

Town of Strasburg

Unified Development Ordinance

Adopted

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Table of Contents

CHAPTER 1. ADMINISTRATION 1

- 1.1 Title..... 1
- 1.2 Authority 1
- 1.3 Applicability 1
- 1.4 Purpose 1
- 1.5 Comprehensive Plan Consistency Required..... 2
- 1.6 Coordination with Other Regulations 2
 - 1.6.1 Higher Standards Prevail 2
 - 1.6.2 UDO Consistent with Code of Virginia..... 3
 - 1.6.3 Relationship to Private Agreements..... 3
- 1.7 Non-Discriminatory Compliance Required..... 3
- 1.8 Concurrent Processing..... 3
- 1.9 Final Development Order 3
- 1.10 Exemptions 3
 - 1.10.1 Application of Regulations During Local Emergency 3
 - 1.10.2 Specific Exemptions 3
- 1.11 Interpretation 4
 - 1.11.1 Generally 4
 - 1.11.2 Rules of Language 4
 - 1.11.3 Conflicting Provisions 5
 - 1.11.4 Zoning District Boundaries 5
 - 1.11.5 Graphics 6
 - 1.11.6 Computation of Time 6
- 1.12 Severability 6
- 1.13 Effective Date 6
- 1.14 Zoning Administrator 6
- 1.15 Public Works Director 7
- 1.16 Technical Review Committee 8
- 1.17 Architectural Review Board 8
 - 1.17.1 Creation 8
 - 1.17.2 Responsibilities 8
 - 1.17.3 Authority 9
 - 1.17.4 Terms 9
 - 1.17.5 Removal 9
 - 1.17.6 Qualifications 9
 - 1.17.7 Officers 10

- 1.17.8 Meeting Procedure 10
- 1.17.9 Rules of Procedure 10
- 1.17.10 Public Meetings 10
- 1.17.11 Annual Report by Board..... 10
- 1.18 Planning Commission 10
 - 1.18.1 Appointment; composition; compensation; removal; term; conflicts 10
 - 1.18.2 Responsibilities 11
 - 1.18.3 Rules and regulations; meeting 11
- 1.19 Board of Zoning Appeals 12
 - 1.19.1 Appointment; composition; compensation; removal; term; conflicts: 12
 - 1.19.2 Responsibilities 12
 - 1.19.3 Rules and regulations; meeting 13
 - 1.19.4 Appeals to BZA 13
 - 1.19.5 Mailing of copies of appeal; fee for public hearing 14
 - 1.19.6 Action on Appeals 14
- 1.20 Town Council 15
 - 1.20.1 Responsibilities 15
- 1.21 Conflicts of Interest 15
- 1.22 Compliance 16
 - 1.22.1 Use of Land 16
 - 1.22.2 Subdivision of Land 16
 - 1.22.3 Transfer of Land; Permits 16
- 1.23 Fees 16
- 1.24 Enforcement 17
 - 1.24.1 Authority to Enforce 17
 - 1.24.2 Inspection of Work in Progress 17
 - 1.24.3 Complaints 17
 - 1.24.4 Violations 17
 - 1.24.5 Notice of Violation and Order to Take Corrective Action..... 18
 - 1.24.6 Final Notice and Order in Event of Failure to Take Corrective Action 18
 - 1.24.7 Remedies..... 19
 - 1.24.8 Appeal..... 19
- CHAPTER 2. PROCESS 20**
 - 2.1 Purpose and Intent 20
 - 2.2 Application Submittals..... 20
 - 2.2.1 Digital Submittals, Generally 20
 - 2.2.2 Zoning Permit, Site Plan and PDD Development Plan Submittals 20
 - 2.2.3 Subdivision Submittals 20

2.2.4 Digital Files 20

2.2.5 CAD and GIS Files 21

2.2.6 PDF Files 21

2.2.7 Number of Copies 21

2.3 Development Approval Required Before Development Occurs 22

2.4 Notice Provisions 22

2.4.1 Generally..... 22

2.4.2 Notice Content, Generally 24

2.4.3 Sign Notice..... 24

2.4.4 Action to be Consistent with Notice 24

2.4.5 Minor Amendments Not Requiring Re-Notification 24

2.5 Public Hearings..... 25

2.5.1 Meetings 25

2.5.2 Rules of Order..... 25

2.5.3 Application 25

2.5.4 Conduct of Hearing..... 25

2.5.5 Order of Proceedings 25

2.5.6 Review and Approval..... 26

2.6 Public Record..... 26

2.6.1 Record 26

2.7 Pre-Application Conference..... 26

2.8 Completeness Review 26

2.8.1 Application Materials 27

2.8.2 Timing 27

2.8.3 Limitation on Further Information Requests 27

2.9 Right of Entry 27

2.10 Vested Rights Determination 28

2.10.1 Applicability 28

2.10.2 Common Law Vested Rights 28

2.10.3 Consent Agreement..... 28

2.10.4 Failure to Comply with Consent Agreement..... 29

2.10.5 Vested Rights Determination Process 29

2.11 Revocation of a Development Approval 30

2.11.1 Initiation..... 30

2.11.2 Grounds for Revocation 30

2.11.3 Notice and Public Hearing 30

2.11.4 Decision and Notice..... 30

2.11.5 Appeals 30

- 2.11.6 Right Cumulative 30
- 2.12 Studies, Reports and Assessments 31
 - 2.12.1 Generally 31
 - 2.12.2 When Required 31
 - 2.12.3 When Not Required..... 31
 - 2.12.4 Preparation of SRAs 31
 - 2.12.5 Information to Be Supplied for SRAs 31
- 2.13 Development Review Process Overview..... 32
- 2.14 Public Hearing Process Overview 34
- 2.15 Plans and Plan Amendments..... 34
 - 2.15.1 Applicability 34
 - 2.15.2 Initiation..... 37
 - 2.15.3 Decision 37
 - 2.15.4 Criteria 37
 - 2.15.5 Scope of Approval 38
- 2.16 UDO Amendments 38
 - 2.16.1 Amendments 38
 - 2.16.2 Applicability 39
 - 2.16.3 Initiation..... 39
 - 2.16.4 Decision 40
 - 2.16.5 Criteria 40
 - 2.16.6 Effect of Approval..... 41
 - 2.16.7 Recording Procedures..... 41
 - 2.16.8 Subsequent Applications 41
- 2.17 Conditional Zoning and Proffers 41
 - 2.17.1 Purpose and Policy 41
 - 2.17.2 Scope 42
 - 2.17.3 Basis for Conditions 42
 - 2.17.4 Limitations 43
 - 2.17.5 Enforcement and guarantees 43
 - 2.17.6 Modification of Conditions 44
 - 2.17.7 Additional Criteria 44
 - 2.17.8 Process..... 45
 - 2.17.9 Recordation..... 46
- 2.18 Variance 47
 - 2.18.1 Applicability 47
 - 2.18.2 Initiation..... 47
 - 2.18.3 Decision 47

2.18.4 Findings and Conditions..... 47

2.18.5 Historic Structures..... 48

2.18.6 Floodway..... 48

2.19 Administrative Appeals..... 48

2.19.1 Applicability..... 48

2.19.2 Initiation..... 48

2.19.3 Stay of Proceedings..... 48

2.19.4 Criteria..... 49

2.19.5 Decision..... 49

2.19.6 Exemptions..... 49

2.20 Special Use Permit..... 51

2.20.1 Purpose..... 51

2.20.2 Conditional Applicability..... 51

2.20.3 Initiation..... 51

2.20.4 Approval..... 51

2.20.5 Approval Criteria..... 52

2.20.6 Subsequent Applications..... 53

2.20.7 Amendment..... 53

2.21 Subdivision Applications, Generally..... 54

2.21.1 Purpose..... 54

2.21.2 Subdivision Required..... 54

2.21.3 Private contracts..... 54

2.21.4 Necessary changes..... 54

2.21.5 Amendments..... 54

2.21.6 Subdivisions Subject to This Section..... 55

2.21.7 Exemptions..... 55

2.21.8 Recordation of Unapproved Plat Prohibited..... 55

2.21.9 Sale or Lease..... 56

2.21.10 Development Approval..... 56

2.21.11 Subdivision Classification..... 56

2.21.12 Submission And Review Procedures..... 56

2.22 Sketch Plat..... 58

2.22.1 Purpose..... 58

2.22.2 Applicability..... 59

2.22.3 Plat to be filed with the Zoning Administrator..... 59

2.22.4 Number of copies..... 59

2.22.5 Review of Sketch Plat..... 59

2.22.6 Application..... 59

- 2.22.7 Review Criteria 61
- 2.22.8 Effect of Approval and Validity 61
- 2.22.9 Denial and Appeal 61
- 2.23 Preliminary Plat..... 61
 - 2.23.1 Purpose 61
 - 2.23.2 Applicability 62
 - 2.23.3 Initiation..... 62
 - 2.23.4 Submittal..... 62
 - 2.23.5 Review of Preliminary Plat..... 65
 - 2.23.6 Approval Criteria 66
 - 2.23.7 Subdivision Name..... 67
 - 2.23.8 Conditions on Approvals 67
 - 2.23.9 Subsequent Applications 67
 - 2.23.10 Amendments 67
 - 2.23.11 Scope of Approval 68
- 2.24 Final Plat..... 68
 - 2.24.1 Applicability 68
 - 2.24.2 Initiation..... 68
 - 2.24.3 Submittal..... 69
 - 2.24.4 Final Plat Review 72
 - 2.24.5 Recording of Final Plat..... 73
 - 2.24.6 Performance 73
 - 2.24.7 Subsequent Applications 74
 - 2.24.8 Amendments 74
 - 2.24.9 Scope of Approval 75
 - 2.24.10 Dedication (Acceptance) 75
- 2.25 Development Agreement 75
 - 2.25.1 Purpose 75
 - 2.25.2 Applicability 76
 - 2.25.3 Criteria for Entering into Development Agreements 76
 - 2.25.4 Initiation and Application 76
 - 2.25.5 Contents of Development Agreement..... 76
 - 2.25.6 Completeness Review 77
 - 2.25.7 Decision 77
 - 2.25.8 Recordation..... 78
 - 2.25.9 Coordination of Development Agreement Application with Other Discretionary Approvals 78

- 2.25.10 Existing and Subsequently Adopted Rules, Regulations, Ordinances, Laws, and Policies
78
- 2.25.11 Enforcement 79
- 2.26 Plat Amendment 79
 - 2.26.1 Applicability 79
 - 2.26.2 Initiation..... 80
 - 2.26.3 Decision 80
 - 2.26.4 Approval Criteria 80
 - 2.26.5 Recording Procedures..... 80
- 2.27 Planned Development 80
 - 2.27.1 Purpose 80
 - 2.27.2 Approval Process Overview 81
 - 2.27.3 Findings 81
 - 2.27.4 PD Standards, Generally 82
 - 2.27.5 General Requirements 82
- 2.28 Concept Plan 84
 - 2.28.1 Purpose 84
 - 2.28.2 Applicability 84
 - 2.28.3 Application 84
 - 2.28.4 Review and Approval 85
 - 2.28.5 Effect of Approval..... 85
- 2.29 Preliminary Development Plan 86
 - 2.29.1 Consistency..... 86
 - 2.29.2 Application..... 86
 - 2.29.3 Review and Approval 88
 - 2.29.4 Effect of Approval..... 88
- 2.30 Final Development Plan 88
 - 2.30.1 Consistency..... 88
 - 2.30.2 Application..... 88
 - 2.30.3 Review and Approval 90
 - 2.30.4 Request for Amendments to and Modifications of a PD – Administrative Approval 90
 - 2.30.5 Request for Amendments to and Modifications of a PD – Resubmittal and Rehearing . 91
 - 2.30.6 Expiration..... 91
- 2.31 Site Plan 92
 - 2.31.1 Purpose 92
 - 2.31.2 Prerequisite to Commencing Development..... 92
 - 2.31.3 Initiation..... 93
 - 2.31.4 Site plan contents..... 93

- 2.31.5 Approval..... 94
- 2.31.6 Subsequent Applications 94
- 2.31.7 Amendments 94
- 2.31.8 Scope of Approval 95
- 2.31.9 Bonding Prerequisite To Commencing Development 95
- 2.31.10 Lot grading plans 96
- 2.31.11 Record drawings (as-builts)..... 96
- 2.32 Historic District Certificate of Appropriateness..... 96
 - 2.32.1 Application and Permit Review 96
 - 2.32.2 Approval..... 98
 - 2.32.3 Criteria 99
 - 2.32.4 Decision 102
 - 2.32.5 Appeal..... 103
 - 2.32.6 Demolition by Neglect Procedures 103
 - 2.32.7 Real property partial tax exemption 105
- 2.33 Administrative Permits, Generally..... 105
- 2.34 Administrative Approval Process Overview 105
 - 2.34.1 Application for Permit 106
 - 2.34.2 Records 106
 - 2.34.3 Plans and Specifications 106
 - 2.34.4 Completeness Review 106
 - 2.34.5 Notice..... 106
 - 2.34.6 Resubmittals Due to Incompleteness 107
 - 2.34.7 Resubmittals Due to Non-Compliance..... 107
 - 2.34.8 Issuance of Administrative Permit 107
 - 2.34.9 Limitations on Issuance of Permits 107
 - 2.34.10 Authorizing Use or Occupancy Before Completion of Development 108
 - 2.34.11 Appeal..... 108
- 2.35 Zoning Permit..... 108
 - 2.35.1 Zoning Permit Required..... 108
 - 2.35.2 Applicability 108
- 2.36 Zoning Permit Certificate of Occupancy 108
 - 2.36.1 Required..... 108
 - 2.36.2 Coordination with Shenandoah County..... 109
 - 2.36.3 Enforcement 109
- 2.37 Public Works Permit..... 109
 - 2.37.1 Application Required 109
 - 2.37.2 Compliance required; exception 110

