 feet of opaque screening except when the district abuts a Resource Protection Area as defined elsewhere in this ordinance.
 - c. “IL” District Abutting an Industrial or Commercial Zone: 25-foot buffer area with 10 feet of semi-opaque screening or a reduction to a 15-foot buffer area with 10 feet of opaque screening except when the district abuts a Resource Protection Area as defined elsewhere in this ordinance.
 - d. “IL” District with Frontage on U.S. Route 13 - Lankford Highway and Secondary Roads: 100-foot buffer area with 25 feet of semi-opaque screening or a reduction to a 75-foot buffer area with 50 feet of opaque screening except when the district abuts a Resource Protection Area as defined elsewhere in this ordinance.

- e. “IL” District Abutting a Rail Road: The Town Council may eliminate the buffer area to the extent necessary to provide transportation access to the Rail Road.
- E. Lot Coverage. Lot coverage in IL District shall not exceed 70 percent of the area of a lot.
- F. Maximum Height. Maximum height for all structures shall be 45 feet, provided that a building may be erected to a maximum height of 100 feet if it is set back from street and lot lines (not constituting district boundaries), in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the 35 foot limit (see Section 18).
 - 1. Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than five acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.
 - 2. Large wind energy system towers shall not exceed a height of 120 feet. Large wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.

Section 13-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided for in keeping with Article 16 herein.

ARTICLE 13.A – “IG” - INDUSTRIAL GENERAL DISTRICT

Section 13.A-1 Intent: The primary purpose of this district is to establish an area where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance and which are not properly associated with, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments. This area is represented as IG on the zoning map of the Town of Cheriton Zoning Ordinance.

Section 13.A-2 Permitted Principal Uses and Structures: All uses permitted by right and special use permit in the “IL” District plus the following:

1. Accessory uses and structures incidental.
2. Barrel, box or bag manufacturing.
3. Brewery or distillery operations.
4. Brick, tile or terra cotta manufacturing.
5. Coal, flour or grain elevators.
6. Monument works.
7. Asphalt or bituminous mixing plant.
8. Concrete or concrete products manufacturing.
9. Junkyards and automobile graveyards, screened-in, keeping with Section 18-12.
10. Machine shops, tool and die operations, blacksmithing.
11. Manufacture of building components.
12. Manufacture of heavy household, commercial and industrial appliances.
13. Manufacture, distribution and service of individual sewage disposal systems.
14. Manufacture and recycling of tires.
15. Metal fabrication and welding operations.
16. Mobile home manufacturing and distribution.
17. Cinder block manufacturing.
18. Recreational vehicle and components manufacturing.
19. Sawmills, planing mills, wood preserving operations, distribution, sales and wood yards.

20. Warehousing facilities.
21. Marine, truck and rail terminals.
22. Wholesale business.
23. Bulk storage of fertilizer and petroleum products and by-products.
24. Automobile, farm implements, or truck manufacture or assembly plant.
25. Metal foundry and heavy weight casting.
26. Boat building.
27. Bakeries and soft drink bottling plants.
28. Grain storage and distribution.
29. Fuel oil and gas distribution
30. Manufacturing, compounding, assembly or treatment of wood, cloth or fiber.
31. Public Utilities: poles, lines, transformers, pipes, meters and related or similar facilities; water and sewage distribution lines.
32. Signs as permitted under Article 15 herein.
33. Drainage, erosion and flood control devices and structures.
34. Coal loading and storage.
35. Small Solar Energy Systems, as defined.
36. Small Wind Energy Systems, as defined, on lots one acre or greater in area.
37. Large Solar Energy Systems, as defined, on lots five acres or greater in area.
38. Large Wind Energy Systems, as defined, on lots five acres or greater in area.

Section 13.A-3 Special Uses and Structures:

1. Food processing plants.
2. Food processing plants - freezing or canning.
3. Fish smoking, curing or canning.
4. Soap manufacturing.

5. Tannery or the curing and storage of raw hides.
6. Petroleum, gasoline, natural gas processing and manufacture.
7. Fertilizer manufacturing or processing.
8. Pulp, paper manufacture or processing.
9. Chemical, plastics manufacture or processing.
10. Cement, lime gypsum manufacture or processing.
11. Explosives manufacture or storage.
12. Drop-forge industries, manufacturing forging with power hammers.
13. Explosives manufacture or storage.
14. Acid manufacturing.
15. Paint, oil, shellac, turpentine, lacquer or varnish manufacture.
16. Manufacturing, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: lime, cellophane, canvas cloth, cork, feathers, flax, fur, hair, horn, leather, paper, plastic, stone, shell, straw, tobacco and paint.
17. Meat, poultry, fish and shellfish processing plants and facilities.
18. Geothermal heating facilities.
19. Oil refineries; alcohol, ethanol and gasohol processing.
20. Public utilities: public water and sewer transmission mains or trunk lines and treatment facilities including pumping stations and massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers; unmanned telephone exchange centers.
21. Hydroponics.
22. Aquaculture-fish production in tanks.
23. Aquaculture-fish production in ponds/lagoons.
24. Small Wind Energy Systems, as defined, on lots less than one acre or in area;
25. Large Wind Energy Systems, as defined, on lots less than five acres in area.
26. Large Solar Energy Systems, as defined, on lots less than five acres in area.

Section 13.A-4 Minimum Area, Lot Size, Lot Widths, Setbacks and Height Requirements:

- A. Minimum Area: None required.
- B. Minimum Lot Area: None required, except as provided for in Article 18 herein.
- C. Minimum Lot Width: 100 feet.
- D. Yard requirements, Minimum Setbacks:
- E. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
1. From access ways	75 ft.	75 ft.
2. Rear yard	50 ft.	25 ft.
3. Side yard	50 ft.	25 ft.
4. Shoreline	75 ft.	None Required

- 5. Buffer area along outer perimeter of zoning district:
 - 1. “IG” District Abutting Agriculture District: 75-foot buffer area with 25 feet of semi-opaque screening or a reduction to a 50-foot buffer area with 50 feet of opaque screening except when the district abuts a Resource Protection Area as defined in Section 14-4 herein.
 - 2. “IG” District Abutting Residential District: 100-foot buffer area with 50 feet of semi-opaque screening or a reduction to a 75-foot buffer area with 50 feet of opaque screening except when the district abuts a Resource Protection Area as defined in Section 14-4 herein.

- F. Maximum Height: Maximum height for all structures shall be 45 feet, provided that a building may be erected to a maximum height of 100 feet if it is set back from street and lot lines (not constituting district boundaries), in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the 45 foot limit. Radio, microwave towers and similar structures are exempt (see Section 18-7).
 - 1. Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than five acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.
 - 2. Large wind energy system towers shall not exceed a height of 120 feet. Large wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.

Section 13.A-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided for in keeping with Article 16 herein.

**ARTICLE 14 – “CB/AOPA” - CHESAPEAKE BAY/ATLANTIC OCEAN
PRESERVATION AREA OVERLAY DISTRICT**

Section 14-1 Title: This ordinance shall be known and referenced as the “Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District” of the Town of Cheriton.

Section 14-2 Findings of Fact: The Chesapeake Bay/Atlantic Ocean and its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the Town of Cheriton, Northampton County and the Commonwealth of Virginia. The health of the Bay and the Ocean is vital to maintaining the Town of Cheriton’s and Northampton County’s economies and the welfare of their citizens.

The Chesapeake Bay and Atlantic Ocean waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Cheriton Town Council as Chesapeake Bay/Atlantic Ocean Preservation Areas (hereinafter “CB/AOPAs”), need to be protected from destruction and damage in order to protect the quality of water in the Bay and Atlantic Ocean and consequently the quality of life in the Town of Cheriton, Northampton County and the Commonwealth of Virginia.

Section 14-3 Purpose and Intent:

- A. This article is enacted to implement the requirements of Section 10.1-2100 and Title 15.2, Chapter 22, of the Code of Virginia, 1950 as amended (The Chesapeake Bay Preservation Act) and amends the Cheriton Zoning Ordinance. The intent of the Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Cheriton.

- B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in other applicable ordinances shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

- C. This Article is enacted under the authority of Section 10.1-2100 (the Chesapeake Bay Preservation Act) and Section 15.2-2283, of the Code of Virginia. Section 15.2-2283 states that zoning ordinances may “also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in Section 62.1-255).”

Section 14-4 Areas of Applicability:

- A. The Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District shall apply to all lands identified as CB/AOPAs as designated by the Town Council and as shown on the Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District Map. Such map together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.
1. The Resource Protection Area (RPA) includes:
 - a. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
 - b. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in Subsection A.1.a., above, and along both sides of any tributary stream.
 2. The Resource Management Area (RMA) is composed of the following land categories: floodplains, highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the RPA; other lands necessary to protect the quality of state waters.
- B. The Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District Map shows the general location of CB/AOPAs and should be consulted by persons contemplating activities within the Town of Cheriton prior to engaging in a regulated activity.
- C. Areas designated as redevelopment areas shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section 14-10 (Performance Standards).

Section 14-5 Use Regulations: Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

Section 14-6 Lot Size: Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the RPA to accommodate an intended development, in accordance with the performance standards in Section 14-10, when such development is not otherwise allowed in the RPA.

Section 14-7 Required Conditions:

- A. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a Plan of Development process, including the approval of a site plan in accordance with the provisions of the Zoning Ordinance or a subdivision plat in accordance with the Subdivision Ordinance.
- B. Development in RPAs may be allowed only if it: (1) is water-dependent; or (2) constitutes redevelopment. A new or expanded water-dependent facility may be allowed provided that:
 - 1. It does not conflict with the Cheriton Comprehensive Plan;
 - 2. It complies with the performance criteria set forth in Section 14-10 of this Article;
 - 3. Any non-water-dependent component is located outside of RPAs;
 - 4. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.
- C. A water quality impact assessment shall be required for any proposed development or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section 14-11 of this Article.

Section 14-8 Conflict with other Regulations: In any case where the requirements of this Article conflict with any other provision of the Town of Cheriton Zoning Ordinance and other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

Section 14-9 Interpretation of Resource Protection Area Boundaries:

- A. Delineation by the Applicant. The site-specific boundaries of the RPA shall ordinarily be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with Article 17, Site Development Plan. The Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District Map shall be used as a guide to the general location of RPAs.
- B. Delineation by the Zoning Administrator. The Zoning Administrator, when requested by an applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Zoning Administrator may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.
- C. Where Conflict Arises Over Delineation. Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in

accordance with Article 17, Site Development Plan. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Article 17 and Article 6 of this ordinance.

Section 14-10 Performance Standards:

- A. Purpose and Intent. The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.

B. General Performance Standards for Development and Redevelopment:

1. Land disturbance shall be limited to the area necessary to provide for the desired use or development.
 - a. In accordance with an approved site plan, the limits of land disturbance including clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.
 - b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.
2. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.
 - a. Existing trees over six inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.
 - b. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality best management practices, and the installation of utilities, as approved by the Zoning Administrator.
 - c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment,

materials, debris, or fill shall not be allowed within the area protected by the barrier.

3. Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
 - a. Grid and modular pavements may be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Zoning Administrator.
 - b. Parking space size. See Article 16 of this Ordinance.
4. Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of Northampton County's Erosion and Sediment Control Ordinance.
5. All on-site sewage disposal systems not requiring an VPDES permit shall be pumped out at least once every five years, in accordance with the provisions of the Northampton County Health Code.
6. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the Northampton County Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.
7. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
 - a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay watershed (0.45 pounds of phosphorous per acre per year);
 - b. For isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:
 - (1) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;

- (2) Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
 - (3) If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.
 - c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution can be substituted for the existing development loadings.
 - 8. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section 14-11, of this Article.
 - 9. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District.
- C. Buffer Area Requirements. To minimize the adverse effects of human activities on the other components of RPAs, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the RPA, in accordance with Section 14-4, Areas of Applicability, and Article 17, Site Development Plan.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full 100-foot buffer area may be employed in lieu of the 100-foot buffer if approved by the Zoning Administrator after consideration of the water quality impact assessment, in accordance with Section 14-11 of this Article.

The buffer area shall be maintained to meet the following additional performance standards:

1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:
 - a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
 - b. Any path shall be constructed and surfaced so as to effectively control erosion.
 - c. Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the best available technical information.
 - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
2. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may modify the width of the buffer area in accordance with Article 17, Site Development Plan, and the following criteria:
 - a. Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - b. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
 - c. In no case shall the reduced portion of the buffer area be less than 50 feet in width.
3. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:

- a. To a minimum width of 50 feet when the adjacent land is implementing a federal, state, or locally-funded agricultural best management practices program, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area;
- b. To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the local Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Article
- c. The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District.

Section 14-11 Water Quality Impact Assessment:

- A. Purpose and Intent. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within RPAs and other environmentally sensitive lands; ensure that, where development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and specify mitigation which will address water quality protection.
- B. Water Quality Impact Assessment Required. A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, is required for:
 1. Any proposed development or redevelopment within an RPA, including any buffer area modification or reduction as provided for in Section 14-10.C of this Article.
 2. Any proposed development or redevelopment within an RMA. The Administrator may waive this requirement when it is apparent that the unique characteristics of the site (such as the topography, soils, groundcover, location of wetlands and tidal shores) will prevent the proposed development from causing a degradation of water quality.
- C. Contents of a Water Quality Impact Assessment. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The information required in this section shall be considered a minimum; the Administrator

may determine that additional information is necessary due to the nature and scope of the proposed use and development of land. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:

1. Location of the components of the RPA, including the 100-foot RPA buffer.
2. Location and nature of any proposed encroachments into the RPA buffer area including the type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
3. Type and location of proposed stormwater management facilities and best management practices necessary to comply with performance standards for stormwater management contained in Section 14-10.
4. Calculation of pre- and post-development pollutant loading in accordance with Section 14-10.B(7).
5. Identification and status of any required wetlands permits from federal, state or local agencies.
6. An erosion and sediment control plan in accordance with the requirements of Northampton County's Erosion and Sediment Control Ordinance.
7. A narrative describing the site; the impacts of the proposed development on topography, soils, hydrology and geology; and the measures taken to mitigate nonpoint source pollution.

D. Evaluation Procedure.

1. Upon the completed review of a water quality impact assessment, the Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the purpose and intent of this Article or if the proposed development is consistent with the purpose and intent of this Article. The Administrator will make a finding based on the following criteria in conjunction with Article 17:
 - a. The necessity of the proposed encroachment into the buffer area and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - b. Within any RPA, the proposed development is water-dependent;
 - c. The disturbance of wetlands will be minimized;
 - d. Impervious surface is minimized;

- e. The development, as proposed, meets the purpose and intent of this Article;
- f. Proposed erosion and sediment control devices are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
- g. Proposed stormwater management facilities and practices are adequate to control the stormwater runoff to achieve the required standard for pollutant control;
- h. The development will not result in unnecessary destruction of plant materials on site;
 - 1. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
 - 2. The Administrator may request review of the water quality impact assessment by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by CBLAD will be considered by the Planning Commission provided that such comments are provided by CBLAD within 30 days of the request.

Section 14-12 Exemptions:

- A. Exemptions for Utilities, Railroads, and Public Roads.
 - 1. Construction, installation, operation, and maintenance of electric, gas, and telephone transmission lines, railroads, and public roads and their appurtenant structures, including sidewalks and lighting, in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements will be exempt from the Overlay District requirements. The exemption of public roads is further conditioned on the following:
 - a. Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize (i) encroachment in the RPA and (ii) adverse effects on water quality;
 - b. Public roads as defined in Article 2 of this Ordinance are exempt from Overlay District requirements.

2. Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the Overlay District provided that:
 - a. To the degree possible, the location of such utilities and facilities shall be outside RPAs;
 - b. No more land shall be disturbed than is necessary to provide for the desired utility installation;
 - c. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
 - d. Any land disturbance exceeding an area of 2,500 square feet complies with all Northampton County Erosion and Sediment Control Ordinance requirements.

B. Exemptions for Silvicultural Activities.

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its “Best Management Practices Handbook for Forestry Operations.”

The following land disturbances in RPAs may be exempted from the Overlay District: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

1. Any required permits, except those to which this exemption specifically applies, shall have been issued;
2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
3. The intended use does not conflict with nearby planned or approved uses; and
4. Any land disturbance exceeding 2,500 square feet shall comply with all Northampton County Erosion and Sediment Control Ordinance requirements.

Section 14-13 Exceptions:

- A. A request for an exception/variance to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed

exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of Section 14-11.

- B. The Zoning Administrator shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Zoning Administrator finds:
1. Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;
 2. The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
 3. The exception request is the minimum necessary to afford relief;
 4. The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
 5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
- C. If the Zoning Administrator cannot make the required findings or refuses to grant the exception, the Zoning Administrator shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance as provided in Article 6 of this Ordinance.
- D. The Board of Zoning Appeals shall consider the water quality impact assessment and the findings and rationale of the Zoning Administrator in determining harmony with the intended spirit and purpose of this Article and the guidelines for considering variances as established in Article 6 of this Ordinance.

ARTICLE 15-SIGNS

A. General Provisions: The purpose of this Article is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the Town, to facilitate the creation of a convenient, attractive and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the stated purpose and intent of this Ordinance.

1. Signs As An Accessory Use: Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory use to the principal use.

2. Permit Required:

- a. For the purpose of this Ordinance, all signs, to include those set forth in Section 4 below, are deemed to be accessory uses as defined in Section A. 4. below and, unless specifically qualified, shall be located on the same lot with the principal use.
- b. In keeping with the purpose and intent of this Article, all signs shall be regulated in accordance with the provisions that follow and in accordance with the provisions of the zoning district in which the sign is to be located.
- c. No sign, except for those signs listed in Section 3 below, shall be constructed, erected, relocated, or expanded until a sign permit for such sign has been obtained in accordance with the provisions of this Article.
- d. No permit for any sign shall be issued unless the sign complies with the regulations contained herein.

3. Permit Not Required:

a. **Replaceable Copy and Maintenance Requiring No Permit:** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

(1) The changing of the advertised copy or message on an approved painted or printed sign or billboard or a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

(2) Painting, repainting, cleaning and other normal maintenance and repair of an approved sign or sign structure, unless a structural alteration is made.

b. **Permanent Signs Requiring No Permit:** No Town of Cheriton sign permit shall be required for any of the following signs; however, all other applicable regulations of the Town of Cheriton Zoning Ordinance and the

Uniform Statewide Building Code, to which the Town of Cheriton adheres, shall apply to such signs.

(1) Signs of a constituted governmental body, including traffic signs and signals or similar regulatory devices or warnings at railroad crossings. Such signs may be located off-site.

(2) Memorial tablets or signs, and historic markers erected by duly constituted and authorized public authorities. Such signs may be located off-site.

(3) Signs required to be maintained by law or governmental order, rule or regulation, with a total area of all such signs not to exceed twelve (12) square feet on any lot or parcel.

(4) Signs erected by a public agency which identify or give direction to public uses. Such signs may be freestanding or building-mounted and may be located off-site. If freestanding, no such sign shall exceed six (6) feet in height.

(5) Flags of the United States, the Commonwealth of Virginia, Northampton County, other countries and states, the United Nations Organization or similar organizations of which this nation is a member, the President or Vice-President of the United States, religious groups, civic organizations, service clubs, and designer or seasonal.

(6) Small signs which post or display address numbers as may be required by the County. In addition, small signs which identify the name and/or address of the occupant of a single-family dwelling unit. Such additional signs shall be limited to one (1) per dwelling unit, shall not exceed four (4) square feet in area, may be either building-mounted or freestanding, and if freestanding shall not exceed four (4) feet in height or be located closer than three (3) feet to any lot line.

(7) Small signs displayed on site for the direction or convenience of the public, such as signs which direct traffic or identify the location of restrooms, public telephones, freight entrances or parking areas. No such sign shall exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.

(8) Small signs placed by a public utility showing the location of underground facilities. No such sign shall exceed two (2) square feet in area.

(9) Seasonal display and decorations, for events such as religious holidays and the Fourth of July, not advertising a product, service or entertainment.

(10) Signs warning the public against hunting, fishing, trespassing, dangerous animals, swimming or the like. Such signs may be freestanding or attached to a fence or tree, and such shall not exceed four (4) square feet in area. Such signs shall be posted at approximate eye level, and shall not be located closer than five (5) feet to any street line.

(11) Signs accessory to an agricultural use located on a parcel of not less than twenty (20) acres for the purpose of identifying such agricultural uses. No such sign shall exceed sixteen (16) square feet in area, six (6) feet in height or be located closer than ten (10) feet to any public right of way. One such sign may be placed at each entrance, not to exceed two such signs per farm.

(12) Signs erected by a public agency for the purpose of identifying a geographical area or giving directions and distances to commercial districts in which are located the following types of commercial facilities: restaurants, motels and establishments for the servicing of motor vehicles. Such signs may be located off-site.

(13) Small signs, above grade, which identify parking for the handicapped as required by the provisions of the Virginia Uniform Statewide Building Code. No such sign shall exceed one and one-half (1 1/2) square feet in area.

(14) Signs posted by a service station identifying the hours of operation of the establishment and gasoline prices. Such signs shall be limited to a maximum of two (2) per establishment and no such sign shall exceed sixteen (16) square feet in area.

(15) Signs which denote religious, charitable, fraternal, military or service organizations located within the Town. Such signs may be freestanding and may be located off-site, provided, however, that no one (1) individually chartered organization may have more than two (2) such signs. A sign denoting a single chartered organization shall not exceed eight (8) square feet in area or six (6) feet in height. A number of such signs may be placed on one structure, provided, however, the area of each individual sign does not exceed forty (40) square feet in area or eight (8) feet in height.

(16) Signs posted by a service station for the purpose of identifying such station as being authorized to perform State safety and/or emission control inspections. Such signs shall not exceed ten (10) square feet in area and may be either building-mounted or attached to an existing authorized freestanding sign structure. If attached to an authorized freestanding sign structure, such signs shall not exceed the height of the existing sign.

- c. **Temporary Signs Requiring No Permit:** No permit shall be required for any of the following temporary and/or seasonal signs; however, a zoning

clearance and compliance with all other applicable regulations of the Zoning Ordinance and those set forth in the Virginia Uniform Statewide Building Code and Chapter 7 of Title 33.1 of the Code of Virginia shall be required for all such signs except official public notices.

(1) Official notices or advertisements posted by or under the direction of any public or court officer in the performance of his official duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments; provided, however, that all such signs shall be removed not later than ten (10) days after the last day of the period for which the same are required to be displayed in order to accomplish their purpose.

(2) Political campaign signs erected on election day at officially designated polling places for a period not to exceed twenty-four (24) hours.

(3) Real estate signs advertising the sale, rental or lease of a premises or part of the premises on which the signs are displayed. Such signs shall not exceed a total area of four (4) square feet or a maximum height of six (6) feet when advertising a single family detached, attached or multiple family dwelling unit or a parcel of land; a total area of twelve (12) square feet or a maximum height of eight (8) feet when advertising a farm, multiple family dwelling development; a total area of thirty-two (32) square feet or a maximum height of eight (8) feet when advertising a commercial or industrial property or a residential property containing a minimum of twenty (20) acres. Such signs shall not exceed one (1) in number per property per rental agency. Such signs shall be removed within seven (7) days of the settlement, rental or lease.

(4) Freestanding, off-site directional sign(s) providing information as to the location of private garage or yard sales or real estate that is for sale or for rent. Such signs shall be subject to the following conditions:

- (a) No such sign shall exceed three (3) square feet in area or four (4) feet in height.
- (b) Such signs shall not exceed five (5) in number per property or yard sale being advertised, provided that no two (2) signs advertising the same property and located beside the right-of-way of any one street shall be located closer than five hundred (500) yards from each other.
- (c) Signs giving direction to a private garage or yard sale shall not be posted more than two (2) weekends or legal holidays in any one calendar year.
- (d) All such signs shall be permitted only if, and in only those locations, approved by the Virginia Department of Transportation.

- (e) Nothing in this provision shall be construed to authorize the posting of such signs upon utility poles, traffic control signs, lights or devices or in any place or manner prohibited by the provisions of this Article.

(5) Temporary signs advertising a residential subdivision development. Such sign shall be limited to one (1) in number, may be freestanding or building-mounted and shall be limited to a maximum area of sixty (60) square feet, and if freestanding, a maximum height of ten (10) feet.

- (a) Temporary construction signs which identify the name of the proposed development, the character of the building(s), enterprise(s), or the purpose for which the building(s) is intended. Such signs may, as a secondary use which is clearly subordinate to the identification of the proposed development, identify the architects, engineers, contractors, realtors and other individuals or firms involved with the construction but shall not include any advertisement of any product. Such sign(s), not to exceed one (1) per street frontage, may be freestanding or building-mounted and shall be limited to a maximum area of thirty-two (32) square feet, and if freestanding, a maximum height of eight (8) feet. No such sign shall be located closer than ten (10) feet to any lot line.