- 2.37.3 Application contents..... 110
- 2.38 Floodplain Permit 110
 - 2.38.1 Designation of Flood Damage Prevention Administrator..... 110
 - 2.38.2 When Required 111
 - 2.38.3 Permit Procedures 111
 - 2.38.4 Powers, Duties and Responsibilities of the Zoning Administrator Regarding Floodplains
111
 - 2.38.5 Floodplain Variances: Factors to be Considered 112
- 2.39 Sign Permit 113
 - 2.39.1 Applicability 113
 - 2.39.2 Submittal..... 113
 - 2.39.3 Approval..... 114
 - 2.39.4 Timing..... 114
 - 2.39.5 Revocation..... 114
 - 2.39.6 Inspection 114
 - 2.39.7 Process..... 115
- 2.40 Building Permit 116
 - 2.40.1 Required..... 116
 - 2.40.2 Coordination with Shenandoah County..... 116
 - 2.40.3 Enforcement 116
- 2.41 Temporary Use Permit 116
 - 2.41.1 Applicability 116
 - 2.41.2 Submittal..... 116
- 2.42 Home Occupation Permit 117
 - 2.42.1 Applicability 117
 - 2.42.2 Submittal..... 117
- 2.43 Exception 117
 - 2.43.1 Applicability 117
 - 2.43.2 Notice..... 117
 - 2.43.3 Decision 117
 - The Zoning Administrator shall issue a written decision with a copy provided to the applicant
and any adjoining landowner..... 117
 - 2.43.4 Approval Criteria 117
- 2.44 Improvement Guarantee 118
 - 2.44.1 Applicability 118
 - 2.44.2 Covenants to Run with the Land 118
 - 2.44.3 Base Course to Be Installed..... 118
 - 2.44.4 Performance Security..... 118

- 2.44.5 Type of Security 118
- 2.44.6 Guarantees 119
- 2.44.7 Reimbursement 119
- 2.44.8 Temporary Improvements 119
- 2.45 Construction Plans 120
 - 2.45.1 Applicability 120
 - 2.45.2 Requirements for Construction Plans 120
 - 2.45.3 Construction Plans for Single Lot Subdivisions 123
 - 2.45.4 Construction Plan Review 123
 - 2.45.5 Timing of Improvements 124
 - 2.45.6 Modification of Construction Plans 124
 - 2.45.7 As-Built Drawings 124
 - 2.45.8 Inspection and Acceptance of Improvements..... 125
- 2.46 Additional Public Works Submittals 126
 - 2.46.1 Soils Report 126
 - 2.46.2 Environmental & Cultural Resource Existing Conditions Report 128
 - 2.46.3 Erosion and Sediment Control Report 128
 - 2.46.4 Hydrology and Storm Water Management Report 129
 - 2.46.5 Traffic Studies 129
 - 2.46.6 Extension of Public Facilities 130
 - 2.46.7 Dedication of Utilities 130
 - 2.46.8 Water Service Connection 131
 - 2.46.9 Sewer Service Connection 132
 - 2.46.10 Drainage Plan 133
- 2.47 Lot Split / Lot Consolidation/ Boundary Line Adjustment (BLA) 133
 - 2.47.1 Standards 133
- 2.48 Vacation of Street, Easements or Plats 134
 - 2.48.1 Applicability 134
 - 2.48.2 Initiation..... 134
 - 2.48.3 Vacation of Public Rights-Of-Way 134
 - 2.48.4 Completeness Review 136
 - 2.48.5 Decision and Approval..... 136

CHAPTER 3. ZONING DISTRICTS137

- 3.1 Purpose and Findings 137
- 3.2 Overview and Applicability..... 137
- 3.3 Use and District and Development Standards 137
- 3.4 Establishment of Zoning Districts 137
 - 3.4.1 Base Districts 137

- 3.4.2 Overlay Districts..... 138
- 3.4.3 Floating District 138
- 3.5 Zoning Map 138
 - 3.5.1 Establishment, Amendment and Maintenance of the Official Zoning Map 138
 - 3.5.2 Interpretation of Zoning District Boundaries 139
 - 3.5.3 Parcels Divided by District Lines 139
- 3.6 Zoning District Use Matrices and Interpretation..... 140
 - 3.6.1 Table of Authorized Uses Established 140
 - 3.6.2 Interpretation of Use Matrices 140
- 3.7 Agriculture (AG) / Rural Residential (RR)..... 141
 - 3.7.1 Purpose..... 141
 - 3.7.2 Density, Intensity and Dimensional Standards..... 141
 - 3.7.3 AG/RR Use Matrix 142
- 3.8 Estate Residential (ER) District 144
 - 3.8.1 Purpose..... 144
 - 3.8.2 Density, Intensity and Dimensional Standards..... 144
 - 3.8.3 ER Use Matrix..... 145
- 3.9 Low Density Residential (LDR) District 146
 - 3.9.1 Purpose..... 146
 - 3.9.2 Density, Intensity and Dimensional Standards..... 146
 - 3.9.3 LDR Use Matrix 147
- 3.10 Medium Density Residential (MDR) District 148
 - 3.10.1 Purpose 148
 - 3.10.2 Density, Intensity and Dimensional Standards 148
 - 3.10.3 MDR Use Matrix..... 149
- 3.11 Multi-Family Residential (MFR) District 150
 - 3.11.1 Purpose 150
 - 3.11.2 Density, Intensity and Dimensional Standards 151
 - 3.11.3 MFR Use Matrix 152
- 3.12 Community Commercial (CC) District 153
 - 3.12.1 Purpose 153
 - 3.12.2 Density, Intensity and Dimensional Standards 153
 - 3.12.3 CC Use Matrix 154
- 3.13 Highway Commercial (HC) District 158
 - 3.13.1 Purpose 158
 - 3.13.2 Density, Intensity and Dimensional Standards 158
 - 3.13.3 HC Use Matrix 158
- 3.14 Business Park / Limited Industrial (BP/LI) District 164

- 3.14.1 Purpose 164
- 3.14.2 Density, Intensity and Dimensional Standards 164
- 3.14.3 BP/LI Use Matrix 166
- 3.15 Planned Development (PD) District 169
 - 3.15.1 Purpose 169
 - 3.15.2 Rezoning to Planned Development District..... 170
 - 3.15.3 Density, Intensity and Dimensional Standards 171
 - 3.15.4 Development and Design Standards 173
 - 3.15.5 Variations, Revisions and Additions of Land 174
 - 3.15.6 PD Use Matrix 175
- 3.16 Medical and Institutional Care (MIC) District 178
 - 3.16.1 Purpose 178
 - 3.16.2 Requirements for Permitted Uses 178
 - 3.16.3 Density, Intensity and Dimensional Standards 178
 - 3.16.4 MIC Use Matrix 179
- 3.17 Historic District (HD) Overlay District..... 180
 - 3.17.1 Purpose 180
 - 3.17.2 Applicability 181
 - 3.17.3 District boundaries 181
 - 3.17.4 Modifications..... 181
 - 3.17.5 Maintenance of Historic Properties 182
 - 3.17.6 Types of Improvements 183
- 3.18 Entrance Corridor (EC) Overlay District 186
 - 3.18.1 Purpose 186
 - 3.18.2 Establishment of districts 186
 - 3.18.3 District boundaries 186
 - 3.18.4 Development and Design Standards 186
- 3.19 Floodplain Protection (FP) Overlay District 189
 - 3.19.1 Purpose 189
 - 3.19.2 Applicability 189
 - 3.19.3 Compliance and Liability 189
 - 3.19.4 Abrogation and Greater Restrictions..... 189
 - 3.19.5 Establishment of Floodplain Protection Districts..... 189
 - 3.19.6 Floodplain Protection District Overlay..... 190
 - 3.19.7 Official Zoning Map 190
 - 3.19.8 District Boundary Changes 190
 - 3.19.9 Interpretation of District Boundaries 191
 - 3.19.10 Permitted Uses in Floodplain Protection Districts 191