- (b) The sign(s) shall be located on the site of the construction or residential subdivision development and shall be removed within fourteen (14) days following completion of construction. No such sign(s) shall be displayed for a period in excess of two (2) years except, if construction has not been completed, a sign permit may be obtained for an additional period as may be approved by the Zoning Administrator.

(6) Temporary signs announcing such happenings as “Grand Opening”, “Under New Management,” or “Going Out of Business.” In addition, bunting, banners, pennants and other decorative material shall be securely attached to the building; and shall not exceed twice the allowable building-mounted sign area for the use which it identifies. Such signs may be either freestanding or building-mounted and shall be subject to the following conditions:

- (a) A maximum of twenty (20) square feet in area;
- (b) If freestanding, not to exceed eight (8) feet in height or located closer than ten (10) feet to any lot line;
- (c) For a period not to exceed thirty (30) days;
- (d) On a given property, such temporary sign may be displayed only one (1) time by the same proprietor in a twelve (12) month period.

(7) Temporary signs identifying a temporary farmer’s market or wayside stand as may be approved under the provisions of this Ordinance. Such signs may be

freestanding or building-mounted; shall not exceed one (1) in number per use; shall not exceed thirty-two (32) square feet in area; and shall not exceed eight (8) feet in height.

(8) Temporary signs identifying an open-air produce stand as may be approved under the provisions of this Ordinance. Such signs may be freestanding or building-mounted; shall not exceed one (1) in number per use; shall not exceed thirty-two (32) square feet in area and, if freestanding, exceed eight (8) feet in height.

(9) Temporary signs advertising the sale of seasonal products such as Christmas trees, pumpkins, and fireworks as may be approved under the provisions of this Ordinance. Such signs may be either freestanding or building-mounted, and the total area of all such signs shall not exceed thirty-two (32) square feet. If freestanding, such signs shall not exceed eight (8) feet in height or be located closer than ten (10) feet to any lot line. Such signs shall not be posted for a period that exceeds twenty-one (21) days.

(10) Temporary political campaign signs may be permitted off-site in any district, provided that all signs shall be removed within fifteen (15) days after the nomination, election or referendum, according to state law.

4. Prohibited Signs: The following signs are prohibited in all zoning districts and in all areas of the Town. Where applicable, these prohibitions shall apply to those signs permitted by the provisions of paragraph 3 above.

- a. Any portable sign except such signs that are permitted by the provisions of paragraph 3 above.
- b. Any sign that violates any provision of any law or regulation of the Commonwealth of Virginia or the United States relative to outdoor advertising.
- c. Any sign that violates any provision of the Virginia Uniform Statewide Building Code.
- d. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.
- e. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, or moving copy, or moving images, when the sign is determined by the Zoning Administrator to constitute a public safety or traffic hazard.
- f. Any sign so placed that it obstructs any window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to, or egress from any building.

- g. Any sign that is attached to a tree, whether on public or private property, except official notices or announcements as provided in Paragraph (1) of Section A.3.c. above.
- h. Any sign that is attached to a utility pole, rock, curbstone, sidewalk, hydrant, bridge, highway marker or other sign on public property, except official notices or announcements as provided in Paragraph (1) of Section A.3.c. above, and warning signs as provided in Paragraph (10) of Section A.3.b. above.
- i. Any sign which by reason of its location, position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device erected by a public authority or where it may interfere with, mislead or confuse traffic. To those ends, no sign shall use the words "Stop", "Slow", "Caution", "Yield", "Danger", "Warning", or "Go" when such sign may be confused with a traffic control sign used or displayed by a public authority.
- j. Any sign which would obstruct sight lines for drivers.
- k. Any sign that projects beyond a lot line.
- l. Any sign that overhangs and has a minimum clearance less than ten (10) feet above a walkway or fifteen (15) feet above a driveway, alley or travel lane, unless a lower clearance is specifically approved by the Zoning Administrator.

5. Structural Requirements and Performance Standards: No sign shall be erected unless it complies with the structural requirements as specified in the Virginia Uniform Statewide Building Code.

6. Maintenance and Removal:

- a. All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- b. The Zoning Administrator may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.
- c. Any sign located on property which becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. An abandoned sign shall be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may initiate such action as may be necessary to gain compliance with the provisions of this Article.

7. Outdoor Advertising Signs Constitute Separate Uses: Outdoor advertising signs, commonly referred to as billboards or poster panels, which advertise products or businesses not connected with the site or building on which they are located, are deemed by this Ordinance to constitute a separate use. The widespread display of outdoor advertising is inconsistent with the character of a rural area and with sound development of the Town of Cheriton and Northampton County. Such signs shall be allowed only as follows:

- a. Outdoor advertising signs shall be located only in Commercial, Manufacturing/Industrial, or Agriculture Districts and in addition:
 - (1) No such sign shall be located within two hundred (200) feet of any R district.
 - (2) No such sign shall be located within ten (10) feet of the nearest right-of-way of any public highway.
 - (3) No two (2) such signs shall be located closer than fifteen hundred (1,500) feet from each other on the same side of a public right-of-way.
- b. Outdoor advertising signs shall be located so as to be primarily visible from the public right-of-way.
- c. The maximum height of an outdoor advertising sign shall be twenty (20) feet or twenty (20) feet above the centerline elevation of the street to which it is adjacent at the nearest point, whichever is greater.
- d. Outdoor advertising signs may be single-face or double-face, but no structure may contain more than two (2) faces. No face shall exceed a total area of one hundred sixty (160) square feet.

8. Nonconforming Signs:

- a. Signs lawfully existing on the effective date of this Ordinance or prior ordinances, which do not conform to the provisions of this Ordinance, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. Such signs shall not be enlarged, extended or structurally reconstructed or altered in any manner; except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- b. Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming sign; provided, however, that no nonconforming sign which has been declared by the Zoning Administrator to be unsafe because of its physical condition, as provided for in Section A.6. b. above, shall be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this Article.

- c. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform to the provisions of this Article.
- d. If a nonconforming sign is removed, the subsequent erection of a sign shall be in accordance with the provisions of this Article.
- e. A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) per cent of its appraised value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) per cent of its appraised value, it shall not be reconstructed except for a sign which would be in accordance with the provisions of this Article.
- f. A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this Article.
- g. A nonconforming sign shall be subject to the removal provisions of Paragraph c. of Section 6 above. In addition, a nonconforming sign shall be removed if the structure to which it is accessory is demolished or destroyed to an extent exceeding fifty (50) per cent of its appraised value.
- h. The ownership of the sign or the property on which the sign is located shall not, in and of itself, affect the status of a nonconforming sign.

B. Types of Signs Permitted by Zoning District:

- 1. Only the following signs shall be permitted in the R-20, R-11, RM, A/R, CN, CG, IL, and IG Districts subject to general regulations found in Section A of this Article.
 - a. Farm or Farm Business Sign: No more than two (2) such signs on any one premises aggregate area not to exceed thirty (30) square feet, except that in the A Districts, the following signs may be allowed:
 - (1) Farm or Farm Business Sign: No more than one (1) free-standing sign and no more than three (3) projecting signs on any one lot or premises, with an aggregate area not to exceed thirty (30) square feet. For wall signs, the aggregate area is not to exceed fifty (50) square feet, and no portion of any such sign shall be greater in height than thirty (30) feet from ground level or the eave line of the roof of the main building located on the premises upon which such sign is erected.
 - (2) Farm Directional Sign: No more than four (4) such signs shall have on them the same name. The maximum size of each sign is four (4) square feet.

- (3) Farm Identification Sign: No more than two (2) on any lot or premises. The maximum size of each sign is four (4) square feet.
- b. Home Occupation Sign: One sign not exceeding two (2) square feet in area, not illuminated for the purpose of indicating a home occupation which is permitted under this Ordinance.
 - c. Identification Signs: One sign on site not exceeding twenty (20) square feet in area, for the purpose of showing the name and use of a country club, cemetery, convent, monastery, seminary, children's home, orphanage, fraternal organization, hospital, church (or other similar establishments, when such use is permitted).
 - d. Subdivision Sign: No more than two signs at any one entrance to a subdivision from a road. Aggregate area of such signs at each entrance shall not exceed fifty (50) square feet.
 - e. Temporary Event Sign: Such sign shall be in keeping with Section A of this Article.
 - f. Public, Political and Posting Signs: Such signs shall be in keeping with Section A of this Article.
 - g. Outdoor Advertising Signs: Such signs shall only be permitted in the Agricultural Districts and shall be in keeping with Section A of this Article.
 - h. Signs Displaying Flashing or Intermittent Moving Copy or Images: Such signs displaying flashing or intermittent lights, or lights with changing degrees of intensity of color, or moving copy, or moving images, shall only be permitted in the Commercial General District by Special Use Permit and shall be in keeping with Section A of this Article.
 - i. Directional Signs: In keeping with Section A of this Article.
 - j. Sale or Rental Sign: Such signs shall be in keeping with Section A of this Article.
 - k. Contractor's Signs: One contractor's sign not exceeding twelve (12) square feet, provided that such sign shall be removed upon completion of work. Height limitation is ten (10) feet above the ground.

C. Sign Regulations by Use and District: The following regulations shall apply to all signs which require a sign permit by the provisions of this Article. The regulations are based on the zoning district in which the use and accessory sign are located, the use itself, and the location of the use.

- 1. Residential, Single Family Uses: The following regulations shall apply to all signs which are accessory to single family residential uses, including single family detached,

single family attached, manufactured home, and mobile home dwellings as permitted by special use permit.

- a. Unless otherwise qualified, permitted signs may be located anywhere on the lot of the use to which the sign is accessory.
- b. Building-mounted signs may be permitted provided that such signs shall be flush against the building and shall not exceed a height often (10) feet above grade.
- c. Freestanding signs which identify the name of a single-family residential subdivision or development shall be permitted at each major entrance thereto. Such signs shall not exceed sixty (60) square feet in area or eight (8) feet in height. More than one (1) sign may be placed at each major entrance; however, the aggregate area of all such signs shall not exceed sixty (60) square feet at each entrance.

2. Residential, Multiple Family Uses: The following regulations shall apply to all signs which are accessory to multiple family residential uses:

- a. Unless otherwise qualified, permitted signs may be located anywhere on the lot of the use to which the sign is accessory.
- b. Building-mounted signs identifying the name of the building and the address shall be permitted. Such signs shall be flush against the building and shall not exceed twelve (12) square feet in area per building nor be located at a height exceeding thirty (30) feet above grade.
- c. Illumination, if used, shall shine only on the sign or upon the property within the premises and shall not spill over the property line in any direction except by indirect reflection.
- d. Freestanding signs which identify the name of a multiple-family development shall be permitted at each major entrance thereto. Such signs shall not exceed sixty (60) square feet in area or eight (8) feet in height. More than one (1) sign may be placed at each major entrance; however, the aggregate area of all such signs shall not exceed sixty (60) square feet at each entrance.
- e. In addition to the signs permitted above, each multiple family development shall be permitted one (1) sign identifying a rental office. Such sign shall not exceed four (4) square feet in area, may be either building-mounted or freestanding, and if freestanding shall not exceed four (4) feet in height or be located closer than five (5) feet to any lot line.

3. Commercial Uses - General: The following regulations shall apply to all signs which are accessory to by-right and special permit commercial uses. The regulations of this section are supplemented by the provisions set forth in Sections 4, 5, and 6 below.

- a. Building-mounted signs may be located anywhere on the surface of the walls or roof of the building, but no part of any sign shall extend above or beyond the perimeter of the building's wall, parapet wall, or roof, except as permitted by Paragraph b. below.
- b. A building-mounted sign may extend beyond the wall of a building when such sign is erected at a right angle to the wall, does not extend into the minimum required yard, and is not located closer than two (2) feet to any street line.
- c. Signs may be located on the vertical face of a marquee, but no part of the sign shall extend above or below the vertical face. The bottom of a marquee sign shall be no less than ten (10) feet above a walkway or grade, at any point.
- d. Unless further restricted by the provisions that follow, no freestanding sign shall exceed a height twenty (20) feet.
- e. Freestanding signs, where permitted, shall in no instance project beyond any property line or be within five (5) feet of the curb line of a service drive, travel lane or adjoining street. When located on a corner lot, a freestanding sign shall be subject to approval by the Virginia Department of Transportation.
- f. Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services or the entertainment available on the same property where the sign is located, except that political signs are permitted.
- g. Building-mounted signs on buildings housing only one (1) tenant or multiple tenants that access the building via a common outside entrance(s) shall not exceed one and one-half (1 1/2) square feet of sign area for each of the first 100 linear feet of building frontage plus one (1) square foot of sign area for each linear foot over one hundred (100) linear feet of building frontage. No one sign, however, shall have a sign area in excess of three hundred (300) square feet.
- h. Building-mounted signs on buildings housing more than one (1) tenant where each tenant has its own outside entrance(s) shall not exceed one and one-half (1 1/2) square feet of sign area for each linear foot of building footage occupied by each tenant, except as provided for in Paragraph 3. c. above. The maximum allowable sign area for any one tenant, however, shall not exceed a total of 300 square feet.
- i. A shopping center shall be permitted one (1) freestanding shopping center identification sign; provided, however, that a shopping center with frontage on two (2) or more major thoroughfares may have one (1) freestanding shopping center identification sign for each frontage on a major thoroughfare with a maximum of two (2) such signs. No freestanding sign shall be permitted for individual enterprises located within or on the same lot with a shopping center; however, each business within the project may display one (1) wall-mounted sign. The maximum size sign is one hundred fifty (150) square feet.

- j. Service stations may be allowed one (1) additional square foot of sign area on each gasoline pump for the sole purpose of identifying the specific product dispensed from that pump.
- k. Notwithstanding the provisions of this Ordinance, motor vehicle fuel price signs shall be permitted, and the sign area of such sign(s) shall not be computed in the maximum sign area permitted by this Ordinance.
- l. The following signs are permitted as accessory to office parks:
 - (1) One (1) freestanding sign may be erected at each major entrance to an office park. Such sign(s) shall identify the name of the office park. No such sign shall exceed forty (40) square feet in area or twenty (20) feet in height or be located closer than ten (10) feet to any street line.
 - (2) One (1) freestanding building identification sign may be permitted for each detached building which houses a principal use within an office park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed twenty (20) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any lot line.
 - (3) One (1) freestanding on-site directory sign may be permitted in close proximity to each major entrance of an office park. Such sign(s) shall be limited to identifying and providing directional information to the individual enterprises located within the office park. No such sign shall exceed fifteen (15) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any street line.

4. Commercial Uses With Frontage on U.S. Route 13 and Major Collector Roads: The following regulations shall supplement the provisions set forth in Section 3 above and shall apply to all uses located on commercially zoned lands which have frontage on U.S. Route 13 or on a major collector road as shown on the adopted comprehensive plan.

- a. Building-mounted signs shall be limited to the sign area as specified in Section 3 above.
- b. An individual enterprise which is not located within or on the same lot with a shopping center shall be permitted one (1) freestanding sign. Such sign shall be limited to a maximum sign area of one hundred (100) square feet.
- c. Shopping centers shall be permitted freestanding signs in accordance with the provisions of Section C. 3.i. above. Such signs shall be limited to a maximum sign area of one hundred (100) square feet.
- d. Office parks shall be permitted freestanding signs in accordance with the provisions of Section A. 3.l. above.

5. Commercial Uses in Other Commercial Areas: The following regulations shall supplement the provisions set forth in Section 3 above and shall apply to all uses located on commercially zoned lands which do not have frontage on U.S. 13 or on a major collector road.

- a. Building-mounted signs shall be limited to the sign area as specified in Section 3 above.
- b. An individual enterprise shall be permitted a freestanding sign with a maximum sign area of one hundred (100) square feet.
- c. Shopping centers shall be permitted freestanding signs in accordance with the provisions of Section C. 3.i. above. Such signs shall be limited to a maximum sign area of one hundred (100) square feet.
- d. Office parks shall be permitted freestanding signs in accordance with the provisions of Section C. 3.1. above.

6. **Industrial Uses:** The following regulations shall apply to all signs which are accessory to by-right and special use permit industrial uses except as qualified by the provisions of Section 3 above.

- a. Building-mounted signs may be located anywhere on the surface of the walls or roof of the building, but no part of any sign shall extend above or beyond the perimeter of the building's wall, parapet wall, or roof, except as permitted by Paragraph b. below.
- b. A building-mounted sign may extend beyond the wall of a building when such sign is erected at a right angle to the wall, does not extend into the minimum required yard and is not located closer than two (2) feet to any street line.
- c. Building-mounted signs on buildings housing only one (1) tenant or multiple tenants that access the building via a common outside entrance(s) shall not exceed one (1) square foot of sign area for each linear foot of building frontage. No one sign, however, shall have a sign area in excess of two hundred (200) square feet.
- d. Building-mounted signs on buildings housing more than one (1) tenant where each tenant has its own outside entrance(s) shall not exceed one (1) square foot of sign area for each linear foot of building frontage occupied by each tenant
- e. One (1) freestanding sign may be erected for each building that has frontage on U.S. Route 13; provided, however, a grouping of separate buildings that house only one (1) tenant shall not be permitted more than one (1) freestanding sign.
- f. Freestanding signs shall in no instance project beyond any lot line or be within five (5) feet of the curb line of a service drive, travel lane or adjoining street.

When located on corner lot, a freestanding sign shall be subject to the requirements of the Virginia Department of Transportation.

- g. No freestanding sign shall exceed a maximum sign area of one hundred (100) square feet or a height of twenty (20) feet.
- h. Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services or the entertainment available on the same property where the sign is located.
- i. Service stations may be allowed one (1) additional square foot of sign area on each gasoline pump for the sole purpose of identifying the specific product dispensed from that pump.
- j. Notwithstanding the provisions of this Ordinance, motor vehicle fuel price signs shall be permitted, and the sign area of such sign(s) shall not be computed in the maximum sign area permitted by this Ordinance.
- k. The following signs are permitted as accessory to an industrial park:
 - (1) One (1) freestanding sign may be erected at each major entrance to an industrial park. Such sign(s) shall identify the name of the industrial park. No such sign shall exceed forty (40) square feet in area or twenty (20) feet in height or be located closer than ten (10) feet to any street line.
 - (2) One (1) freestanding building identification sign may be permitted for each detached building which houses a principal use within an industrial park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed thirty (30) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any lot line.
 - (3) One (1) freestanding on-site directory sign may be permitted in close proximity to each major entrance of an industrial park. Such sign(s) shall be limited to identifying and providing directional information to the individual enterprises located within the industrial park. No such sign shall exceed twenty (20) square feet in area or eight (8) feet in height or be located closer than ten (10) feet to any street line.

D. Administration

- 1. Permit Requirements:
 - a. Except as otherwise provided herein, no sign shall be constructed, erected, relocated, or expanded unless a sign permit has been approved by the Zoning Administrator.

- b. Any sign erected under permit shall indicate in the lower right hand corner of the sign the number of the permit. The permit number shall be so affixed that it is legible from the ground.
2. Permit Application: The application for a sign permit shall be filed with the Zoning Administrator on forms furnished by the Town. The application shall contain the identification and address of the property on which the sign is to be erected; the name and address of the sign owner and of the sign erector; drawings showing the design, dimensions and location on the building/site of the sign; and such other pertinent information as the Zoning Administrator may require to ensure compliance with the provisions of this Ordinance and other applicable ordinances of the Town. The application for a sign permit shall be accompanied by the required filing fee made payable to the Town Clerk.
3. Expiration of a Sign Permit:
 - a. A sign permit shall expire and become null and void if the sign is not erected within a period of twelve (12) months from the date of the permit.
 - b. In the event the sign is not erected within the twelve (12) month period, an application for extension of an additional six (6) month period may be made to the Zoning Administrator. Such an extension may be granted if the proposed sign is in accordance with current applicable regulations. If the proposed sign is not in accordance, the application for an extension shall be denied.

ARTICLE 16 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 16-1 Intent: There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exists by standard-size automobiles, as follows in this Article.

Section 16-2 Space on Same Lot and Adjacent Lots:

- A. All off-street parking space appurtenant to any residential use permitted in any residential district shall be provided on the same lot with the use of which it is appurtenant, except as qualified below.
- B. All off-street parking space appurtenant to any use other than a residential use permitted in any residential district shall be provided on the same lot with the use of which it is appurtenant except where practical difficulties prevent such location or where the public safety or the public convenience would be better served by the location thereof other than on the same lot. In such cases, the Planning Commission may authorize such alternative location of required parking space as will adequately serve the public interest.

Section 16-3 Location of Parking:

- A. In any residential area where parking spaces are accommodated in parking bays, no space shall be further than 100 feet from its appurtenant dwelling unit.
- B. Of such required spaces, one-third of the total number shall be so located as to be convenient for visitors and tradesmen requiring frequent ingress and egress.

Section 16-4 Cooperative Parking:

- A. Parking space required under the provisions of this ordinance may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space, as such arrangements are approved by the Planning Commission.
- B. The amount of such combined space shall be equal to the sum of the amounts required for the separate uses, provided that the Planning Commission may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization under the provisions of a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

Section 16-5 Safe and Convenient Access Required: All off-street parking space and off-street loading space shall be provided with safe and convenient access to a street. All permitted uses requiring site plan approval shall have entrances constructed in accord with the specifications of the State Department of Highways and shall be approved by the Zoning Administrator.

Section 16-6 Parking Area Design:

- A. All off-street parking space, loading space, aisles, and driveways except those provided for single-family dwellings shall be constructed and maintained with a surface of such type of construction that the same will not be a detriment to the health and safety of any adjacent residential occupants and will be available for safe and convenient use at all times. It shall have appropriate guards where needed as determined by the Administrator and all off-street parking spaces shall be delineated on the site.
- B. Any lights used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district and in a manner not to affect traffic on adjacent roads. Lighting of parking lots shall comply with the requirements of Section 18-15 below.
- C. All parking spaces will be so designed that no part of any vehicle will extend over any property line, right-of-way, walkway, driveway or aisle space.
- D. A minimum of five (5) percent of all parking lots, bays or areas shall be landscaped with grass, shrubs, and shade trees. Where adjacent to residential districts, all lots shall be screened with a six (6) foot high evergreen hedge or a six (6) foot high fence.

Section 16-7 General Requirements: Off-street parking spaces and lots shall meet the following general requirements:

- A. Parking spaces for all residential uses shall be provided on the same lot with the use or structure to be served except as provided herein.
- B. Where it is impractical to provide all or part of the required off-street parking on the same lot or where the public safety or convenience would be better served by the location of required off-street parking other than on the site, the Planning Commission may authorize alternative locations subject to the following conditions:
 - 1. Maximum distances to off-site lots or spaces must be not more than 150 feet from two-family and multi-family attached dwelling units and not more than 500 feet from all other uses. Distances shall be measured by normal pedestrian routes.
 - 2. Approval will be subject to special conditions and safeguards called for in the circumstances of the case, to design and improvement standards applying to off-street parking areas, and to the requirement that such parking space shall be associated with the permitted use of structure, not be reduced or encroached upon in any manner.
 - 3. The required number of off-street parking spaces for any number of use may be combined in one lot provided that each space is permanently available to the assigned use. The Planning Commission may reduce the amount of space required for a church, or for a meeting place of a civic, fraternal or similar organization by reason of different hours of normal activity than those of other uses participating in the combination of required spaces.

- C. Construction vehicles, trucks and trailers of a gross weight of more than 6,000 pounds shall not be parked in the areas between the front lot line and the setback line in any residential district.
- D. Area reserved for off-street parking in accordance with this ordinance shall not be reduced in area or changes made to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Zoning Administrator.
- E. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing use or structure shall not be reduced to an amount less than hereinafter required for a similar new use or structure.

Section 16-8 Site Requirements: All off-street parking space, aisles and driveways, except those provided for one- and two-family dwellings, shall be constructed and maintained in accordance with the following requirements:

- A. All such parking and drive areas shall be graveled or surfaced in some other manner to reduce erosion and to reduce the generation of mud and dust. Where more than 10 spaces are required, the Zoning Administrator may require hard surfacing when such requirement would be to the public benefit.
- B. Parking areas shall be adequately drained.
- C. Parking lots shall have appropriate guards where needed as determined by the Zoning Administrator.
- D. All off-street parking spaces with hard surfaces and in excess of 10 shall be delineated on the site.
- E. Lighting used to illuminate parking areas shall be arranged so that light is reflected away from adjacent properties and in a manner not to affect traffic on adjacent roads.
- F. All parking spaces shall be designed so that no part of any vehicle extends over any property line, right-of-way, walkway, driveway or aisle space.
- G. All off-street parking lots and areas, shall be landscaped to the maximum extent possible in keeping with good safety practices. Where adjacent to residential and conservation districts, all lots and areas shall be screened with a six (6) foot high evergreen hedge or a six (6) foot high fence.
- H. General Standards: Any off-street parking space shall have minimum dimensions of nine by 20 feet, provided that the minimum dimensions for parallel parking spaces shall be nine by 22 feet. Each space shall be unobstructed, shall have access to a street and shall be so arranged that any automobile may be moved without moving another, except in the case of parking for one- and two-family dwellings and in the case of parking for employees on the premises.