3.20 Density/Intensity Bonus..... 191

 3.20.1 Purpose and Findings 191

 3.20.2 Guidelines 191

 3.20.3 Types of Incentives..... 193

 3.20.4 Approval..... 193

CHAPTER 4. DEVELOPMENT AND DESIGN STANDARDS 194

4.1 Administration..... 194

 4.1.1 Generally..... 194

 4.1.2 Reference Standards 194

 4.1.3 Value Engineering 194

 4.1.4 Disclaimer of Liability 195

 4.1.5 Responsibilities, Generally 195

4.2 General Standards 195

4.3 Lots 196

 4.3.1 Generally..... 196

 4.3.2 Flag Lots 196

 4.3.3 Structural Features Included and Excluded from Dimension Requirements 197

4.4 Blocks..... 197

 4.4.1 Depth..... 197

 4.4.2 Shape..... 197

 4.4.3 Location..... 197

 4.4.4 Sidelines 197

 4.4.5 Remnants..... 197

 4.4.6 Lot size 197

4.5 Public Facilities 198

 4.5.1 Service Areas 198

4.6 Water 198

 4.6.1 Generally..... 198

4.7 Sewer..... 199

 4.7.1 Generally..... 199

4.8 Grading and Land Disturbance 199

4.9 Storm Drainage 199

 4.9.1 Generally..... 199

4.10 Erosion and Sediment Controls..... 200

 4.10.1 Generally 200

4.11 Floodplain Protection..... 200

 4.11.1 Generally 200

 4.11.2 Development and Design Standards 200

4.11.3 Existing Structures in Floodplain Protection Districts..... 201

4.12 Riparian Protection Areas 202

4.13 Utility Easements 203

4.14 Monuments 203

4.15 Landscaping 203

 4.15.1 Purpose 203

 4.15.2 Applicability 204

 4.15.3 Modifications..... 204

 4.15.4 Landscape Plans 204

 4.15.5 Landscaping Design Requirements 205

 4.15.6 Plantings 205

 4.15.7 Street Trees 206

 4.15.8 Parking Lot Landscaping..... 207

 4.15.9 Bufferyards..... 209

 4.15.10 Preservation of Vegetation and Tree Cover 215

 4.15.11 Cleared Areas 217

 4.15.12 Drainage..... 217

 4.15.13 Monitoring and Enforcement 217

 4.15.14 Maintenance Responsibility 217

 4.15.15 Additional Screening Requirements 218

4.16 Open Space / Greenspace..... 219

 4.16.1 Usable and functional Open Space Required..... 219

 4.16.2 Exemption 220

 4.16.3 Ownership and Maintenance of Recreational Areas and Required Open Space..... 220

 4.16.4 Dedication of Open Space 220

 4.16.5 Flexibility in Administration Authorized 221

 4.16.6 Open Space Linkages..... 221

 4.16.7 Open Space Design Criteria 221

 4.16.8 Connectivity Required 221

4.17 Fences and Walls 221

4.18 Lighting 222

 4.18.1 Purpose 222

 4.18.2 Applicability 223

 4.18.3 Lighting Standards, Generally 224

 4.18.4 Lighting Maintenance 224

 4.18.5 Illumination standards..... 225

 4.18.6 Measurement..... 228

 4.18.7 Prohibited outdoor lighting 228

4.18.8 Exempt outdoor lighting 228

4.18.9 Excessive Illumination 229

4.18.10 Procedural Requirements..... 229

4.18.11 Enforcement 230

4.18.12 Lighting Dedication 230

4.19 Signs 230

4.19.1 Purpose 230

4.19.2 Applicability 231

4.19.3 Exempt Signs..... 231

4.19.4 Prohibited Signs 232

4.19.5 Design Standards for All Signs 233

4.19.6 Design Standards for Specific Sign Types 235

4.19.7 Signs in Residential Zoned Districts..... 236

4.19.8 Signs in Non-Residential Zoned Districts, Generally 237

4.19.9 Shopping Center Sign Standards 239

4.19.10 Business Park Sign Standards 239

4.19.11 Historic District Sign Standards 240

4.19.12 Entrance Corridor Sign Standards 241

4.19.13 Maintenance and Repair 242

4.19.14 Removal Upon Discontinuation of Use..... 242

4.19.15 Non-Conforming Signs..... 242

4.20 Transportation..... 243

4.20.1 Transportation Guidelines 243

4.20.2 Public Roads 244

4.20.3 Private Roads 244

4.20.4 Streets, Generally 245

4.20.5 Cul-de-sac streets 246

4.20.6 Alleys 247

4.20.7 Curb and gutter..... 247

4.20.8 Sidewalks 247

4.20.9 Motor vehicle access 247

4.20.10 Driveways 248

4.20.11 Internal circulation 249

4.20.12 Pedestrian Access 250

4.20.13 Widening or Extension of Streets 250

4.20.14 Traffic Calming..... 250

4.20.15 Traffic Signage 250

4.21 Off-Street Parking and Loading 251

4.21.1 Generally 251

4.21.2 Off-Street Parking Requirements 251

4.21.3 Residential Uses 252

4.21.4 Non-Residential Uses 252

4.21.5 Determination of Required Number of Spaces 253

4.21.6 Determination of Handicapped Parking Spaces..... 254

4.21.7 Location of Off-Street Parking 254

4.21.8 Shared Parking 254

4.21.9 Off-Street Loading 256

CHAPTER 5. NON-CONFORMITIES.....258

5.1 Generally 258

5.1.1 Purpose and Findings..... 258

5.1.2 Applicability 258

5.1.3 Continuation 258

5.1.4 Repairs and Maintenance 259

5.1.5 Costs 259

5.1.6 Tenancy and Ownership..... 259

5.1.7 Conditions 259

5.1.8 Expansion of Non-Conformity 259

5.1.9 Determination of Non-conformity Status 260

5.1.10 Certificate of Non-conforming Use..... 260

5.1.11 Termination of Non-conformities..... 261

5.1.12 Abandonment..... 262

5.2 Non-Conforming Use 262

5.2.1 Applicability..... 262

5.2.2 Continuance and Expansion..... 262

5.2.3 Change of Use 262

5.3 Non-conforming Lot or Site..... 263

5.3.1 Applicability 263

5.3.2 Generally..... 263

5.3.3 Relocations 263

5.3.4 Change in Use..... 263

5.3.5 Special Event..... 263

5.3.6 Uses for Non-conforming Lots..... 263

5.4 Non-Conforming Structures 264

5.4.1 Applicability..... 264

5.4.2 Continuance and Expansion..... 264

5.4.3 Termination of Non-conforming Structures 264

5.4.4 Exception for Repairs Pursuant to Public Order 264

5.4.5 Destruction or Damage of Structure 264

5.4.6 Incomplete Construction 265

CHAPTER 6. REGULATION OF SPECIFIC USES266

6.1 Accessory Dwellings 266

6.1.1 Purpose..... 266

6.1.2 Prohibited 266

6.1.3 Standards..... 266

6.1.4 Dual Use 266

6.1.5 Prior Approval Required 267

6.2 Bed and Breakfast Establishments 267

6.3 Design Standards for Commercial and Industrial Buildings..... 267

6.3.1 Applicability..... 267

6.3.2 Intent..... 268

6.3.3 Site Design..... 268

6.3.4 Building Design..... 270

6.4 Design Standards for Large-Scale Retail Development 273

6.4.1 Purpose..... 273

6.4.2 Applicability..... 273

6.4.3 Design Requirements 273

6.5 Design Standards for Office and Industrial Parks 275

6.5.1 Purpose..... 275

6.5.2 Applicability..... 275

6.5.3 Design Requirements 275

6.6 Design Standards for Multi-Family Structures 276

6.6.1 Purpose..... 276

6.6.2 Applicability..... 276

6.6.3 Generally..... 276

6.6.4 Apartment Standards 279

6.6.5 Townhouse Standards..... 280

6.7 Development Patterns 281

6.7.1 Conservation Subdivision 281

6.7.2 Infill Development..... 285

6.7.3 Traditional Neighborhood Development 287

6.7.4 Commercial Retrofit 289

6.8 Home Occupations 290

6.8.1 Purpose..... 290

6.8.2 Performance Standards 290

- 6.8.3 Exempt Home Occupations 291
- 6.8.4 Unsafe Home Occupations 291
- 6.8.5 Prohibited Home Occupations 292
- 6.9 Junk or Salvage Yard 292
 - 6.9.1 Purpose 292
 - 6.9.2 Health and Safety Standards 293
- 6.10 Outdoor Display and Use Areas 293
 - 6.10.1 Generally 293
 - 6.10.2 Indemnity 294
 - 6.10.3 Sidewalk Display Areas 294
 - 6.10.4 Parking Lot Display Areas 294
 - 6.10.5 Sidewalk Cafe 295
 - 6.10.6 Process 296
- 6.11 Portable Storage Containers 296
 - 6.11.1 Defined 296
 - 6.11.2 General standards for portable storage containers ("containers") 296
 - 6.11.3 Additional Standards 297
- 6.12 Residential Occupancy Regulations 297
 - 6.12.1 Statement of intent 297
 - 6.12.2 Determining number of residents 297
 - 6.12.3 Relationship of occupants 298
- 6.13 Special Events 298
 - 6.13.1 Purpose 298
 - 6.13.2 Guidelines 299
- 6.14 Telecommunications Towers 300
 - 6.14.1 Purpose 300
 - 6.14.2 Applicability 300
 - 6.14.3 Definitions 300
 - 6.14.4 General provisions 300
 - 6.14.5 Security requirements 301
 - 6.14.6 Height and special use permit requirements 301
 - 6.14.7 Siting requirements 301
 - 6.14.8 Federal requirements 302
 - 6.14.9 Site plan required 302
 - 6.14.10 Inventory of existing towers required 302
 - 6.14.11 Tower design 303
 - 6.14.12 Removal of towers 303
- 6.15 Temporary Uses 303

6.15.1 Generally 303

6.15.2 Temporary Uses During Construction..... 303

6.15.3 Temporary Emergency, Construction or Repair Residences 303

6.15.4 Sales from Vehicles 304

CHAPTER 7. DEFINITIONS.....305

7.1 Rules of Interpretation..... 305

7.1.1 Generally..... 305

7.1.2 Rules of Construction 305

7.1.3 Responsibility for Interpretations 305

7.2 Definitions..... 306

7.2.1 LBCS Definitions..... 306

7.2.2 Specific Terms 306

APPENDIX A: COMPOSITE USE MATRIX322

APPENDIX B: TECHNICAL DESIGN MANUAL.....323

List of Exhibits

Exhibit 2A: Notice Requirements for Approvals Requiring a Public Hearing 22

Exhibit 2B: Development Review Process Overview 32

Exhibit 2C: Public Hearing Process Overview..... 35

Exhibit 2D: Subdivision Classification..... 56

Exhibit 2E: Planned Development Process 81

Exhibit 2F: Administrative Approval Process Overview 105

Exhibit 2G: Alley Vacations 135

Exhibit 3A: Historic District Overlay Map..... 185

Exhibit 3B: Entrance Corridor Overlay District Map 188

Exhibit 4A: Required Bufferyards..... 211

CHAPTER 1. ADMINISTRATION

1.1 Title

This UDO shall be known as the "Unified Development Ordinance of Strasburg, Virginia" ("UDO") and may be so cited.

1.2 Authority

The provisions of this UDO are adopted pursuant to the authority set forth in the Code of Virginia, §§ 15.2-2240 to 15.2-2329, as amended, which authorizes local governments in the Commonwealth to enact zoning ordinances and subdivision regulations. It states that any locality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of the Code of Virginia of 1950, as amended. Nothing in this UDO supersedes the Code of Virginia, and shall be amended consistent with applicable amendments to the Code of Virginia.

1.3 Applicability

- A. All development is subject to this UDO. The use of buildings and land within the Town of Strasburg is subject to all other regulations as well as the UDO, whether or not such other provisions are specifically referenced in the UDO.
- B. References to regulations outside of the UDO or provisions within the UDO are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure, or use from other regulations or provisions. It is the Applicant's responsibility to comply with all regulatory requirements.
- C. This UDO establishes many, but not all, of the standards and procedures for development. Other portions of the Town Code, as well as other standards, may apply to development, including, but not limited to, adopted building codes, fire codes, utility, street and drainage design and construction standards.
- D. The issuance of any Development Order pursuant to this UDO shall not relieve the recipient from the responsibility to comply with other municipal, county, state or federal laws, ordinances or regulations.

1.4 Purpose

The purpose and intent of the UDO is designed to protect and promote the health, safety and general welfare of the present and future residents of the Town, and further accomplish the objectives of Code of Virginia, § 15.2-2200, *et seq.* The UDO is a function of the police power and is designed to separate land uses from governed growth and development processes, and to provide standards and to protect from adverse public nuisance or land use effects and impacts resulting from public or private development within the Town. The UDO intends that no development activity shall occur on any public or private property within the jurisdiction of the UDO until and unless all applicable Development Orders for the development activity have been granted. Therefore, the UDO shall:

- A. Manage future growth so as to maintain the Town's distinctive rural small-town character.
- B. Encourage the maintenance and development of historic and cultural resources, and the preservation of natural resources.
- C. Ensure that Strasburg residents, both present and future, have adequate housing choices in a safe, healthy, and attractive environment.

- D. Encourage the growth of commercial uses that will serve the community, and create a suitable environment for commercial uses.
- E. Provide a transportation network that ensures safe, convenient, and efficient travel for vehicles and pedestrians, promotes regional travel, and enhances the human-scale environment of the Town.
- F. Provide an environment that attracts businesses compatible with the rural small-town character of the Town in order to increase employment opportunities and broaden the tax base.
- G. Provide a variety of high quality community facilities and services to meet the needs of the residents.
- H. Balance the needs of today with the requirements of the future, defining human and physical infrastructure requirements, stressing adult and youth recreational needs, incorporating the revitalization of downtown, encouraging affordable housing, attracting quality employment, protecting historic sites and vistas while ensuring an adequate tax base.
- I. Ensure that building projects are planned, designed, constructed, and managed to be compatible with existing development patterns; minimize adverse environmental impacts; conserve natural resources; promote sustainable development; and enhance the quality of life in Strasburg.
- J. Place high regard for the protection of individual property rights in appropriate balance with the community's need to implement the goals, objectives, policies and strategies of the Comprehensive Plan.

1.5 Comprehensive Plan Consistency Required

- A. These regulations are intended to implement the goals and policies of the Strasburg Comprehensive Plan (Community Plan), as amended, and are hereby deemed to be consistent with the adopted Comprehensive Plan for the Town.
- B. Any amendments or changes to these regulations shall be consistent with the Comprehensive Plan as it may be amended. An amendment to the text of these regulations is consistent with the Comprehensive Plan if it complies with the vision, goals, policies, strategies and recommendations established in the Comprehensive Plan. An amendment to the Zoning Map is consistent with the Comprehensive Plan if it is consistent with the Growth Tiers and Future Land Use Maps of the Comprehensive Plan and with the text and policies of the Comprehensive Plan explaining and implementing the Growth Tiers and Future Land Use Maps.
- C. The UDO and all Development Orders and permits issued pursuant to the UDO are designed to implement and be consistent with the goals, objectives, policies, and strategies of the Comprehensive Plan through comprehensive, concurrent, consistent, integrated, effective, and concise land development regulation.

1.6 Coordination with Other Regulations

1.6.1 Higher Standards Prevail

Where a regulation contained within the UDO imposes higher standards than those required under another ordinance or regulation or statute of the Virginia Code, the regulation adopted under the UDO controls. If the other ordinance or regulation or statute of the Virginia Code imposes higher standards, that ordinance or regulation or statute controls so long as it is consistent with the purposes, findings and intent of the UDO and with the goals, objectives, policies and strategies of the Comprehensive Plan.

1.6.2 UDO Consistent with Code of Virginia

The UDO shall be consistent with the Code of Virginia §15.2-2315. Whenever the regulations made under authority of this article require a greater width or size of yards, courts or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern.

1.6.3 Relationship to Private Agreements

This UDO is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this UDO are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, the regulations of this UDO shall govern.

1.7 Non-Discriminatory Compliance Required

All requests for permits and applications for development approval, including all materials submitted in support of or required for a permit or application, shall comply with the Americans with Disabilities Act and the Fair Housing Act.

1.8 Concurrent Processing

One of the principal purposes of the UDO is to encourage Applicants to concurrently submit for multiple development approvals for a single project in order to speed up and make more efficient the development approval process. Any application which includes requests for two or more development approvals shall cumulatively comply with the requirements of the UDO for each type of development and development approval applied for prior to engaging in that type of development.

1.9 Final Development Order

Upon review, consideration and the application of this UDO, the Town of Strasburg Technical Design Manual (TDM) and development requirements established by applicable state and federal agencies, the Town may make a final determination of an application or permit to constitute a final Development Order, which is appealable. For any application or permit, the Town may approve, approve with conditions and mitigation requirements, approve in part or in phases, deny or deny in parts.

1.10 Exemptions

1.10.1 Application of Regulations During Local Emergency

The Town Council shall have the authority to waive standards within this UDO during local emergencies declared by federal, state or local officials.

1.10.2 Specific Exemptions

- A. Purpose. Town policy is to hold the Town to the same development and design standards and review and approval procedures as private development. However, upon a finding of a compelling public interest, following a public meeting by the Town Council, specific requirements of this UDO may be waived for public improvement projects to the extent permitted by state or federal law.

- B. Standards. The Town Council shall have the authority to waive standards, in whole or in part, within this UDO if the following apply:
1. Exemptions granted by Virginia law.
 2. The acquisition of land by the Town for right-of-way and easements.
 3. Publicly-owned facility, which may include the Town, school district, state, federal government or other public service provider.
 4. The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve new streets or off-site easements.
 5. Conveyances relating to the dedication of land for a public use.
 6. A conveyance made to correct a description in a plat, such as:
 - (a) To correct an error in the description of property in a plat; or
 - (b) To show the proper location or character of any monument which has been changed in location or character or which was shown incorrectly on the prior plat.
 7. Town Initiated Requests. The Planning Commission or Town Council may initiate a request for any permit or application on behalf of the Town. Such requests but shall otherwise follow the same procedures established herein.

1.11 Interpretation

1.11.1 Generally

- A. This UDO shall be interpreted to promote the safety, health, convenience, comfort, prosperity, and general welfare of the public. Interpretation and application of the UDO are the basic and minimum requirements for the protection of public health, safety, morals, convenience and welfare.
- B. The UDO shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms, or phrases in the UDO shall be construed in accordance with Chapter 7 - Definitions, of this UDO.
- C. This UDO contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the UDO. However, to the extent that there is any inconsistency between the text of the UDO and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

1.11.2 Rules of Language

Words and phrases used in this UDO shall be interpreted as follows:

- A. The UDO shall be interpreted by considering, among others:
 1. The intent of the Town Council when adopting this UDO;
 2. The necessity for the provision;
 3. The circumstances under which it has been enacted;

4. The threat to the public health, safety and welfare to be remedied;
 5. The former provision, if any, including other provisions upon the same or similar subjects;
 6. The consequences of a particular interpretation;
 7. Legislative, administrative, and Town Attorney interpretations of the provision.
- B. Words and phrases are construed according to the rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined by this UDO, are construed according to the special meaning or their definition.
 - C. Words used in the present tense include the future; words in the singular include the plural; and words of one gender include the other gender, unless the context clearly indicates the contrary;
 - D. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended;
 - E. The word "shall" is always mandatory; "may" is permissive and is at the discretion of the appropriate decision-maker; and "should" indicates preferred outcomes.

1.11.3 **Conflicting Provisions**

- A. It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of the Town. In any case when the provisions of these regulations and the provisions of other regulations both apply, the provisions of greatest restriction shall govern.
- B. Every provision shall be construed, if possible, to give effect to all its terms. When the words of a provision in its application to an existing situation are clear and free from all ambiguity, the letter of the provision shall not be disregarded under the pretext of pursuing the spirit.
- C. General words are construed to be restricted in their meaning by particular and specific words. When a general provision is in conflict with a specific provision, the two shall be construed, if possible, so effect may be given to both. If irreconcilable, the specific shall prevail and be construed as an exception to the general, unless the general was enacted as a later amendment to the UDO, then it shall be construed to have the latter general provision prevail.
- D. In the case of a difference in meaning or implication between the text of the UDO and the captions for each section, the text shall control.
- E. Where an amendment is adopted and conflicts with or overlooks a provision of the UDO, the two shall be interpreted together, if possible, and effect shall be given to each. If the amendment is irreconcilable, the latest in date of final adoption shall prevail.
- F. When the UDO has been amended more than once, the latest amendment shall be read into the UDO as previously amended and not as originally adopted.

1.11.4 **Zoning District Boundaries**

Unless zoning district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys or railroad main tracts, such centerlines shall be construed to be such boundaries, as the case may be.
- B. Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the centerline at low water or at the limits of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- 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 use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals to determine the boundary.

1.11.5 Graphics

Illustrations are provided for the convenience of the user; in case of a conflict with the text, the text shall control.

1.11.6 Computation of Time

Unless otherwise specifically provided, the timeframe specified for the performance of an act, duty, notice, matter, payment, or thing shall begin on the day following the submittal of a complete application or the preceding action. Specified timeframes shall not end on a Saturday, Sunday or a Town-recognized holiday, but shall end on the following business day. Unless otherwise specified, times are stated in calendar days, including weekends and holidays.

1.12 Severability

If any court of competent jurisdiction decrees that any specific provision of the UDO is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment. If any court of competent jurisdiction determines that any provision of the UDO cannot be applied to any particular property, building, structure or use, that determination shall not affect the application of the UDO to any other property, building, structure or use not specifically included in the order or judgment.

1.13 Effective Date

This UDO shall take effect midnight on July 15, 2014, and the same shall be published and recorded in the Town Code as required by law.

1.14 Zoning Administrator

The Zoning Administrator shall be appointed by and serve at the pleasure of the Town Manager. The Zoning Administrator or the Zoning Administrator's designee, shall perform the following duties and other duties and tasks as established in this UDO:

- A. Serve as staff for the Town Council, Planning Commission, the Board of Zoning Appeals and other Town boards and commissions as directed by the Town Council, and shall act as a liaison to other governments, districts, utilities, neighborhoods and associations in land use matters;
- B. Review and render interpretations of this UDO, the Official Zoning Map, the Comprehensive Plan and the Capital Improvement Program;
- C. Make recommendations to the Town Council, Planning Commission, the Board of Zoning Appeals and other Town boards and Commissions as directed by the Town Council regarding amendments to of this UDO, the Official Zoning Map, the Comprehensive Plan and the Capital Improvement Program;

- D. Prepare monthly activity summaries, that identify and summarize development trends and issues, for the Town Council and Planning Commission;
- E. Accept applications for development approval; certify the completeness of submitted applications with the requirements of these regulations; review and prepare staff reports recommending approval, approval with conditions or denial of applications for amendments to the Comprehensive Plan, amendments to the Future Land Use Map, amendments to the text of this UDO and all legislative and quasi-judicial applications;
- F. Accept applications for, review, and approve, approve with conditions or deny, applications for all ministerial Development Orders which the Zoning Administrator is authorized to issue;
- G. Monitor development projects to ensure compliance with conditions of a Development Order;
- H. Facilitate the creation and adoption of special area, corridor, neighborhood and floodplain plans;
- I. Enforce this UDO;
- J. Review all floodplain development approval applications to ensure that the provisions of this UDO shall be met;
- K. Review development applications to ensure that all necessary permits' licenses, franchises and approvals have been obtained from federal, state, local governmental districts, public and private utilities and other public agencies; the amount and applicability of administrative and consulting fees, the administrative enforcement of the UDO, the adequacy of security instruments and escrow deposits and issuance of ministerial Development Orders; and
- L. Keep a record of all permits, appeals, variances, certificates, reviews and such other transactions and correspondence pertaining to the administration of this UDO.

1.15 Public Works Director

The Public Works Director shall be appointed by the Town Manager, and shall perform the following duties:

- A. Serve as a member of the TRC;
- B. Assist the Zoning Administrator with development review responsibilities;
- C. Prepare monthly activity summaries, that identify and summarize development trends and issues, for the Town Council and Planning Commission;
- D. Review Development Agreements and determine the amount of the letter of credit, cash escrow or surety bond required for the construction of public improvements;
- E. Review subdivisions, vacations or abandonment of streets, servitudes, and plats for conformance with this UDO and make written recommendations;
- F. Review and approve, approve with conditions, or deny applications for construction plan approval;
- G. Maintain the Town's technical development and design standards, including those mandated by applicable state and federal agencies, and periodically update the Town Council if those agencies mandate revised standards which will have a significant impact the Town; and
- H. Inspect public improvements and recommend appropriate action.

1.16 Technical Review Committee

A Technical Review Committee (“TRC”) is hereby created. The TRC shall include representatives from the following Town departments including but not limited to the Planning, Administration, Fire, Rescue Squad, Police, Public Works, and Parks & Recreation Departments, and also may include, for a specific development approval application, representatives of other Town departments, school districts, public and private utilities, assessment or public improvement districts, and County, state or federal agencies as determined by the Town Manager. The duties of the TRC shall include the following:

- A. The TRC shall serve as a review and recommending body, assisting the Zoning Administrator, the Town Council, the Planning Commission, the Board of Zoning Appeals and all other appointed boards, committees and Commissions as directed by the Town Council.
- B. The TRC shall provide advice and recommendations on environmental, planning, fiscal, design, engineering, transportation, utility, geo-hydrological, water availability, sustainability, environmental and technical issues, and to assess the comments and reports of reviewing Town departments, regional, state and federal agencies and officials and Applicants.
- C. The TRC shall analyze applications and submittals for development approval, adoption and amendment of the UDO, the CIP, the zoning map, the Comprehensive Plan, or any area or neighborhood plan as specified by the Zoning Administrator and the UDO.
- D. The purpose of the TRC is to provide a coordinated Staff report to the recommending and/or deciding bodies. The Zoning Administrator is responsible for scheduling meetings, obtaining input from TRC members and coordinating recommendations on an as-needed basis. The TRC is not required to meet on a regular basis or to convene in order to review development applications as a group.

1.17 Architectural Review Board

1.17.1 Creation

For the general purposes of this UDO and specifically to preserve and protect historic places and areas in the historic districts through the control of demolition and relocation of such places and through the regulation of architectural design and uses of buildings, structures, sites and objects in such areas, there is hereby created a board to be known as the Architectural Review Board to be composed of five voting members. The members of the Architectural Review Board shall be appointed by the majority vote of the Town Council.

1.17.2 Responsibilities

In accomplishing the objectives of this UDO the Board shall serve to:

- A. Administer the provisions of this UDO.
- B. Preserve and to protect buildings and structures within the defined Historic Districts through the review and regulatory processes stated in this UDO and provided by Code of Virginia, § 15.2-2306, as amended.
- C. Review and approve or deny all applications for certificates of appropriateness in the historic districts. Decisions of the Board are binding upon Applicants, unless and until said decisions are overturned on appeal.
- D. Create, and review annually, the Strasburg Historic District Design Guidelines. The Board shall create and review on an annual basis a set of design guidelines which shall apply to all existing and proposed buildings and structures covered by the scope of this UDO. The guidelines shall be recommended by the ARB and adopted by resolution of the Town Council. Subsequent modifications to the guidelines shall also be approved

by the Town Council. It is the further intention that these guidelines be provided to the public to offer good practice recommendations and advice for the treatment of all of Strasburg's old and historic buildings.

- E. Create and to maintain a portfolio of historic interest for each property within the historic districts designated by the Strasburg Town Council. This portfolio will be modeled from the template provided by the Virginia Department of Historic Resources, and made available to the public in an electronic format.
- F. Be informed of and share with property owners all available local, state, and national credits and renovation aids.
- G. Provide advice on historic preservation issues as requested by the Town Council or staff.
- H. Recommend areas for designation as Historic Districts or landmarks, and additions or deletions to districts.
- I. Disseminate information within the locality on historic preservation issues and concerns, and receive and act on public comment.
- J. Advise owners of historic properties on issues of preservation, as requested.
- K. Seek out funds to forward the purposes of this UDO, and to make recommendations to the Town Council regarding the use of the funds.
- L. Review and make recommendations regarding historic preservation on applications for rezoning, special use permit, site development, subdivision, and variance in and around the historic districts, as requested by the Town staff or Council.
- M. Carry out other duties as requested by the Town Council.

1.17.3 Authority

The Board shall have the authority to:

- A. Obtain the services of qualified consultants to advise and assist it within the limits of available appropriations.
- B. Request and receive any appropriate information, cooperation, assistance, or studies from other Town agencies, subject to the approval of the Town Manager.

1.17.4 Terms

ARB members shall be appointed for four-year terms with a right of reappointment at the pleasure of the Town Council. Vacancies on the Board shall be filled within 60 days in the same manner as members are appointed.

1.17.5 Removal

Any member of the ARB may be removed from office by majority vote of the Town Council for neglect of duty or malfeasance. All members are expected to attend scheduled meetings on a regular basis. Failure to attend a minimum of 50% of all scheduled meetings over a six-month period, not including absences excused by the Board chair, shall constitute a resignation that shall be acted upon by a majority vote of the Town Council.

1.17.6 Qualifications

All members of the ARB shall be Town residents and shall have a demonstrated interest, competence, or knowledge in historic preservation. One member may be selected among the membership of the Planning Commission. The members shall include a minimum of one person qualified in architecture or architectural history. Should no qualified Strasburg resident be available to serve in this capacity, applications from outside the Town shall be accepted to fill this post. At least one person shall hold a demonstrated knowledge of Strasburg's historic homes and neighborhoods.

1.17.7 Officers

The ARB shall elect from its membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves; however, a rotation of officers is encouraged. The Zoning Administrator and Clerk of Council shall serve as administrative staff to the ARB and maintain all records, minutes, and files relating to the ARB meeting.