In addition:

1. Minimum aisle widths required for parking areas shall be according to the following table:

<u>Parking Angle</u> (in degrees)	<u>Aisle Width</u> (in feet)
0-44	12
45-59	13.5
60-69	18.5
70-79	19.5
80-89	21
90	22

2. Requirements for handicapped access: For each 25 off-street parking spaces, there shall be one off-street parking space for one handicapped person. Parking spaces for handicapped persons shall have a minimum dimension of 13 feet by 20 feet and shall be clearly marked “Handicapped Parking Only.”

Section 16-9 Requirements and Specifications for Off-Street Loading Space:

- A. Requirements. Off-street loading facilities shall be provided on the premises of any use hereafter established or enlarged, and occupying more than 3,000 square feet of lot area which, during the course of a normal operating day, customarily receives or distributes goods or materials by trucks more than 20 feet in overall length. One such space shall be provided if the land devoted to such establishment or use has an area of more than 3,000 but less than 20,000 square feet of land area or remaining fraction thereof exceeding 10,000 square feet.
- B. Specifications. Loading spaces shall be 12 feet by 45 feet with minimum height clearance of 14 feet both for the space and for accessways and maneuvering areas related to it, provided that upon clear demonstration to the Zoning Administrator that loading spaces of lesser dimensions will satisfy the requirements or the use involved, he may permit loading spaces of such lesser dimensions as he may specify as appropriate in the particular case.

All loading space and related access areas shall be graded, improved and maintained in a manner permitting safe and convenient use under normal weather conditions, and so as to avoid adverse effects on neighboring property as a result of dust or drainage.

No required loading space shall be in any required yard adjacent to a public street. Required loading spaces shall be clearly marked “Loading Space”.

Section 16-10 Minimum Parking Spaces Required for Permitted Uses: The following spaces shall be required:

Animal hospitals and commercial kennels. One space per 400 square feet of gross floor area plus one per each employee.

Automobile laundries. One space per each three employees plus a reservoir of five times the maximum capacity of the laundry.

Automobile service stations. One space per each service stall. In addition, when accessory activities such as the rental of automobiles, trucks and trailers of all types are involved on site there shall be provided suitable area to accommodate the highest number of rental units expected at any one time.

Banks. One parking space for each 150 square feet gross floor area.

Barber shops, beauty shops, health spas and centers. One space per 200 square feet of gross floor area plus one space per employee.

Bowling alleys. Six spaces per alley.

Carry-out restaurants. 13 spaces per each 1,000 square feet of gross floor area.

Cartage and express facilities. One space per each three employees plus one space per each vehicle maintained.

Churches, high schools, stadiums, auditoriums and similar places of assembly. One space for each four fixed seats.

Commercial and private heliports. One space per each 1,000 square feet of operational area.

Commercial skating rink. One space for each 125 square feet or fraction thereof of skating rink area.

Contractors or construction shops, office and yards. One space per each 1,000 square feet of operational area.

Dance halls. One space per each 100 square feet of gross floor area.

Drive-in restaurants. 18 spaces per each 1,000 square feet of gross floor area.

Duplexes and other multi-family residential. Two spaces per unit.

Food or chain stores. Five spaces per each 1,000 feet of gross floor area.

Funeral homes. One space per each 50 square feet of area in assembly rooms or chapels.

Furniture stores. Two spaces for the first 1,000 square feet plus one additional space for each 400 square feet of floor area over 1,000 square feet of retail area.

Greenhouse and nurseries. Enclosed retail area, one per each 100 square feet of retail sales for the first 5,000 square feet and one space for each 200 square feet of retail sales area above 5,000 square feet of retail area.

Hospitals, nursing, convalescent homes. One space for each two beds including cradles and children's beds.

Laundromats. One parking space for each two washing machines.

Medical and dental clinics. One space for each 100 square feet of area.

Mobile homes. Two spaces per unit.

Office buildings. One space for each 200 square feet of net office floor area.

Printing and publishing facilities. One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

Production or processing of materials, goods or products. One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

Shopping centers. There shall be provided 3.0 parking spaces per 1,000 square feet of gross leasable area for neighborhood and community shopping centers and 5.5 parking spaces per 1,000 square feet of gross leasable area for regional shopping centers.

Single-family dwellings. Two spaces per unit.

Sit-down restaurants. 13 spaces per each 1,000 square feet of gross floor area.

Testing, repairing, cleaning, serving of materials, goods or products. One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

Theater, drive-in. To be determined by the planning staff after review of site plans.

Theater, indoors; theater, outdoors. One space per each four seats.

Tourist homes, motels, hotels and boarding houses. One space for each accommodation.

Trailer sales and rental, boat showrooms and model home sales. One space per each 3,000 square feet of business area.

Warehousing and wholesaling operations. One space per each three employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

Other permitted uses. A total number of spaces sufficient to accommodate the vehicles of all employees of the establishment plus those of all persons who may be expected to visit the same at any time or as determined by the Administrator and approved by the Planning Commission.

Other retail establishments not listed in this article. One space per each 100 square feet of retail sales for the first 5,000 square feet and one space for each 200 square feet of retail sales area above 5,000 square feet.

**ARTICLE 17 - SITE DEVELOPMENT PLAN
(FINAL DEVELOPMENT PLAN)**

Section 17-1 Purpose and Intent: There is a mutual responsibility between the Town of Cheriton and the developer to develop land in an orderly manner.

The purpose is to encourage innovative and creative design and facilitate use of the most advantageous techniques in the development of land in the Town of Cheriton and to insure the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development.

Section 17-2 Application: Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a site development plan review process prior to any clearing or grading of a site or the issuance of any building permit, to assure compliance with all applicable requirements of this Ordinance. The site development plan review process shall generally be satisfied by the approval of a site plan, or a plot plan in accordance with the provisions in Section 17-3, and any additional plans or studies as required by the Zoning Administrator.

Section 17-3 Plot Plans:

- A. One copy of a plot plan drawn to scale for individual single-family dwellings or accessory structures for single-family residences or for commercial development which results in a land disturbance less than 5,000 square feet and which will result in an area of impervious surface of less than 16 percent of any lot or parcel, shall be submitted to the designated authority for review and approval. Any encroachment into an RPA shall require an applicant to prepare a site plan as outlined in Section 17-4 below, including the submission of a water quality impact assessment in accordance with Article 14 of this Ordinance.
- B. Required Information. At a minimum, the plot plan shall be drawn to scale and contain the following information:
1. A boundary survey of the site drawn to scale or site drawing showing the north arrow and property line boundaries and distances.
 2. Area of the lot/parcel.
 3. Location, dimensions, and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
 4. Location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way.
 5. Dimensions and location of all existing driveways, parking areas, or other impervious surfaces.

6. Location of all existing and proposed septic tanks and drainfield areas, including reserve areas required according to Section 14-10 and the location of all existing and proposed wells.
7. Limits of clearing and grading.
8. Specifications for the protection of existing trees and vegetation during clearing, grading, and all phases of construction.
9. Location of RPA boundary, as specified in Section 14-4 of this Ordinance, including any additional required buffer areas.
10. Location of all erosion and sediment control devices.
11. Amount of impervious surface proposed for the site.

Section 17-4 Development or Land Use Requiring a Site Development Plan: A site development plan is required and shall be submitted for the following:

- A. Any development which results in land disturbance of 5,000 square feet or greater.
- B. Any development which results in encroachment into an RPA.
- C. Any development in which automobile parking space is to be used by more than one establishment.
- D. Any use or development in all zoning districts except single-family detached dwelling units where a plat is submitted pursuant to the Town of Cheriton Subdivision and Development Ordinance.
- E. When a change is proposed in a previously approved site development plan.
- F. When an existing residential use is proposed for change to a business, industrial, or multi-family residential use.
- G. All public and/or semi-public buildings.
- H. All other uses involving a structure required to be reviewed by the County under Section 15.2-2258 of the Code of Virginia.

Section 17-5 Site Development Plan Information Required: Every site development plan, as hereafter provided, shall contain the following information:

- A. Location of tract or parcel by vicinity map at a scale of not less than one inch equal to 2,000 feet and landmarks sufficient to properly identify the location of the property.

- B. A boundary survey of the tract or site plan limit with an error of closure within the limit of one in 7,500 related to the true meridian, and showing the location and type of boundary evidence.
- C. A certificate or plat signed by the engineer or surveyor setting for the source and title of the owner of the tract and the place of record of the last instrument in the chain of title.
- D. Existing and proposed streets and easements; their names, numbers and widths; existing and proposed utilities of all types; water courses and their names; owners; zoning; and present use of adjoining tracts.
- E. Location, type and size of ingress and egress to the site.
- F. Location, type, size and height of all structures and fencing, screening and retaining walls where required under the provisions of applicable ordinances.
- G. All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with the Town of Cheriton Zoning Ordinance.
- H. Number of floors, floor area, height and location of each building and proposed general use for each building. If a multi-family residential building, townhouse or patio house, the number, size and type of dwelling units shall be shown.
- I. All shoreline alteration, including dredging, filling and bulkheading. Provision for a disposition of spoils. Provision for the prevention of a saltwater intrusion. Provision for preservation of the ecology of the area and prevention of damage to the ground water supply.
- J. Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connections are made to an existing or a proposed central water and sewer system.
- K. Provision for the adequate disposition of natural and storm water in accordance with design criteria and construction standards of the Commonwealth of Virginia and/or Northampton County in effect at the time the site plan is submitted indicating location, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage systems.
- L. Provision and schedule for the adequate control of erosion and sedimentation indicating proposed temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading and construction in keeping with the requirements of the Northampton County Erosion and Sediment Control Ordinance.
- M. Existing topography accurately shown with a maximum of one-foot contour intervals at a scale of not less than 50 feet to the inch.

- N. Proposed finished grading shown with a maximum of one-foot contour intervals at a scale of not less than 50 feet to the inch, supplemented where necessary by spot elevations.
- O. All horizontal dimensions shown on the site of development plan shall be in feet and decimals of a foot to be closest to 1/100 of a foot, and all bearings in degrees, minutes and seconds to the nearest 10 seconds.
- P. A landscape design plan based upon accepted professional design layouts and principles may be required by the agent and shall be submitted.
- Q. Provisions for fire fighting services and facilities, including emergency services, if deemed appropriate.
- R. An environmental site assessment shall be drawn to scale with a narrative.
 - 1. The environmental site assessment shall clearly delineate the following environmental features:
 - a. Nontidal wetlands connected by surface flow and contiguous to tributary streams;
 - b. A 100-foot buffer area located adjacent to and landward of the components listed in Subsection 1, above, and along both sides of any tributary stream.
 - 2. Wetlands delineations shall be performed consistent with the methods and procedures used and accepted by the U.S. Army Corps of Engineers.
 - 3. The environmental site assessment shall delineate the site-specific geographic extent of the RPA.
 - 4. The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.
- S. A stormwater management plan which shows the following:
 - 1. Location and design of all planned stormwater control devices.
 - 2. Procedures for implementing nonstructural stormwater control practices and techniques.
 - 3. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all used coefficients and calculations.

4. For facilities, verification of structural soundness, including a Professional Engineer of Class IIIB Surveyor Certification.
5. The plan shall establish a long-term schedule for inspection and maintenance for the planned stormwater management control devices, including all maintenance requirements, persons responsible for performing maintenance, and any agreement necessary to ensure the maintenance is carried out.