1.17.8 Meeting Procedure

The chairman shall conduct the meetings of the ARB. In the absence of the chairman, the vice-chairman shall preside. Minutes of the meetings and permanent records of all resolutions, transactions, and determinations shall be kept, and shall be made available to the Town Council. All members of the ARB shall be entitled to vote, and the decisions of the ARB shall be determined by a majority of those members present and voting. A quorum is defined as a majority of the appointed membership.

1.17.9 Rules of Procedure

In matters covering procedures not included in this UDO, the Board will establish its own by-laws, subject to legal review and approval by the Town Council.

1.17.10 Public Meetings

The ARB shall have regularly scheduled monthly meetings. The chairman or the vice-chairman, in the chairman's absence, may call special meetings, as may be necessary, after notifying the Zoning Administrator. Meetings of the ARB shall be publicly announced, in accordance with any legal requirement, and shall be open to the public.

1.17.11 Annual Report by Board

The ARB shall submit an annual report of its activities for review by the Town Council at their regular meeting each January.

1.18 Planning Commission

1.18.1 Appointment; composition; compensation; removal; term; conflicts

- A. Pursuant to state law, a Planning Commission for the Town is hereby created.
- B. The Planning Commission shall be composed of seven members, who shall be appointed by the Town Council, all of whom shall be Town residents and qualified by knowledge and experience to make decisions on questions of community growth and development, provided that at least one-half of the members shall be owners of real property. One member of the Planning Commission may be a member of the Town Council, and one member may be a member of the administrative branch of Town government. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed unless the Town Council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the Planning Commission shall serve for staggered terms of four years each.
- C. All members of the Planning Commission shall serve as such without compensation, unless the Town Council provides for compensation to the members for their services or reimbursement for actual expenses incurred or both, pursuant to the last paragraph of Code of Virginia, § 15.2-2212.
- D. Any member of the Planning Commission may be removed from office for malfeasance in office.
- E. Vacancies upon the Planning Commission, however caused, shall be filled by the Town Council for the unexpired term only.

- F. The Planning Commission shall elect from among its members its own chairman and vice-chairman and shall provide from time to time such rules and regulations, which are not inconsistent with this UDO, for its own organization and procedure as it may deem proper.

1.18.2 Responsibilities

- A. The Planning Commission shall have the functions, powers and duties and shall be subject to the limitations which are prescribed by law.
- B. The Planning Commission shall make annual reports to the Town Council covering their investigations, transactions and recommendations; in addition it shall make such other reports as it may deem proper, or as may be required by the Town Council.
- C. Make recommendations for the Comprehensive Plan and Capital Improvement Plan (CIP) for future development, including recommendations relative to the location, length, width, and arrangements of the streets, alleys, bridges, viaducts, parks, parkways, playgrounds, boulevards, or other public grounds or improvements, the platting of public property into lots, plots, streets or alleys, transportation, the grouping of public buildings, the design and placing of memorials, works of art, power or lighting plants, street lighting standards, telephone poles, street name signs, billboards and projecting signs.
- D. Make recommendations in connection with the execution and interpretation of the Comprehensive Plan, and make such changes and adjustments in the plan as may be deemed desirable from time to time.
- E. Make recommendations upon any matter relating to zoning regulations which may be referred to it by the Town Council, and assume such other related duties and responsibilities as may be delegated to it by the Town Council.
- F. Prepare and recommend to the Town Council rules controlling the subdivision of land.
- G. Make recommendations regarding the approval or disapproval of plats for land subdivision, lots split, conditional zoning and proffers.
- H. Recommend from time to time legislation which may be desirable to further the purpose of Town planning.
- I. In addition to all other powers and duties provided by the provisions of this UDO, the Planning Commission shall have such other powers and/or duties as may be provided by the Town Council.

1.18.3 Rules and regulations; meeting

- A. The Planning Commission shall adopt such rules and regulations as it may consider necessary.
- B. The meeting of the Planning Commission shall be held monthly and at the call of its chairman or at a written request of two members at such times as a quorum of the Planning Commission may determine.
- C. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- D. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning Commission and shall be a public record.
- E. All meetings of the Planning Commission shall be open to the public.

- F. A quorum shall be at least four (4) members.

1.19 Board of Zoning Appeals

1.19.1 Appointment; composition; compensation; removal; term; conflicts:

- A. A Board of Zoning Appeals (BZA) consisting of five members shall be appointed by the Circuit Court of Shenandoah County. The Board shall serve without pay other than for traveling expenses. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after a hearing held after at least 15 days' notice. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- B. The members' office shall serve five-year staggered terms. One of the five appointed members shall be an active member of the Planning Commission.
- C. Any member of the BZA shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.
- D. The BZA shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman.
- E. At the request of the Town Council, the Circuit Court may appoint not more than three alternates to the BZA. The qualifications, terms and compensation of alternate members shall be the same as those of regular members.
- F. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the Zoning Administrator at least 24 hours prior to the meeting of such fact.

1.19.2 Responsibilities

The Board of Zoning Appeals shall have the following responsibilities:

- A. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq. or of this UDO. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The Board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
- B. To authorize upon appeal or original application in specific cases such variance as defined in this UDO from the terms of this UDO 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 UDO shall be observed and substantial justice done.
- C. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned 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 UDO. In authorizing a variance the Board 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 ensure that the conditions imposed are being and will continue to be complied with.
- D. To hear and decide appeals from the decision of the Zoning Administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204.

- E. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the Board may interpret the map in such way as to carry out the intent and purpose of this UDO for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by this UDO.
- F. No provision of this section shall be construed as granting the Board the power to rezone property or to base Board decisions on the merits of the purpose and intent of local ordinances duly adopted by the Town Council, consistent with the Code of Virginia, § 15.2-2309.

1.19.3 Rules and regulations; meeting

- A. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.
- B. The meeting of the BZA shall be held at the call of its chairman or at such times as a quorum of the Board may determine.
- C. The chairman, or in his absence, the vice chairman, may administer oaths and compel the attendance of witnesses.
- D. The BZA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- E. All meetings of the BZA shall be open to the public.
- F. A quorum shall be at least three members.
- G. A favorable vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the Applicant on any matter upon which the Board is required to pass.

1.19.4 Appeals to BZA

- A. An appeal to the Board may be taken by any person aggrieved or by any officer, department, Board or bureau of the Town affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq. or this UDO.
- B. Notwithstanding any Charter provision to the contrary, any written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and un-appealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
- D. In no event shall a written order, requirement, decision or determination made by the Zoning Administrator or other administrative officer be subject to change, modification or reversal by the Zoning Administrator or any other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the Town Council, modification is required to correct clerical or other nondiscretionary errors.

1.19.5 Mailing of copies of appeal; fee for public hearing

- A. Appeals shall be mailed to the Board of Zoning Appeals, C/O the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy should be mailed to the individual, official, department or agency concerned if any.
- B. Appeals requiring an advertised public hearing shall be accompanied by a certified check payable to the Town treasurer in the amount of the review fee as established by Town Council.

1.19.6 Action on Appeals

- A. In exercising its powers the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the Applicant on any matter upon which it is required to pass under this UDO or to effect any variance from this UDO. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses, consistent with the Code of Virginia, § 15.2-2312.
- B. Certiorari to review decision of BZA is permitted consistent with the Code of Virginia, § 15.2-2314.
 1. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any aggrieved taxpayer or any officer, department, Board or bureau of the Town, may present to the Circuit Court for the county a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the Board.
 2. The BZA shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
 3. If, upon the 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 evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a

part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

4. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the Board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the Board may request that the court hear the matter on the question of whether the appeal was frivolous.

1.20 Town Council

1.20.1 Responsibilities

- A. Appoint members to the Planning Commission, Board of Zoning Appeals, Architectural Review Board, and any other committee, commission or board as the Town Council determine.
- B. Decide all development review recommendations and requests pursuant to this UDO;
- C. Approve development agreements and rules and regulations for public improvements from the Zoning Administrator or other staff members;
- D. Adopt fees and authorize waivers to fees;
- E. Decide applications for waivers from public improvement requirements;
- F. Decide requests for closing or abandoning streets and easements; and
- G. Other responsibilities assigned by this UDO, the Town Charter, other sections of the Town Code, or Virginia Law.

1.21 Conflicts of Interest

- A. Members of a commission, committee or board whose professional services are being used by an Applicant shall disqualify themselves from that application. Such disqualification shall prohibit all action by the Planning Commission or committee member including discussion, deliberation, voting, recommendation or participation as a commission or committee member.
- B. Members of a commission, committee or board who have a financial interest in the property in question or who is employed with a firm that has been hired to aid the Applicant in any matter whatsoever, or who has a proprietary, tenancy, or personal interest in any case to be considered by that Reviewing Body shall be disqualified from participating in the consideration of any request for a permit.
- C. The Town may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law or real estate, and the Town does not want to impair such residents from practicing their trade for hire. In such cases the Town may, upon the request of the chairman or vice chairman of the Planning Commission, committee or board appoint a substitute member who is qualified in the same field as the disqualified member and who will serve for that particular case only. If no qualified resident of the Town is able to substitute for the disqualified member, the Town may appoint, in this case only, a qualified substitute who is a resident of Virginia but not a resident of Strasburg.

1.22 Compliance

1.22.1 Use of Land

Except as herein specifically provided, no building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except under the following circumstances:

- A. The use shall be permitted in the district in which the use is located, pursuant to this UDO.
- B. No more than one principal building may be located on one lot, unless otherwise authorized.
- C. No mobile home, camper, bus, tractor trailer, or other structure not specifically designed as a permanent residence may be used as an accessory structure in a residential district.
- D. No structure or land shall be occupied or used without first obtaining a Certificate of Occupancy, when required.
- E. All uses shall comply with all applicable building, life, safety, fire and health codes adopted by the Town and all applicable regulations adopted by the County, State or federal governments.

1.22.2 Subdivision of Land

Except as herein provided, no land shall be divided or subdivided, except in conformance with this UDO and subject to the following conditions:

- A. All divisions or subdivisions of land into two or more tracts, parcels or lots that are located within the jurisdiction of the Town shall be subject to the procedures and requirements established herein.
- B. No subdivision plat shall be filed for record, recorded, or modified until approved in conformance with this UDO.
- C. No land dedicated shall be used for a public purpose, nor shall a subdivision or property containing such land or part thereof be made or recorded prior to obtaining Final Plat approval.

1.22.3 Transfer of Land; Permits

No permit shall be issued for any type of development activity for new lots, for a use or structure unless a plat has been properly approved and recorded with the Clerk of the Court for Shenandoah County.

1.23 Fees

- A. Any action on an application for development shall be subject to payment of the required fee. The amount of fees for permits and applications are located in the Planning and Zoning Department. All required fees shall accompany an application, shall be made payable to the Town of Strasburg, and shall be submitted to the Zoning Administrator. All fees are non-refundable.
- B. The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the Town Council by resolution. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
- C. Fees shall be charged in order to cover the costs of examining all applications and other expenses incidental to the application. Additional application and review costs may be charged only if the Town Council determines that extraordinary fees are reasonable and should be the responsibility of the Applicant.

1.24 Enforcement

1.24.1 Authority to Enforce

- A. The Town Manager or designee is authorized to enforce this UDO.
- B. All departments, officials, and public employees of the Town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this UDO, which shall only be issues if in conformance and consistent with this UDO. Any permit or license issued in conflict with the provisions of this UDO, shall be null and void.

1.24.2 Inspection of Work in Progress

As the work pursuant to a permit progresses, the Zoning Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this UDO and the terms of the permit. In exercising this power, the Zoning Administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purpose of inspection or other enforcement action.

1.24.3 Complaints

Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint. The complaint must state fully the cause and basis thereof and shall be filed with the Zoning Administrator. The Zoning Administrator shall keep record of such complaint, immediately investigate, and take action as provided by this ordinance.

1.24.4 Violations

- A. Generally
 1. Any building erected or improvements constructed contrary to any of the provisions of this ordinance and any use of any building or land which is conducted, operated, or maintained contrary to any of the provisions of this ordinance or contrary to any detailed statement of plan approved under the provisions of this ordinance shall be and the same is hereby declared to be unlawful.
 2. Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements thereof, shall be subject to the penalties within this ordinance.
 3. Any person, firm, or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this UDO shall be guilty of a misdemeanor. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this UDO is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. Each day a violation occurs shall be a separate violation, punishable as a separate offense.
- B. Civil Violations. All violations of the provisions of this UDO, except criminal violations, shall be deemed a civil infraction;
- C. Criminal Violations. The following are deemed criminal violations of this UDO:
 1. Any sign posted on public property or in public rights-of-way in violation of this ordinance;
 2. Any land development activity without applicable permit; or,

3. Any violation of the provisions of this ordinance that results in physical harm or injury to any person.

1.24.5 **Notice of Violation and Order to Take Corrective Action**

- A. When the Zoning Administrator determines that there is a building or property in violation of this UDO, the Zoning Administrator shall notify the owner or occupant of the building of the violation and deliver a Notice of Violation and Order to Take Corrective Action, in writing, delivered by certified or registered mail or by personal service to the building or property owner and tenants, as applicable.
- B. The Notice of Violation and Order to Take Corrective Action shall require the owner to remedy the violations, as follows:
 1. Violations which pose an imminent threat to health and safety shall be corrected within seven (7) days from notice.
 2. Sign violations shall be corrected within fourteen (14) days from notice; and
 3. All other violations of this UDO shall be corrected within thirty (30) days from notice.
- C. A request for an extension shall not be unreasonably denied upon a showing of good faith of violation elimination.
- D. The Notice of Violation and Order to Take Corrective Action shall contain:
 1. The name and address of the person(s) charged;
 2. The nature of the infraction and the UDO provision(s) being violated;
 3. The location, date, and time that the infraction occurred or was observed.
 4. Whether the violation(s) are civil or criminal;
 5. The amount, manner, location, and time in which the civil penalty may be paid to the Town;
 6. The right of the recipient to elect to stand trial for the violation; and
 7. Compliance is required within the timeframe established for the matter or will be forwarded to the Town Attorney for prosecution.