Section 17-6 Site Development Plan - Preparation Procedure and Specific Items To Be Shown:

- A. Any person submitting a site development plan shall submit written proof of notification of adjacent property owners. Notice sent by mail to the last known address of such owner as shown on the current real estate tax assessment books of Northampton County shall be deemed adequate compliance with the requirement. The provision of notice shall be the responsibility of the owner or the developer. No site development plan shall be approved within five days of any such notice. The notice shall state: the type of use, the date of submission, the specific location of the proposed development and the location of the Town office where the site plan may be viewed.
- B. The site plan or any portion thereof shall be prepared by persons qualified to do such work.
- C. The site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date, and scale of drawing and number of sheets. In addition, it shall reserve a blank space four inches by four inches in size on the plan face for the use of the approving authority.
- D. The site plan shall be prepared to the scale of one inch equals 50 feet or larger; no sheet shall exceed 42 inches in size.
- E. The site plan may be prepared on one or more sheets. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- F. Six clearly legible blue or black line copies of a site development plan shall be filed with the agent for the Town.
- G. Profiles shall be submitted for all sanitary and storm sewers, streets and curbs adjacent thereto, and other utilities, and shall be submitted on standard profile sheets. Special studies as required may be submitted on standard cross-section paper and shall have a scale of one inch equal to 50 feet horizontally and one inch equal to five feet vertically. No sheet size shall exceed 42 inches. Flood plain limit studies required shall be shown on all profile sheets with reference to properties affected and center line of stream.
- H. In addition to the information required on site development plans above, the following specific items shall also be shown on all site development plans if applicable:

1. Right-of-way line(s), centerlines, departing lot lines, lot numbers, subdivision limits, limits of construction and building locations.
2. Centerline curve data, including delta radius arc and chord and tangent.
3. Radius of all curb returns to face of curb and on streets where curb and gutter are not required indicate radius to edge of bituminous treatment.
4. The edge of proposed street surface or the face of curb as the case may be for full length of all streets.
5. The width of rights-of-way, and all easements, and the width of surface or distance between curb faces and relation to center line. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended, and whether they are to be publicly or privately maintained.
6. When proposed streets intersect with or adjoin existing streets or travel ways, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 100 feet or the length of connection, whichever is the greater distance.
7. Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, streams, and subdrainage, etc.
8. All water mains, sizes, valves and fire hydrant locations.
9. All sanitary or septic tank systems and storm sewers and appurtenances, identifying appurtenances by type and number. The station on the plan must conform to the station shown on the profile. Indicate the top and invert elevation of each structure.
10. The contributing drainage area in acres (statistically). Show all culvert, pipe curb inlets and other entrances exclusive of driveway pipes.
11. Flood plain limits which shall be established by current Federal Insurance Administration maps, soil survey and/or engineering methods.
12. The location of all or any springs either within the development or draining into street rights-of-way and indicate proposed method of treatment.
13. The location of all streams or drainage ways related to the street construction as proposed by the developer and proposed drainage ditches or stream relocation. Easements shall not be considered part of the street right-of-way. Furnish details of a typical drainage section and type of stabilization to be provided.
14. Type or class of concrete or treated metal drainage pipe to be installed and paved road site ditches as required.

15. Location of “No Through Street” signs where required on cul-de-sac streets or temporary cul-de-sac streets.
16. The proper driveway entrance type, computed culvert size and/or Virginia Department of Highways design designation.
17. Provision at ends of curb and gutter for erosion control.
18. Typical street sections to be used.
19. Symmetrical transition of pavement at intersection with existing streets.
20. Connection to proposed Virginia Department of Highways construction when necessary.
21. A minimum of two datum references for elevations used on plans and profiles and correlate, where practical, to U.S. Geological Survey datum.
22. Any necessary notes that may be required to explain the intent and purposes of specific items on the plan or profile.

Section 17-7 Minimum Standards and Improvements Required:

- A. All improvements required by this Article shall be installed at the cost of the developer. Where cost-sharing or reimbursement agreements between the County of Northampton or its incorporated towns and the developer are appropriate, the same shall be recognized by formal written agreement prior to site development plan approval and shall be subject to the Virginia Department of Highways and Transportation review and acceptance. Where specifications have been established either by the Virginia Department of Highways and Transportation for streets, etc., or by this ordinance for related facilities and utilities, such specifications shall be followed. The developers performance bond shall not be released until construction has been inspected and accepted by the County, Town and by the Virginia Department of Highways and Transportation.
- B. Prior to approval of any site plan, there shall be executed by the owner or developer an agreement to construct required physical improvements located within public rights-of-way or easements or connected to any public facility, together with a bond with surety approved by the governing body in the amount of the estimated cost of the required physical improvements as determined by the agent for the Town of Cheriton. The agreement and bond or condition shall provide for the completion of all work within a time specified to be determined by the agent.
- C. Lot sizes for residential areas shall conform to the Zoning Ordinance in effect for the Town of Cheriton at the time of filing of the site development plan.
- D. Condominium and common wall house projects of all types shall indicate on the plat those areas reserved for rental purposes and those areas reserved for sale purposes. All common wall housing projects where programmed for sale purposes shall be required to

submit a subdivision plat showing all lots as required by the Town of Cheriton Subdivision and Development Ordinance.

- E. Where the adopted Town of Cheriton Comprehensive Plan or Northampton County Comprehensive Plan indicates a proposed right-of-way greater than that existing along the boundaries of the site development plan, such addition or right-of-way shall be dedicated for public use when the plan is approved. Where a site development plan is presented on public streets with a right-of-way of less than 50 feet in width, additional right-of-way shall be added so that the public street or right-of-way shall be a minimum of 25 feet from the existing center line. All building setbacks shall be measured from the additional dedicated right-of-way.
- F. All street and highway construction standards and geometric design shall be in accord with those specified in the Town of Cheriton Subdivision and Development Ordinance.
- G. The pavement of vehicular travel lanes or driveways designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than 20 feet in width.

On any site bordering a primary, arterial or interstate highway or adjacent to an existing service road in the State highway system, the developer, in lieu of providing travel lanes, parking areas and adjacent property, may dedicate where necessary for such roads. In such event, the setback requirement shall be no greater if the service road is dedicated than the setback required without the dedication, except in no instance shall a building be constructed closer than 20 feet from the nearest right-of-way line.

Upon satisfactory completion, inspection, and only upon application by the developer, the Town of Cheriton shall take the necessary steps to have such service road accepted by the Virginia Department of Highways and Transportation for maintenance.

- H. Where pipestem residential lots are used in a site development plan, the width of the pipestem (driveway) shall not be less than 25 feet, and the length of the pipestem (driveway) shall not be greater than 200 feet from the street right-of-way line to which the lot has access provided the length may be varied upon approval of the agent.
- I. Cul-de-sacs shall be designed and constructed in accordance with the street standards specified in the Town of Cheriton Subdivision and Development Ordinance, and may be not construed or employed as a parking bay.
- J. Parking bays shall be constructed to the same construction standard as the appurtenant public street to which the parking bay abuts and be of a dustless surface.
- K. Where geometric design standards are modified from those required in the Town of Cheriton Subdivision and Development Ordinance as set forth in item F above, the developer shall be responsible for the placing of “No Parking” signs on all travel lanes, driveways or streets to prohibit parking on such roads or driveways.

- L. Adequate easements shall be provided for drainage and all utilities. Minimum easement width shall be 15 feet. Where multiple structures or pipes are installed or the edge of the easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.
- M. Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided. The extent and nature of both on-site and off-site treatment is to be determined by the developer in conference with the agent for the Town of Cheriton.
- N. Provision shall be made for all necessary temporary and permanent erosion and sedimentation control measures, both on- and off-site. The extent of the control measures, both on- and off-site, are to be established by the developer in accordance with the Northampton County Erosion and Sediment Control Ordinance and approved by the Northampton County Department of Planning and Zoning.
- O. Adequate provision shall be made by the developer for all utilities, both on-site and off-site. Design requirements shall be established by the developer in conference with the agent for the Town of Cheriton.

Percolation tests and/or other methods of soil evaluation deemed necessary by the Health Department shall be the responsibility of the developer.

When central water and/or sewer systems having sufficient capacity either exist or are proposed within a reasonable distance of the area of the site development plan, provisions shall be made to connect to the system.

- P. All public facilities, utility and drainage easements outside the right-of-way of public streets or accessways are to be shown on the final site development plan. Where it is necessary to place public utilities in public rights-of-way, a permit shall first be obtained from the governing body or its agent for such installation. Utility installations to be installed in public streets and rights-of-way shall be coordinated with street construction plans and profiles approved by the Virginia Department of Transportation.
- Q. Site development plans for large residential areas shall consider the provision of suitable areas for parks, schools, open space and other public or private recreational use, recognizing proposals for same in the adopted Cheriton Comprehensive Plan.

The developer shall confer with the agent for the Town of Cheriton and/or appropriate public officials of the Town to ascertain if, and when, and in what manner such areas will be reserved for and/or acquired by the governing body.

This provision shall not be construed to preclude the dedication of any property for public use which is not included in the Comprehensive Plan, provided such property is acceptable to the Town for dedication and maintenance.

- R. Adequate fire hydrants and distribution systems shall be provided by the developer in areas where central or public water systems are available.

- S. Provisions shall be made for sidewalks and pedestrian walkways which will enable patrons and/or tenants to walk safely and conveniently from one building to another or to adjacent sites as well.

Where feasible, pedestrian underpasses or overpasses are to be encouraged in conjunction with major vehicular routes.

Provision shall be made where appropriate for pedestrian walkways and equestrian ways in relation to private and public areas of recreation and open space, e.g. schools, parks, gardens and areas of similar nature.

Connections shall be made wherever possible of all walkways and equestrian ways with similar facilities on adjacent developments.

- T. Landscape planting, screening, fences, walks, curbs, gutters and other physical improvements as required by ordinances and the regulations of the Virginia Department of Highways shall be provided by the developer.
- U. One set of approved plans, profiles and specifications shall be at the site at all times when work is being performed.
- V. Upon the completion of all required improvements shown on the approved site development plan, the developer shall submit to the agent for the governing body two copies of the completed as-built site plan or building location plat certified by an engineer, architect or surveyor. The "As-Built Site Plan" shall be submitted at least one week prior to the anticipated occupancy of any building for the review and approval by the agent for conformity with the approved site plan and the ordinances and regulations of the Town of Cheriton, Northampton County and State agencies.
- W. The approval of a site development plan or the installation of the improvement as required in this ordinance shall not obligate the Town of Cheriton to accept improvements for maintenance, repair or operation. Acceptance shall be subject to Town, County and/or State regulations, where applicable, concerning the acceptance of each type of improvement.

Section 17-8 Administration and Procedures for Processing Site Development Plans:

- A. The agent appointed by the governing body is delegated the authority and power to administer the Site Development Plan Ordinance.
- B. The Zoning Administrator is designated the agent for the Town of Cheriton.
- C. The agent shall be responsible for the receipt, review, processing and approval of site development plans.
- D. The agent may request opinions and/or decisions from other departments, divisions, agencies, or authorities of the Town and/or County government, officials, departments or

agencies of the Commonwealth of Virginia, or from other persons as may from time to time be retained.

- E. The agent, subject to approval of the governing body, may from time to time establish reasonable administrative procedures necessary for the proper administration of the ordinance.
- F. Any person aggrieved of any decision of the agent pursuant to this ordinance may within 10 days of such decision appeal in writing to have a determination made by the governing body.
- G. Approval, modification and approval, or disapproval of a site development plan by the governing body or its agent shall occur within 90 days of filing of the required documents in the office of the agent, unless abnormal circumstances exist in which case the time may be extended by action of the governing body.
- H. No public easement, right-of-way or public dedication shown on any site development plan shall be accepted for dedication for public use until such proposed dedication shall first be approved by the governing body and evidence of such approval is shown on the instrument to be recorded.
- I. Approval of a site development plan pursuant to this ordinance shall expire 18 months after the date of approval unless building permits have been obtained for construction. Extensions may be granted upon written request by the applicant to the agent for the Town of Cheriton prior to lapse of approval and extension of all bond and surety agreements.
- J. No permit shall be issued by any administrative officer or agent of Northampton County for the construction of any building or improvement requiring a permit in any area covered by the site development plan except in conformity to the provisions of this ordinance and after approval of a site development plan.
- K. County and State agencies responsible for the supervision and enforcement of this ordinance shall periodically inspect the site during the period of construction.
- L. Upon compliance with the terms of this ordinance and the satisfactory completion of construction, the agent of the Town of Cheriton shall furnish a certificate of approval. Certificates of approval, upon ratification by the governing body, shall release all of the bonds which may have been furnished.
- M. Any site development plan requirement of this Article may be waived by the governing body where the applicant establishes that an undue hardship would be created by the strict enforcement of this Article, providing such a waiver, as requested, shall not be adverse to the purposes of this ordinance.
- N. No change, revision or erasure shall be made on any pending final site development plan or on any accompanying data sheet where approval has been endorsed on the plat or

sheets unless authorization for such changes is granted in writing by the approving body or the agent.

- O. Any site development plan may be revised, provided request for revision shall be filed and processed in the same manner as the original site plan.
- P. The Cheriton Town Council, by resolution, shall establish from time to time a schedule of fees for the examination and approval or disapproval of site development plans.

Such fee shall be payable to the Town of Cheriton and shall be submitted to the agent in the following manner: 50 percent due and payable at the time of filing a site development plan and 50 percent due and payable prior to final approval.