1.24.6 **Final Notice and Order in Event of Failure to Take Corrective Action**

If the owner of a building or property shall fail to take prompt corrective action, pursuant to this Section, the Zoning Administrator shall deliver, by certified or registered mail or by personal service, a Final Notice of Violation and Order to Take Corrective Action to contain all information required in the Notice and Order in Event of Failure to Take Corrective Action and the following information:

- A. Corrective action has not occurred;
- B. Compliance with the Notice and Order in Event of Failure to Take Corrective Action has not occurred;
- C. The matter will be forwarded to the Town Attorney to prepare a Complaint for prosecution if compliance has not occurred within fourteen (14) days;
- D. The Town will seek all remedies and enforcement powers allowed by law; and

- E. All civil and criminal penalties and fines, as applicable, and all costs associated with enforcement of the matter will be assessed against the property and person(s) charged.

1.24.7 Remedies

- A. Civil Remedies. In addition to the remedies allowed by law, the regulations and standards contained in this UDO may be enforced through the issuance of a civil citation by the Zoning Administrator or his designee, and the pursuit of fines, injunctive and other equitable relief and other remedies available pursuant to the Town Code and Virginia law.
- B. Criminal Remedies. Prosecution of a particular violation as a criminal offense shall not preclude the Zoning Administrator from pursuing injunctive action.
- C. Stop Orders. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this UDO, the Zoning Administrator may order the work to be immediately stopped if the violation poses an imminent threat to life, safety and/or the environment; or where no permits have been issued prior to work commencing. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.
- D. Revocation of Permits or Approvals. Development approvals may be revoked in accordance with this UDO.
- E. Reimbursement of Costs to Enforce and Correct. If an owner, tenant, or occupant of any building or land or part thereof is served with an Order to Take Corrective Action and fails to either correct the violation or take such actions to come into compliance with this UDO, then the Zoning Administrator or appropriate enforcement official may undertake all necessary corrective actions to enforce the terms and conditions of this UDO and institute legal action in Circuit Court to collect and assess for the reimbursement for taking corrective action.
- F. Remedies Not Exclusive. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

1.24.8 Appeal

Any owner who has received an order to take corrective action may appeal in writing to the Zoning Administrator within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Zoning Administrator shall be final. The Board of Zoning Appeals shall hear an appeal within 30 days and may affirm, modify and affirm or revoke the order.

CHAPTER 2. PROCESS

2.1 Purpose and Intent

The purpose and intent of this UDO is to establish the authority of those responsible for application of the UDO and to consolidate and designate the procedures for filing and processing applications for development approval. The provisions of this UDO are designed to implement the Comprehensive Plan and all area or neighborhood plans, corridor plans and functional or special purpose plans.

2.2 Application Submittals

2.2.1 Digital Submittals, Generally

Site plans, Zoning Permit applications and subdivision drawings shall be submitted in hard copy and digital format to assist in public record keeping, to facilitate ongoing administration of this UDO and to improve delivery of ongoing public facilities and services. The Applicant shall bear no liability for the Town's subsequent use of digital data and the Town reserves the right to modify data to improve the operations of its geographic information system (GIS).

2.2.2 Zoning Permit, Site Plan and PDD Development Plan Submittals

Applications that include building plans, plot plans, Site Plans, building elevations and Planned Developments shall include those drawings in PDF format at sufficient resolution for all text to be legible.

2.2.3 Subdivision Submittals

- A. Plat information shall be provided to Town in two forms: hard-copy subdivision plat sheets and digital plat data. The purpose of the digital plat data requirement is to coordinate with Strasburg's GIS program and is to be used for information only.
- B. Digital data for Concept Plans, Plats and Development Plans will consist of graphical elements representing the hard-copy subdivision plat. The Applicant shall provide digital data before the subdivision plat is recorded.
- C. The digital data submittal shall include the subdivision boundaries, all parcel boundaries, all rights-of-way, easements, control points and labels, and be in State Plane Coordinates.
- D. The digital data submittals are subject to review and approval as a condition to the subdivision plat review and approval process. The X-Y coordinates indicated with the initial submittal are subject to approval. If an error is found to exist in the digital data that the Town cannot correct, or if the digital data are otherwise unacceptable, the Town will contact the Applicant to have the digital data corrected.

2.2.4 Digital Files

- A. At time of application submittal, PDF files of application requirements and supporting materials shall be provided.
- B. At time of application approval, final digital files shall be submitted in CAD or GIS shapefile format as instructed by the Public Works Director. In addition, all other final documents created pursuant to the requirements of this UDO shall be submitted to the Zoning Administrator.

2.2.5 CAD and GIS Files

- A. Town of Strasburg agrees to protect CAD and GIS files as intellectual property, and will not distribute the drawings in their CAD form to any third party without consent. Digitally Auto CAD signed/sealed drawings are not required.
- B. The CAD and GIS Layer Standards are maintained by the Town. Applicants shall coordinate digital submittal requirements with the Public Works Director to determine format and consistency with Town datasets.
- C. At time of initial application, submit one set of digital files used to create the hard-copy drawings with the following information where applicable:
 - 1. Water utility pipes and appurtenances;
 - 2. Sanitary sewer utility pipes and appurtenance;
 - 3. Reclaimed water utility pipes and appurtenances;
 - 4. Right-of-way;
 - 5. Lot/parcel boundaries;
 - 6. Building footprints;
 - 7. Edge of pavement/curb and gutter;
 - 8. Project boundary; and
 - 9. Easements.
- D. The entire project area is to be covered in the file. Please do not split the project into multiple files corresponding to the individual plan sheets. Omit topography and survey points. Acceptable formats/versions of digital data are:
 - 1. AutoCAD 2007-2012;
 - 2. AutoCAD DXF 2007-2012; and
 - 3. ESRI ArcView Shapefile.

2.2.6 PDF Files

Upon each submission to the Town of Strasburg, one complete digital document in Portable Document Format (PDF) shall be provided. This file is to contain the entire latest approved sealed drawings of the construction plan set. Each drawing shall be captured at 1:1 scale (such that the PDF can be plotted at the original scale of the hard copy without scaling the plot). If the PDF is produced by scanning the hard-copy drawings, then the scanning shall be performed at 300 dots per inch (DPI). The scans shall be black and white, and shall be free of distortions.

2.2.7 Number of Copies

To minimize the number of prints required to be produced, the Applicant shall consult with the Zoning Administrator to who shall determine the number of copies required for review by applicable entities. The Administrator may authorize the submittal of a limited number of copies of documents at initial submittal and require the remainder prior to distribution to Reviewing Bodies.

2.3 Development Approval Required Before Development Occurs

No development or development activity is permitted unless all Development Orders applicable to the proposed development are issued in accordance with this UDO. Development approvals are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan and policies of the Town. Generally, the procedures for all applications have five common elements:

- A. Submittal of a complete application, including required fee payments and appropriate information and studies;
- B. Review of the submittal by appropriate staff, agencies, and boards;
- C. A decision to approve, approve with conditions, or deny together with the description of the actions authorized and the time period for exercising rights;
- D. If necessary, amending or appealing the decision; and
- E. Recording the decision.

2.4 Notice Provisions

2.4.1 Generally

- A. The notice requirements for each type of application are prescribed in the individual subsections of this UDO and the Code of Virginia §15.2-2204. The notice requirements for certain types of public hearings are established in Exhibit 2A provided, however, that to the extent of any inconsistency between the provisions of this section and any state statute, the Virginia Code governs.

Exhibit 2A: Notice Requirements for Approvals Requiring a Public Hearing

Development Application	Publication	Mail	Signage	Internet
Comprehensive Plan / Plan Amendment	✓	○	○	✓
UDO Text Amendment	✓	○	○	✓
UDO Map Amendment	✓	✓	✓	✓
Conditional Zoning and Proffers	✓	✓	✓	✓
Variance	✓	✓	✓	✓
Administrative Appeal	✓	✓	✓	✓
Special Use Permit	✓	✓	✓	✓
Subdivision (Sketch Plat, Preliminary Plat, Final Plat)	✓	✓	✓	✓
Development Agreement	✓	○	○	✓
Plat Amendment	✓	○	✓	✓

Development Application	Publication	Mail	Signage	Internet
Planned Development (Preliminary Development Plan, Final Development Plan)	✓	✓	✓	✓
Concept Plan	✓	✓	✓	✓
Site Plan	✓	○	✓	✓
Vacation of Streets Easements or Plats	✓	○	✓	✓
Conditions, unless otherwise indicated in the UDO or directed by the Zoning Administrator:	Publish a notice of the time and place of the public hearing once a week for two successive weeks in a newspaper having general circulation in the Town, such that the publications shall be not less than five (5) days and no more than 21 days before the date of the public hearing.	Notice shall be sent by certified mail to each owner, as indicated by the most recently approved real property assessment tax roll, of real property abutting the property in question at least five days before the scheduled meeting. Notice shall be sent to property owners and homeowner or neighborhood associations within 500 feet of the project.	Post at least one (1) sign, provided by the Zoning Administrator, at least 15 days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property.	A copy of the notice shall be posted on the Town’s website from the time of publication until the proceeding has been completed

✓ = Required

○ = Optional

- B. Proof of notice shall waive the right of that person to challenge the validity of the proceeding.
- C. Costs of any notice required pursuant to this UDO or the Code of Virginia, § 15.2-2204 shall be taxed to the Applicant.
- D. Nothing in this UDO shall be construed as to invalidate any final decision because of the inadvertent failure to give written notice to the owner, owners or their agent of any parcel involved. The Town Council may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner. Whenever the notices required hereby are sent by an agency, department or division of the Town Council, or its representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

2.4.2 Notice Content, Generally

The notice shall state the time, date, and place of hearing, and a description of the property subject to the application that includes, at a minimum:

- A. The street address or, if the street address is unavailable, the legal description by metes and bounds;
- B. The current zoning classification, if any;
- C. The category of development approval requested and a brief description of the proposed development, including density or building intensity, revised zoning classification (if any), and uses requested;
- D. The real property tax assessment roll parcel number; and
- E. Where copies of the proposed plan, ordinance or amendment may be examined.

2.4.3 Sign Notice

- A. The sign shall measure at least 2 feet x 2 feet;
- B. The sign shall contain:
 1. A caption stating Site of Proposed Development Approval;
 2. Identify the application, case or reference number; and
 3. Identify Zoning Administrator contact information regarding the pending application.
- C. Sign posting requirements:
 1. The posted notice must be erected at least fifteen (15) days before the public hearing, and remain until after a final determination on the application has been made.
 2. The posted notice is erected within ten (10) feet of a boundary of the parcel abutting a street and must be placed so that it is clearly visible from the street.

2.4.4 Action to be Consistent with Notice

The Reviewing Body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable) of the application, or denial of the application.

2.4.5 Minor Amendments Not Requiring Re-Notification

This section governs to the extent consistent with provisions relating to minor amendments for a specific type of application. The Reviewing Body may allow minor amendments to the application without re-submittal of the entire application. For purposes of this section, "minor amendments" are amendments that do not:

- A. Increase the number of dwelling units, floor area, height, impervious surface development, or any additional land-use disturbance;
- B. Introduce different land uses than that requested in the application;
- C. Request larger land area than indicated in the original application;
- D. Request greater variance than that requested in the application;

- E. Allow any diminution in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures; or
- F. Reduce or eliminate conditions attached to a legislative or quasi-judicial Development Order unless a new notice is provided.

2.5 Public Hearings

2.5.1 Meetings

All meetings of the Reviewing Body shall be open to the public. Meetings of the Reviewing Body shall be at the call of the Chairman and at such other times as the Reviewing Body shall determine. The Reviewing Body shall establish its own regular meeting time. The meeting place of said Reviewing Body shall be the Council Chamber of the Town Hall, or such other place as a meeting may be adjourned to if a need to do so arises. The Chairman or any two (2) members may call a special meeting by giving written notice to every other member of the Planning Commission stating the date, time and location of such meeting and by placing a written notice as required for a regular meeting. The timing of the posed notice shall be reasonable under the circumstances.