- Q. The Cheriton Town Council reserves the right to review a site plan and any action of the agent.

ARTICLE 18 - SUPPLEMENTAL DISTRICT REGULATIONS

Section 18-1 Lot Width - How Measured: Lot width at the front lot line shall be measured as the shortest distance between the two points created where the side lot lines intersect the front lot line.

Lot width at the front building line shall be measured as the shortest distance along a straight line which passes through a point on each side lot line and the point on the building, structure or use, subject to such regulation, nearest the front lot line.

Lot width at the shoreline shall be measured at the straight line distance which is the shortest of the following:

- A. A line between the points of intersection of the side lot lines with the shoreline.
- B. A line drawn perpendicular to a side lot line from the point of intersection with the shoreline and intersecting the other side lot line or such side lot line extended.

Section 18-2 Shoreline Setback - How Measured: Every shoreline setback required by this ordinance shall be measured as the shortest distance between any point on the shoreline and any point on the building, structure or use subject to such setback requirement. The Board of Zoning Appeals may waive the shoreline setback and permit a principal building on or near the shoreline where access to proximity to the water is reasonably necessary to the operation of the facility. Such waiver shall be given as a variance in accordance with the provisions of Article 6 hereof.

Section 18-3 Wetlands and Water Areas Excluded from Lot Area: In calculating the area of any lot for the purpose of compliance with the minimum lot area requirements of the district regulations, wetlands and areas outboard of the shoreline shall be excluded.

Section 18-4 Setback Modification: Architectural features such as cornices, eaves, fire escapes, stairs, landings, bay windows, chimneys, but not walls or porches, may protrude into any required setback a distance not to exceed one-fifth of the required setback or six feet, whichever is the lesser.

Section 18-5 Required Setbacks Cannot Be Reduced: No lot shall be reduced in area so as to make any setback or any other open space less than the minimum required by this ordinance and if already less than the minimum required, such setback shall not further be reduced, except as a variance by approval of the Board of Appeals in accordance with the provisions of Article 6 hereof. No part of a setback or other open space complying with the requirements of this ordinance shall be considered as part of the required setback or other open space required under this ordinance for another building, structure or use.

Section 18-6 Height Limit - How Measured: The district height limits for buildings and structures shall be measured as the vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average point between eaves and ridge for gable, hip and gambrel roofs.

Section 18-7 Structures Permitted Above the Height Limit: The Board of Zoning Appeals may as a variance increase the permitted height or number of stories if, in the view of the Board,

such increase is reasonably necessary for the proposed purpose and no adverse neighborhood effects or safety hazard will be created.

The following structures are not subject to the district height regulations:

- A. Farm buildings and structures, but not including dwellings.
- B. Residential television antennae and residential radio aerials, steeples, belfries, cupolas, monuments, flag poles, chimneys, flues, smoke stacks, masts and water tanks up to a height of 150 feet.
- C. Parapet and fire walls, penthouses, monitors and roof structures for housing stairways, elevator, tanks, ventilating fans or similar equipment to operate and maintain a building or enclosed manufacturing process provided that all such structures above the height limit otherwise permitted in the district do not occupy more than 25 percent of the roof area of the building or structures. Parapet walls may be up to four feet above the height of the building on which the walls rest.

Section 18-8 Accessory Uses and Structures:

- A. Location and Height. No accessory structures, except roadside stands, signs and temporary structures shall be located in any required yard other than a rear yard, provided, however, that on a corner lot no accessory structure shall be located nearer a corner lot line than the minimum side building setback required in the district. No accessory structures within 15 feet of a lot line shall be more than 15 feet in height.
- B. Not Permitted Prior to Principal Use or Structure. No accessory use or structures shall be permitted on a lot until:
 - 1. The principal use or structure has previously been established, or
 - 2. Construction has begun on the principal structure and is diligently pursued.
- C. Temporary Construction Structures. Temporary buildings and structures, including mobile homes, recreational vehicles and other highway vehicles may be erected or placed on a construction site in all districts as an accessory structure if such buildings' structures or vehicles are incidental and reasonably necessary to construction work on the premises. Such temporary buildings, structures or vehicles shall be placed on a construction site only after a building permit has been issued for the on-site construction work to be performed. When such construction work is completed or abandoned, when the building permit expires or is revoked, whichever comes first, such temporary buildings, structures or vehicles shall be removed.
- D. Temporary Emergency Housing. If an occupied single-family dwelling or mobile home in any district shall burn, flood or be otherwise damaged or destroyed by any cause to a degree so as to make it unsafe or unhealthy for human occupancy, nothing in the ordinance shall prohibit the temporary placement of a mobile home on the premises as an accessory structure for the purpose of providing emergency housing for the displaced

occupants, provided the mobile home is placed in the location on the property specified by the Zoning Administrator, the mobile home is provided with water supply and sewage disposal system approved by the Health Officer and the mobile home shall be removed from the site when the damaged dwelling is repaired or replaced or within 12 months, whichever shall come first, except the Zoning Administrator may grant an extension not to exceed an additional six months.

Section 18-9 Traffic Visibility:

- A. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede a motorist's vision between a height of two and one-half and 10 feet above the centerline grades of the intersecting roads in the area bounded by the road rights-of-way adjoining such corner lot and a line joining points along such road rights-of-way 55 feet from this point of intersection.

Section 18-10 Shopping Centers - Access Regulations: Shopping centers shall have access to primary and established secondary collector roads in accordance with the minimum standards:

- A. There shall be no more than one access point permitted per 500 lineal feet of frontage.
- B. Acceleration and deceleration lanes shall be provided for all entrance and exits. An additional lane of traffic may be required to accommodate safe ingress and egress from U.S. Route 13.
- C. The use of service roads shall be provided for all entrances and exits. An additional lane of traffic may be required to accommodate safe ingress and egress from U.S. Route 13.
- D. Principal vehicular access points shall be designed or redesigned to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left turn storage and right hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Section 18-11 Cluster Alternative Development:

- A. Cluster Alternative Objective. The objective of the "Cluster Alternative Residential Development" is flexibility with the objectives to (1) provide a more desirable living environment, (2) encourage creative approaches in residential development, (3) encourage a more efficient, aesthetic and desirable use of open area, (4) encourage variety in the physical development pattern of the Town, (5) assist in reducing cost in residential development, and (6) maintain the natural resources in the Town.
- B. Cluster Density and Intensity. Residential Cluster Alternative Development, under subdivision and site control may be permitted provided the gross population or housing density or intensity of an area remains unchanged and conforms to the basic overall density requirements of the zoning district in which the development is proposed. However, lot dimensions and area may be reduced to the minimums indicated in Section 18-11.C herein.

- C. Zoning District Permitting Cluster Alternative Development. Residential minimum lot sizes for detached single-family dwellings in the R-20, R-11 and RM and AR zoning districts may be reduced in area in the following manner:

Minimum Lot Area Under Cluster Development:

<u>District</u>	<u>Standard Lot Area</u>	<u>With Public Sewer & Water</u>	<u>With Public Sewer or Water But Not Both</u>	<u>Individual Septic Tank Water Systems</u>
R-20	20,000 sq. ft.	13,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.
R-11	20,000 sq. ft.	8,000 sq. ft.	11,000 sq. ft.	20,000 sq. ft.
RM	20,000 sq. ft.	8,000 sq. ft.	11,000 sq. ft.	20,000 sq. ft.
AR	2 Acres	-----	-----	30,000 sq.ft.

D. Disposition of Land Gained

1. Except as provided by Subsection 18-11.D.2 herein, all land gained with a cluster alternative subdivision, through reduction of lot size below minimum ordinance requirements, shall be dedicated to the Town of Cheriton for open space for parks, recreation or related uses; deeded to a home owner association within the proposed development for maintenance and operation; or, in the case of land in the AR zoning district, be protected with a permanent conservation easement.

In the case where the gained land is deeded to a homeowner association, the applicant shall furnish a proposed deed of dedication, including restrictions, safeguarding the use of open spaces and preventing encroachment upon open space between structures.

In the case where the gained land is in the AR zoning district, the gained land must be prohibited from any future subdivision or development in excess of that permitted by the AR zoning district regulations, by the establishment of a permanent open space conservation easement, containing terms satisfactory to the Cheriton Town Council, and which must be recorded at the time of final plat subdivision approval. The Town of Cheriton shall enforce the permanent open space conservation easement required herein. Such easement shall be in a form approved by the Town, and shall provide that, notwithstanding such easement, the eased portion of land shall be maintained by the owners of such land, and that the Town should bear no responsibility or liability for such maintenance. However, nothing contained herein shall require that such easement allow public access nor prevent such landowners from leasing such open space for agricultural or other purposes in accord with the permitted uses of the district.

2. Streets within the Cluster Alternative Development may be included in the land gained through reduction.

Section 18-12 Automobile Graveyard-Junkyard: Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance shall be allowed one year after adoption of this ordinance in which to completely screen, on any side open to view from a public road or a

private residence, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge six feet or more in height.

Section 18-13 Requirements for Condominiums

Section 18-13.1 Definitions: For purposes of this section, the meaning of all terms shall be controlled by Section 55-79.41 of the Code of Virginia.

Section 18-13.2 Where Permitted: Condominiums shall be permitted in all zones in which is permitted any physically identical development, provided that site plan approval shall be required for any condominium development.

Section 18-13.3 Compliance with Ordinance: All condominiums and the use thereof shall in all respects comply with the provisions of this ordinance and its districts, and no vested rights shall be created upon the conversion to condominiums of the use thereof if either the condominium or the use thereof does not conform to the provisions of this ordinance. Except as otherwise specified, provisions of this ordinance applicable to condominiums shall be those provisions applicable to physically identical developments.

Section 18-14 Interpretation of Lot and Yard Designations: The following diagram shall be utilized as a guide to interpret lot and yard designation but is not intended to include all possible designations.

Section 18-15 General Lighting Standards

Section 18-15.1 Purpose and Intent: The purpose of this section is to provide outdoor lighting standards that will improve safety, minimize glare and light trespass in order to preserve the town's rural character, maintain ease of astronomical viewing, reduce light interference with migratory birds, and conserve energy for businesses and residents of the Town of Cheriton.

Section 18-15.2 Applicability: Except as provided in Section 18-15.8, all renovations requiring a building permit and all new commercial, industrial, and residential outdoor lighting installations and the replacement of existing outdoor lighting fixtures shall meet the requirements of this section. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of a fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output.

Section 18-15.3 Definitions: For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Cutoff: A fixture that emits no more than 2.5% of its light above 90 degrees and no more than 10% above 80 degrees from horizontal. (IESNA definition)

Full Cutoff: A fixture that emits 0% of its light above 90 degrees and no more than 10% above 80 degrees from horizontal. (IESNA definition)

Glare: The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

Illuminance: The amount of luminous flux per unit area in the Imperial system and is equal to one lumen per square foot. Illuminance is measured in foot candles. The metric system uses the lux. One foot candle equals approximately 0.1 (0.093) lux.

Initial Lumens: Amount of luminous flux emitted by a lighting fixture at initial installation. Initial Lumens are usually listed by the manufacturer. (Example: A 100-watt incandescent light bulb emits approximately 1800 lumens.)

Light Trespass: Light falling across property boundaries.

Lumen: Unit of luminous flux; used to measure the amount of light emitted by lamps.

Maintained Illuminance Level: A percentage of the initial illuminance level reported as part of the photometric plan.

Outdoor Lighting Fixture: The complete lighting assembly, less the support assembly. Such devices shall include, but are not limited to, lights used for:

- (a) Parking lot lighting;
- (b) Roadway lighting;
- (c) Buildings and structures;
- (d) Recreational areas;
- (e) Landscape lighting;
- (f) Billboards and other signs;
- (g) Product display area lighting;
- (h) Building overhangs and open canopies.

Semi-Cutoff: A lighting fixture that emits no more than 5% of its light above 90 degrees and no more than 20% above 80 degrees from horizontal. (IESNA definition)

Total Initial Lumens: Derived by summing the individual initial lumens output for all the lighting fixtures of an installation.

Uplight: Light projected above the horizontal.