2.5.2 Rules of Order

The Reviewing Body shall develop and adopt rules of procedure which shall govern the conduct of its business, development of criteria and procedural matters subject to the approval of the body. Such rules of procedure shall be a matter of public record.

2.5.3 Application

Reviewing bodies shall investigate facts or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action. These decisions involve two key elements:

- A. The finding of facts regarding the specific proposal; and
- B. The exercise of discretion in applying the standards of this UDO.

2.5.4 Conduct of Hearing

- A. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state, for the record, his/ her name, address, and, if appearing on behalf of an organization or group, the name and mailing address of the organization or group.
- B. Members of the Reviewing Body conducting the hearing may ask questions of the Applicant, staff, or public, or of any witness, and may require questions be submitted to the chairman of the Reviewing Body who will direct the question to the appropriate party.
- C. Testimony may be presented by the Applicant, and any member of the public, but need not be submitted under oath or affirmation. The Reviewing Body may establish a time limit for testimony and may limit testimony where it is repetitive or irrelevant.

2.5.5 Order of Proceedings

The order of proceedings is as follows:

- A. The Zoning Administrator or designees shall present a description of the proposed development and the relevant sections of plans and ordinances involved, and set forth the legal or factual issues to be determined. A written or oral recommendation may be given at the opening of the hearing or, in complex cases, may be

reserved by the Zoning Administrator to review the testimonial and document any evidence. The recommendation shall address each factor required by the UDO to be considered prior to development approval;

- B. The Applicant shall present such information or evidence that the Applicant deems appropriate, subject to reasonable time limits established by the Reviewing Body;
- C. Public testimony, including expert or lay witnesses on the Applicant's behalf, and relevant evidence shall be received;
- D. The Zoning Administrator or other staff member shall not be required to respond to any statement made by the Applicant or any public comment during the hearing, but may respond to questions from the Reviewing Body concerning any statements or evidence received during the deliberations;
- E. The Applicant may reply to any testimony or evidence presented by staff or the public; and
- F. The body conducting the hearing shall close the public portion of the hearing and conduct deliberations.

2.5.6 Review and Approval

- A. A Reviewing Body shall act on an application within 60 days after the date the application is found to be complete.
- B. If a Reviewing Body has failed to convene a quorum or to make a recommendation within 60 days, the Application shall be deemed recommended for approval or deemed approved, as applicable.

2.6 Public Record

2.6.1 Record

- A. The Reviewing Body shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions by any appropriate means as prescribed by rule and consistent with state law. Such record shall be provided by the Zoning Administrator at the request of any person upon application to the Zoning Administrator and payment of a fee set by the Town Council to cover the cost of duplication of the transcribed record.
- B. All development review decisions and all approved maps, plans and plats shall be maintained in the permanent files of the Zoning Administrator and shall be recorded with the Clerk of the Court for Shenandoah County as required by the Virginia Code.

2.7 Pre-Application Conference

Before any application is filed with the Zoning Administrator, any Applicant for development approval is strongly encouraged to attend a pre-application meeting with the Zoning Administrator, except as otherwise required by this UDO. The purpose of the pre-application meeting is to discuss, in general, the procedures and substantive requirements for the application.

2.8 Completeness Review

This section applies to any application, unless otherwise provided in the regulations for the specific application.

2.8.1 Application Materials

No application is complete unless all of the information required herein is included and all filing fees have been paid. Application materials shall be made available by the Zoning Administrator. Such applications shall be filed in advance of any Public Hearing, Neighborhood Meeting or Public Meeting required pursuant to the UDO or the Virginia Code.

2.8.2 Timing

- A. Whenever the UDO establishes a time period for processing an application, such time period does not commence until the Zoning Administrator has reviewed such application for completeness in order to determine whether the application has been properly submitted, the Applicant has corrected all deficiencies in the application, and the Zoning Administrator has determined it to be complete. Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the provisions of the UDO.
- B. Not later than seven (7) days after the Zoning Administrator has received an application, the Zoning Administrator shall determine in writing whether the application is complete and shall immediately transmit the determination to the Applicant. Upon receipt of any re-submittal of the application, a new 7-day period shall begin, during which period the Zoning Administrator shall determine the completeness of the application. If the application is determined not to be complete, the Zoning Administrator's determination shall specify those parts of the application that are incomplete and shall indicate the manner in which they may be made complete, including a list and thorough description of the specific information needed to complete the application. The Applicant shall submit materials to the Zoning Administrator in response to the list and description.
- C. If the application, together with the submitted materials, are determined not to be complete, the Zoning Administrator shall specify in writing the information required and the Applicant may resubmit the application with the information required by the Zoning Administrator or may appeal that decision in writing to the Reviewing Body for which the application was submitted or if for a ministerial permit, the Board of Zoning Appeals.
- D. Nothing in this section precludes an Applicant and the Zoning Administrator from mutually agreeing to an extension of any time limit provided by this section.
- E. If the Zoning Administrator fails to act within the time period required for completeness review, the application is deemed complete.

2.8.3 Limitation on Further Information Requests

After the Zoning Administrator accepts a development application as complete, the Zoning Administrator may, in the course of processing the application, request the Applicant to clarify, amplify, correct, or otherwise supplement the information required for the application, if such would be required by the Reviewing Body to render a final determination on the merits.

2.9 Right of Entry

- A. Whenever necessary to make an inspection to enforce any of the provisions of this UDO, or whenever the Zoning Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or UDO violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Zoning Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty by this UDO.

- B. If such building or premises are occupied, the Zoning Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the Zoning Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
- C. If entry is refused, the Zoning Administrator shall have recourse to every remedy provided by law to secure entry. When the Zoning Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Zoning Administrator for the purpose of inspection and examination pursuant to this UDO.

2.10 Vested Rights Determination

2.10.1 Applicability

This Section applies to any application for development approval in which the Applicant claims an exemption from any provision of this UDO based on common law, statutory vested rights or estoppel.

2.10.2 Common Law Vested Rights

Common law vested rights shall be acknowledged by the Zoning Administrator after consultation with the Town Attorney if the Applicant for common law vested rights demonstrates entitlement to statutory vested rights as provided in this Section. The Applicant for common law vested rights shall show compliance with the following criteria for the specific project to acquire such rights:

- A. In reliance upon lawfully issued Development Order or approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said order or approval;
- B. The Applicant has proceeded in good faith, has relied upon the issuance of the order or approval, and such order or approval has not lapsed or been revoked;
- C. The Applicant has established any other factor that may establish estoppel under state or federal law; and
- D. The Applicant has obtained a favorable vested rights determination.

2.10.3 Consent Agreement

- A. At any time prior to a final decision relating to an application for a vested rights determination, the Applicant and the Town may enter into a voluntary consent agreement conferring vested rights.
- B. A consent agreement shall be executed by the Town and the Applicant and shall include the following terms and conditions:
 - 1. A legal description of the subject property and the names of the legal and equitable owners;
 - 2. The duration of the consent agreement and the conditions that will result in revocation;
 - 3. The uses permitted on the property, including population densities and/or building intensities and height, yards, floor area ratio, setbacks, and other bulk regulation requirements;

4. A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date that any new facilities, if needed, will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the development;
 5. A description of any reservation or dedication of land for public purposes;
 6. A description of all development approvals or other local, state, or federal approvals needed for the proposed development;
 7. A finding that the proposed development is consistent with the Comprehensive Plan and the relevant provisions of this UDO;
 8. A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;
 9. A statement indicating that the omission of a limitation or restriction shall not relieve the Applicant of the necessity of complying with all applicable local, state, and federal laws;
 10. A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development;
 11. Provisions for remedies in the event of default; and
 12. Any other provisions as required by State law.
- C. All consent agreements shall be reviewed and recommended for approval by the Town Attorney for form, content and legal sufficiency.

2.10.4 Failure to Comply with Consent Agreement

If the Board of Zoning Appeals finds, on the basis of substantial competent evidence, upon an application by the Applicant or the Town, that there has been a failure to comply with the terms of the consent agreement, the consent agreement may be revoked or modified by the Board of Zoning Appeals after a public hearing, which has been noticed by publication and for which notice has been expressly provided to the Applicant.

2.10.5 Vested Rights Determination Process

- A. **Initiation.** An application may be made to the Town Council for recognition of vested rights for a particular project by completion of a form provided by the Zoning Administrator that indicates which development approvals are being relied on by the Applicant for establishment of vested rights. The Applicant for a vested rights determination shall provide the Zoning Administrator with a completed application copies of any documents on which the Applicant is relying to establish vested rights.
- B. **Review and Approval.** After receiving an application for a vested rights determination, the Town Council shall review the application and determine if the Applicant shall provide additional information for consideration of the application within 30 days. After the application is deemed complete, the Town Council shall hold a quasi-judicial hearing and, upon the evidence submitted and upon review of the application, if the Town Council finds that there is sufficient evidence to establish vested rights, shall issue a certificate to the Applicant recognizing vested rights for the project. The certificate shall set forth all terms and conditions required for the continuance of the vested rights being recognized.
- C. **Variance to Time Limits.** An Applicant may request a variance from the time limit, required action, or term that otherwise would cause the vested rights to expire. The request for variance shall identify the specific

provisions for which a variance is being requested and the reasons the Applicant feels will justify the granting of the variance. The Town Council shall review the application for variance and shall determine whether the variance is granted, conditionally granted, or denied. In granting a variance, the Town shall make written findings establishing that:

1. The Applicant will suffer undue hardship in the absence of a variance that is not the result of the Applicant's own negligence;
2. The Applicant has been actively attempting to pursue and complete development of the project that is the subject of the vested rights; and
3. Compliance with rules and regulations passed after the recognition of vested rights will cause a substantial economic hardship to the Applicant, which precludes the capability of completing the project in a reasonable and prudent manner.

2.11 Revocation of a Development Approval

2.11.1 Initiation

The Zoning Administrator shall investigate alleged violations of imposed condition or conditions, and shall determine whether or not to terminate or suspend a Development Order. If the Zoning Administrator determines that a termination, or suspension, of a Development Order is appropriate, a recommendation, including the reason or reasons for their determination, shall be made to the Reviewing Body who shall conduct a public hearing on the matter.

2.11.2 Grounds for Revocation

The following are grounds for revocation of a Development Order:

- A. The intentional provision of materially misleading information by the Applicant (the provision of information is considered "intentional" where the Applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); and
- B. The failure to comply with any condition of a Development Order.

2.11.3 Notice and Public Hearing

Notice of the hearing shall be provided to the Development Order holder at least 14 days prior to the hearing. Said notice shall be in writing and delivered by personal service or certified mail and shall advise of the Zoning Administrator's recommendation as well as the date and location of the hearing before the Reviewing Body.

2.11.4 Decision and Notice

The Reviewing Body shall prepare a Development Order approving, approving with conditions, or denying the Zoning Administrator's recommendation. The Development Order shall contain findings that address the basis for the decision. The Development Order shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the Development Order shall state the length of time such violation may be cured. In the case of a termination, the Development Order shall state the reason such violation cannot be cured.

2.11.5 Appeals

An aggrieved party may appeal the Reviewing Body's decision to the appropriate appellate body. The appeal shall be presented within the period of time authorized by the Virginia Code.

2.11.6 Right Cumulative

The right to revoke a Development Order, as provided in this section, is cumulative to any other remedy allowed by law.

2.12 Studies, Reports and Assessments

2.12.1 Generally

The Applicant shall provide studies, reports and assessments (“SRAs”), when required, together with the application for discretionary development approval, and certified as complete by the Zoning Administrator, before any public hearing is held by the Planning Commission or the Town Council. The SRAs, with all other application submittals, shall become part of the public record. SRAs are intended to identify project benefit, compatibility and impact.

2.12.2 When Required

- A. SRAs may be required for any application for discretionary development approval classified as a development of communitywide impact to determine:
 1. Fiscal or economic impact assessment;
 2. Environmental impact assessment; and/or
 3. Traffic impact assessment (TIA). If the development will substantially impact transportation on State roadways, and a TIA is requested, the Virginia Department of Transportation will be requested to review and comment.
- B. Development of Communitywide Impact. A development of communitywide impact is defined as any project that would have community--wide impact on the health, safety or welfare of citizens in Strasburg. Because of their impact developments of communitywide impact provide opportunities for review, approval and development whose size thresholds equal or exceed 100 residential dwelling units or 100,000 or more square feet of non-residential uses or over one (1) acre of land disturbance.

2.12.3 When Not Required

SRAs shall not be required for an application for administrative approval for any land, lot or parcel of land, which has been subject to a prior discretionary development approval process and received final Development Order or the registration of a non-conforming use.

2.12.4 Preparation of SRAs

All consultants engaged by the Applicant shall be approved by the Zoning Administrator as qualified experts in their respective field and with no conflict of interest. All such consultants shall disclose any information as to conflict of interest or other disqualifying interest that would prevent their ability to render an unbiased professional opinion and recommendation.