Section 18-15.4 Outdoor Lighting Standards:

- (1) Shielding standards.
 - (a) All nonexempt outdoor lighting fixtures with an initial output greater than or equal to 7,000 lumens shall be full cutoff.
 - (b) All nonexempt outdoor lighting fixtures with an initial output between 2,000 and 7,000 lumens shall be semi-cutoff, cutoff, or full cutoff.
 - (c) All outdoor lighting fixtures with initial output less than 2,000 lumens shall be semi-cutoff.
 - (d) All outdoor lighting fixtures that have semi-cutoff, cutoff, or full cutoff restrictions shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained.
 - (e) Beyond the cutoff requirements set forth in Section 18-15.4 (1)(a) through (d) above, all light fixtures shall be located, aimed, or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house-side shielding to minimize light trespass on residential properties.

(2) Maximum maintained illuminance levels. No outdoor lighting shall be installed to exceed the maximum maintained illuminance levels recommended by the Illuminating Engineering Society of North America (IESNA) for the designated activity. When no maximum level is defined by IESNA, no lighting shall be installed to exceed 175% of the minimum maintained illuminance levels as recommended by the IESNA for the designated activity unless otherwise permitted in this code.

(3) Off-site spill. A design goal of .75 foot candle (fc) at any location on any non-residential property and .25 fc at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. However, in no case shall lighting exceed 0.5 fc above background when measured at the lot line of any adjoining property.

(4) Reduced lighting levels. Lighting levels shall be reduced to security levels within 30 minutes after the close of business or the end of the business activity.

(5) The following lighting standards shall apply to all exterior lighting sources, including but not limited to lighting for parking, access drives, and walkways, gasoline canopy lighting, and internally and externally illuminated signs. All site plans shall include a lighting plan, drawn at the same scale as the site plan, to demonstrate compliance with the following standards.

(a) All lighting shall be designed, located, and arranged so as not to direct glare on adjoining streets or residential properties. The intensity at adjoining streets or residential properties shall not exceed 0.5 foot candles.

(b) Lighting fixtures shall comply with the shielding requirements stated in the table below. Exempted from these requirements are: public street or road lighting installed by a government entity and airport lighting; lighting activated by motion sensor devices; temporary circus, fair, carnival, or civic uses; construction or emergency lighting; temporary lighting; and lighting required for agricultural operations.

(c) For the purposes of this chapter, a Fully Shielded Fixture shall be defined as an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.

Table of Shielding Requirements	
Fixture Type Lamp	Shielding Requirement
Low/high pressure sodium, mercury vapor	Fully Shielded
Metal halide and florescent - over 50 watts	Fully Shielded
Incandescent over 160 watts	Fully Shielded
Incandescent 160 watts or	None Required

less	
Any light source of 50 watts or less	None Required
Note: Incandescent includes tungsten-halogen (quartz) lamps.	

Section 18-15.5 Special Uses:

(1) Recreational sports facilities lighting.

(a) Shielding. Outdoor light fixtures must be full cutoff or provided with internal and/or external glare control louvers and installed so as to minimize upright and offsite light trespass and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.

(b) Off-site spill. The installation shall also limit off-site spill (off the parcel on which the sports facility is located) to the maximum extent possible consistent with the illumination constraints of the design. A design goal of 0.75 foot candle (fc) at any location on any non-residential property and 0.25 fc at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. However, in no case shall lighting exceed 0.5 fc above background when measured at the lot line of any adjoining property.

(2) Service station canopies. Maximum maintained illuminance levels of 35 fc.

(3) Outdoor advertising signs.

(a) Internally illuminated signs shall have dark backgrounds with light lettering.

(b) Externally illuminated signs shall be lighted from the top down, and lighting shall be directed to minimize glare and light spill to non-sign areas.

(4) Facade lighting. Shielded and directional fixtures are required and must be installed and aimed so as to minimize glare, sky glow, and light trespass.

(5) Flag lighting. Shielded and directional fixtures are required and must be installed and aimed so as to minimize glare, sky glow, and light trespass.

Section 18-15.6 Certification: For installations over 100,000 total initial lumens, the applicant must provide a photometric lighting plan in accordance with the requirements of Section 18-15.7 below, and the installer must certify that the lighting system design and installation conform to all applicable provisions of this section.

Section 18-15.7 Requirements for Photometric Plan:

(1) In addition to the requirements in Section 18-15.6 above, a photometric plan may be required in accordance with one of the following, at the discretion of the Zoning Administrator.

(a) As part of the submission of a plan of development, site development plan, special use application, zoning map amendment application or building permit application when outdoor lighting is regulated by this chapter.

(b) As part of a separate submission where a plan of development, site development plan, special use application, zoning map amendment application, sign permit or building permit application are not required but the outdoor lighting is regulated by this chapter.

(2) A photometric plan shall be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer and shall contain the following information:

(a) Plans indicating the location on the premises of all lighting fixtures, both proposed and already existing on the site, including a schematic layout of proposed outdoor lighting fixture locations that demonstrate adequate intensities and uniformity, and the light coverage resulting from the proposed lighting layout.

(b) Description of all lighting fixtures, both proposed and existing, which shall include but are not limited to catalog cuts and illustrations by manufacturers that describe the equipment, including, lamp types, wattages and initial lumen outputs, glare control devices, lamps, switching devices, proposed placement of all fixtures, including engineering detail of fixtures, manufacturer, model, and installation of same. This description may include but is not limited to manufacturers catalog cuts, and drawings including sections where required.

(c) Photometric data, such as that furnished by manufacturers, or similar showing the angle cut-off light emissions and glare-control devices.

(d) Mounting heights and methods proposed hours of operation and maintenance schedule.

(e) The provision for adequate measures to mitigate nuisance from light pollution and disabling glare to both on-site and off-site uses.

(f) A site plan drawn to scale showing building(s), landscaping, parking areas, and proposed exterior lighting fixtures.

(g) Location of all post, canopy, supports and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas.

(h) Specifications of the illuminating devices, lamps, supports, and other devices, including designation as IESNA "cut-off" fixtures.

(i) Plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the minimum and maximum footcandle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the footcandle value of all the points in the grid and dividing by the total number of points.

(3) Three copies of the photometric plan shall be submitted to the Zoning Administrator for review and approval. When submitted in conjunction with a plan of development, site development plan, special use application, zoning map amendment application, sign permit or building permit no additional fee will be charged and the plan will be reviewed and approved as part of the other plan, permit or application. When a photometric plan is required by itself, a fee as established by the governing body will be charged. The review and approval shall be conducted following the same process as provided for a plan of development.

(4) Plan requirements. Upon written request with justification, the Zoning Administrator may modify submission requirements of Section 18-15.7 (2) above, if it is determined that some information is not necessary for the adequate review of the photometric plan.

Section 18-15.8 Exemptions: The following shall be exempt from the requirements of this section, provided that such fixtures do not cause unsafe glare:

(1) Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state, or county agencies.

(2) Temporary holiday lighting fixtures.

(3) Motion activated light fixtures located as follows:

(a) On lots developed with private residential dwellings when such lighting fixtures emit initial lighting levels of 6,000 lumens or less, are extinguished within five minutes upon cessation of motion and are aimed such that the lamp or light bulb portion of the lighting fixture is not visible at five feet above the property boundary; or

(b) On all other lots when such lighting fixtures are aimed such that the lamp or light bulb portion of the lighting fixture is not directly visible at five feet above the property boundary.

(4) On lots developed with private residential dwellings, outdoor lighting fixtures with initial light outputs of 2,000 lumens or less. A 2,000 lumen output is the approximate light level produced with a 100-watt incandescent light bulb.

ARTICLE 19 - FLOODPLAIN OVERLAY DISTRICT

Section 19-1 General Provisions

A. Intent:

This district is intended to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base:

1. Restricting or prohibiting certain uses, activities and development from locating with districts subject to flooding;
2. Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage, and;
3. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability: These provisions shall apply to all lands within the jurisdiction of the Town of Cheriton and identified as being in the 100- year floodplain by the Federal Insurance Administration.

C. Compliance and Liability:

1. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the provisions of this ordinance and any other applicable ordinances and regulations which apply to uses with the jurisdiction of this ordinance

2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. This ordinance does not imply that districts outside of the flood plain district, or that land uses permitted within such district, or that land uses permitted within such district will be free from flooding or flood damages.

3. Records of actions associated with administering this ordinance will be kept on file and maintained by the zoning administrator.

D. Severability: If any section, subsection paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared severable.

Section 19-2 Establishment of Zoning Districts

A. Description of Districts

1. The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Northampton County, Virginia, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 20, 1998, as amended. The Coastal Floodplain district shall be these areas identified as coastal AE Zones on the maps accompanying the FIS. Flood elevations are provided in these tidal floodplains.
2. Overlay Concept
 - (a) The floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Floodplain districts shall serve as a supplement to the underlying district provisions.
 - (b) Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
 - (c) In the event that any provision concerning a Floodplain Districts is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provision shall remain applicable.

B. Official Zoning Map: The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be part of this ordinance and which shall be kept at the Zoning Administrators office.

C. District Boundary Changes: The delineation of any of the Floodplain districts may be revised by the Town of Cheriton where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

D. Interpretation of District Boundaries: Initial interpretation of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 19.3 District Provisions

A. Permit and Application Requirements

1. Permit Requirements

All uses, activities and development occurring within any floodplain district shall be undertaken only upon issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, as amended and the Cheriton Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws.

2. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the flood plain shall incorporate the following information:

- a. For structures to be elevated, the elevation of the lowest floor.
- b. For structures to be flood proofed (non-residential only), the elevation to which the structure will be flood proofed.
- c. The elevation of the one hundred (100) year flood.
- d. Topographic information showing existing and proposed ground elevations.

B. General Standards

In all special flood hazard areas, the following provisions apply:

1. New Construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to use of over-the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration or flood waters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into systems and discharges from systems into flood waters.
8. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from flooding.
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements for “new construction” as contained in this ordinance.
10. Any alteration, repair, reconstruction or improvement to a building that is not in compliance with the provisions of this ordinance shall be undertaken only if said non-conformity is not furthered, extended or replaced.

C. Specific Standards

In all special flood hazard areas, the following provisions shall apply:

1. Residential Construction

New construction or substantial improvements of any residential structure (including Manufactured homes, mobile homes, and travel trailers and recreational vehicles placed on site for greater than 180 consecutive days) shall have the lowest floor elevated to no lower above the base flood elevation than that required by the Virginia Statewide Building Code.

2. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial or non-residential building (or manufactured home, mobile home, and travel trailers and recreational vehicles placed on site for greater than 180 consecutive days) shall have the lowest floor elevated to no lower above the base flood elevation than that required by the Virginia Statewide Building code.

3. Elevated Buildings

Enclosed areas of new construction or substantially improved structures which are below the regulatory flood protection elevation shall:

- a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
- c. Include, in zones AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for entry and exit of floodwaters. To meet this

requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- ii. The total net area of all openings must be at least one (10 square inch for each square foot of enclosed area subject to flooding.
- iii. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- iv. The bottom of all required openings shall be no higher than one foot above the adjacent grade.
- v. Openings may be equipped with screens, louvers or other opening coverings or devices provided they permit the automatic flow of flood waters in both directions.
- vi. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

4. Standards for Manufactured Home, Mobile Homes, and Recreational Vehicles

- a. All manufactured homes and mobile homes placed, or substantially improved, on individual lots or parcels, in expansions to existing or new subdivisions must meet all the requirements for new construction, including elevation and anchoring.
- b. All manufactured homes and mobile homes placed or substantially improved in a subdivision must be elevated so that:
 - i. The lowest floor of the manufactured home or mobile home is elevated no lower above the base flood elevation that that required by the Virginia Statewide Building Code.
 - ii. The manufactured home or mobile home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;
 - iii. The manufactured home or mobile home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;
 - iv. In an existing subdivision on which a manufactured home or mobile home has incurred “substantial damage”, any manufactured home or mobile home placed or substantially improved must meet the standards of Section 19.3, C above.
- c. All recreational vehicles and travel trailers placed on sites must either
 - i. Be on the street fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached

to the site only by quick disconnect type utilities and security devices and has on permanently attached additions); or,

- iii. Meet all the requirements for new construction, including anchoring and elevation requirements for this section.

D. Standards for Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals that exceed fifty lots or five acres, whichever is the lesser.

Section 19.5 Variances: Factors to Be Considered

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

1. The showing of good and sufficient cause.
2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway District that will cause any increase in the one hundred (100) year flood elevation.
3. The danger that materials may be swept on to other lands to the injury of others.
4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed by the facility to the community.
7. The requirements of the facility for a waterfront location.
8. The availability of alternative locations, not subject to flooding, for the proposed use.
9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
10. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
11. The safety of access by ordinary and emergency vehicles to the property in time of flood.

12. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
13. The repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
14. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and the adequacy of the plans for flood protection and other related matters.

Variance shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100) year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.

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