2.12.5 Information to Be Supplied for SRAs

An Applicant making an application for development approval requiring SRAs shall submit, the following information necessary to prepare the SRAs:

- A. An accurate map of the project site and of all property in common ownership, depicting: existing topography; public or private buildings, structures and land uses; utilities; easements; public or private roads or streets; nonconformities; environmentally sensitive lands; archaeological, cultural or historic resources; and any other reasonable requirements of the Zoning Administrator;

- B. The approximate location, arrangement, size, floor area ratio (FAR) of any buildings and structures and parking facilities proposed for construction within the development project;
- C. A detailed description of the development uses and activities proposed for the project site and of all property in common ownership and the character of the development to be achieved through the project;
- D. The approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities, public and private utility lines and facilities, public buildings, structures or facilities, community centers, and other non-residential facilities and structures within ¼-mile of the project site perimeter;
- E. The proposed traffic circulation and connectivity plan, including the number of daily and peak hour trips to and from the site and the proposed traffic routes to the nearest intersection with a major arterial, state highway or interstate highway;
- F. The approximate location of all fire, police, and emergency response service facilities and all roads and public facilities and utilities shown on the capital improvement and services plan; floodways, floodplains, wetlands, or other environmentally sensitive lands and natural resources on the Applicant’s property; location of historic, cultural and archeological sites and artifacts, wildlife and vegetation habitats and habitat corridors within ¼-mile of the project site perimeter;
- G. A statement explaining how the proposed project complies with the goals, objectives, policies and strategies of the Comprehensive Plan and any area or corridor plan covering, adjacent to, or within ¼-mile of the project site perimeter;
- H. A statement or visual presentation of how the project will relate to and be compatible with adjacent and neighboring areas, within ¼-mile of the project site perimeter;
- I. All other pertinent and relevant information as the Zoning Administrator may reasonably require necessary to evaluate and assess impacts, if any, of the proposed development project.

2.13 Development Review Process Overview

An overview of the development review process is presented in Exhibit 2B. Detailed process descriptions are identified in this Chapter for each process.

Exhibit 2B: Development Review Process Overview

Development Application	UDO Section	Public Review Process	Recommendation	Final Decision	Appeal
Approvals Requiring a Public Hearing:					
Comprehensive Plan / Plan Amendment	2.15	Legislative Public Hearing	Planning Commission	Town Council	Circuit Court
UDO Text Amendment	2.16	Legislative Public Hearing	Planning Commission	Town Council	Circuit Court
UDO Map Amendment	2.16	Quasi-Judicial Hearing	Planning Commission	Town Council	Circuit Court
Conditional Zoning and Proffers	2.17	Quasi-Judicial Hearing	Planning Commission	Town Council	Circuit Court

Development Application	UDO Section	Public Review Process	Recommendation	Final Decision	Appeal
Variance	2.18	Quasi-Judicial Hearing	Zoning Administrator	Board of Zoning Appeals	Circuit Court
Administrative Appeal	2.19	Quasi-Judicial Hearing	Zoning Administrator	Board of Zoning Appeals	Circuit Court
Special Use Permit	2.20	Quasi-Judicial Hearing	Planning Commission	Town Council	Circuit Court
Sketch Plat	2.22	Quasi-Judicial Hearing	Zoning Administrator	Planning Commission	Town Council
Subdivision (Preliminary Plat, Final Plat)	2.21 (2.23, 2.24)	Quasi-Judicial Hearing	Planning Commission	Town Council	Circuit Court
Development Agreement	2.25	Legislative Public Hearing	Planning Commission	Town Council	Circuit Court
Plat Amendment	2.26	Quasi-Judicial Hearing	Planning Commission	Town Council	Circuit Court
Planned Development (Preliminary Development Plan, Final Development Plan)	2.27	Quasi-Judicial Hearing	Planning Commission	Town Council	Circuit Court
Concept Plan	2.28	Quasi-Judicial Hearing	Zoning Administrator	Planning Commission	Town Council
Site Plan	2.31	Quasi-Judicial Hearing	Zoning Administrator	Planning Commission	Town Council
Historic District Certificate of Appropriateness	2.32	Quasi-Judicial Hearing	Zoning Administrator	Architectural Review Board	Town Council
Approvals NOT Requiring a Public Hearing:					
Zoning Permit	2.35	---	TRC	Zoning Administrator	Board of Zoning Appeals
Exception	2.43	---	TRC	Zoning Administrator	Board of Zoning Appeals
Improvement Guarantee	2.44	---	Zoning Administrator	Town Attorney	Town Council
Site Plan (minor amendment)	2.31	---	TRC	Zoning Administrator	Town Council
Construction Plan	2.45	---	TRC	Public Works Director and Zoning Administrator	Town Council
Sign Permit	2.39	---	TRC	Zoning Administrator	Town Council

Development Application	UDO Section	Public Review Process	Recommendation	Final Decision	Appeal
Temporary Use Permit	2.41	---	TRC	Zoning Administrator	Town Council
Home Occupation Permit	2.42	---	TRC	Zoning Administrator	Town Council
Lot Split / Lot Consolidation/ Boundary Line Adjustment (BLA)	2.47	---	TRC	Zoning Administrator	Town Council
Vacations of Streets, Easements or Plats	2.48	---	Zoning Administrator	Town Council	Circuit Court
Floodplain Permit	2.38	---	TRC	Zoning Administrator	Town Council
Public Works Permit	2.37	---	TRC	Public Works Director	Town Council

2.14 Public Hearing Process Overview

The general approval process for applications for development approval that require a public hearing is summarized in Exhibit 2C. Actual process may vary based on the complexity of the proposed development proposal.

2.15 Plans and Plan Amendments

This section establishes uniform procedures for the preparation or amendment of the comprehensive plan. Where the existing comprehensive plan does not provide sufficient densities, or where the goals and objectives do not support a proposed development, these procedures may be used to apply for an amendment to the comprehensive plan.

2.15.1 Applicability

- A. Generally. This section applies to any amendment to the comprehensive plan or to the preparation or amendment of a specific plan or neighborhood plan.
- B. Specific Plans. A specific plan accompanying the development of specific property or properties provides a bridge between the comprehensive, area, and neighborhood plan policies, and specific regulations, and which may be approved to permit mixed-use and planned development. A specific plan is considered an amendment to, and a part of, the comprehensive plan. A specific plan shall include text and a diagram or diagrams that specify all of the following in detail:
 1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the specific plan or any applicable area plan;
 2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential public facilities proposed to be located within the area covered by the specific plan and needed to support the land uses described in the specific plan;
 3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

Exhibit 2C: Public Hearing Process Overview

	Pre-Application Meeting	Review	Recommendation	Final Decision	Appeal*	Complete Application to Recommendation (days)	Recommendation to Final Decision (days)	Appeal from Final Decision (days)
PUBLIC HEARING REQUIRED:								
Comprehensive Plan / Plan Amendment	Recommended	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
UDO Text Amendment	Recommended	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
UDO Map Amendment	Recommended	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
Conditional Zoning and Proffers	Required	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
Variance	Recommended	TRC	Zoning Administrator	Board of Zoning Appeals	Circuit Court	30	30	30
Special Use Permit	Recommended	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
Sketch Plat	Recommended	TRC	TRC	Planning Commission	Town Council	30	30	30
Subdivision (Preliminary Plat, Final Plat)	Recommended	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
Major Plat Amendment	Recommended	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
Development Agreement	Required	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
Concept Plan	Recommended	TRC	TRC	Planning Commission	Town Council	30	30	30

	Pre-Application Meeting	Review	Recommendation	Final Decision	Appeal*	Complete Application to Recommendation (days)	Recommendation to Final Decision (days)	Appeal from Final Decision (days)
Planned Development (Preliminary Development Plan, Final Development Plan)	Required	TRC	Planning Commission	Town Council	Circuit Court	30	30	30
Site Plan	Recommended	TRC	TRC	Planning Commission	Town Council	30	30	30
Vacations of Streets, Easements or Plats	Required	TRC	TRC	Town Council	Circuit Court	30	30	30
PUBLIC HEARING OPTIONAL:								
Construction Plan	Recommended	TRC	TRC	Public Works Director and Zoning Administrator	Town Council	30	30	30
Minor Subdivision (By-Right, Final Plat w/o dedication)	Recommended	TRC	TRC	Zoning Administrator	Town Council	30	30	30
Historic District Certificate of Appropriateness	Recommended	TRC	Zoning Administrator	Architectural Review Board	Town Council	30	30	30
* Appeals to Town Council are noticed public hearings.								

4. A program of implementation measures, including zoning, land development regulations, programs, public works projects, financing measures, development agreements, and conditions, covenants, and regulations necessary to carry out subsections (1), (2), and (3), above; and
 5. A statement of the relationship of the specific plan to the comprehensive plan.
- C. **Area Plans.** An area plan is a plan that provides specific planning, design, and implementation, for a defined geographic area of the Town of Strasburg to guide specific development applications, governmental facilities, official maps, utility and infrastructure plans, annexations, and creation of special districts.
- D. **Neighborhood Plans.** A “neighborhood plan” means a plan that guides the platting or development of remaining vacant parcels in a partially built-up neighborhood in order to make reasonable use of all land, correlate street patterns, and achieve the best possible land-use relationships. A neighborhood plan is considered an amendment to, and a part of, the comprehensive plan. A neighborhood plan may provide more detailed guidance about applying the future land-use map of the comprehensive plan to a specific neighborhood.

2.15.2 **Initiation**

- A. A property owner or his/her designated representative may initiate a comprehensive area, specific, or neighborhood plan amendment. The Applicant may combine an application for an amendment to the comprehensive plan with an application for approval of a rezoning, and said applications may be processed concurrently.
- B. Before any application is made, the Applicant shall schedule a pre-application conference with the Zoning Administrator to discuss, in general, the procedures and requirements for a comprehensive plan amendment request pursuant to these regulations.
- C. An application for a comprehensive area, specific, or neighborhood plan amendment shall be filed with the Zoning Administrator and shall contain the specific plan or any applicable area plan; information pursuant to this UDO.
- D. The Planning Commission, the Town of Strasburg, the Zoning Administrator, a property owner, a neighborhood association, or the owner of any business located in the Town of Strasburg may initiate a request for an amendment to the future land use maps of the comprehensive plan. The application for amendment of the future land-use map may be accompanied by an application for a zoning district map amendment. By resolution, the Town of Strasburg may establish a schedule prescribing when and how frequently comprehensive plan text amendments will be considered.

2.15.3 **Decision**

The Planning Commission shall hold a public hearing and shall render its decision in accordance with the procedures set forth herein. The Town Council shall hold a public hearing and shall render its decision in accordance with the procedures set forth herein.

2.15.4 **Criteria**

In determining whether the proposed amendment shall be approved, the Planning Commission and Town Council shall consider the factors set forth in the Code of Virginia, §§ 15.2-2200, and all other relevant statutory requirements. No specific plan or neighborhood plan will be approved unless it is consistent with the Comprehensive Plan.

2.15.5 Scope of Approval

The approval of an amendment to the comprehensive plan does not authorize the use, occupancy, or development of property. The approval of a plan amendment shall require the Applicant to apply for zoning changes and/or subdivision or Site Plan approval consistent with the goals, objectives, and policies of the comprehensive plan.

2.16 UDO Amendments

2.16.1 Amendments

- A. Uses, or any other regulations, restrictions, or boundaries established in this UDO may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the Town Council, provided:
1. That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Notices shall be given of the time and place of such hearing by publication in at least two issues of some newspaper having a general circulation in the jurisdiction, as set forth in Code of Virginia, § 15.2-2204, as amended. Not less than six (6) days shall elapse between the first and second publication. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views. After enactment of any such plans, ordinance or amendment, further publication thereof shall not be required.
 2. When a proposed amendment of this UDO involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as above required, written notice shall be given by the Planning Commission, or its representative, at least five (5) days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Town; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owners associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the Planning Commission or its agent. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be re-mailed.
 3. When a proposed amendment of this UDO involves a change in the zoning map classification of more than 25 parcels of land, then, in addition to the advertising as above required, written notice shall be given by the Planning Commission, or its representative, at least five (5) days before the hearing to the owner, owners, or their agent of each parcel of land involved. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the Planning Commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.
- B. After proper public hearing, the Planning Commission shall make its recommendation to the Town Council, who will then act upon the Applicant's request. Action shall be taken by the Town Council only after a report has been received from the Planning Commission, unless a period of 60 days has elapsed after date of referral from the Planning Commission, after which time it may be assumed the Planning Commission has approved the change or amendment. No land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice as required herein.

- C. A fee as established by Town Council shall be charged to defray the cost of advertising and administration.
- D. Site Assessment.
 - 1. Any application for rezoning, or an amendment to the Zoning Map, shall include the submission of a Phase I environmental site assessment based on the reasonably anticipated use of the property proposed for rezoning or map amendment that meets generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the Planning Commission and/or Town Council deems such to be reasonably necessary.
 - 2. A reasonable fee may be charged for the review of such environmental assessments, which fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review. Such fees will be established by the Staff, subject to approval by the Town Council.
 - 3. Should any such assessments reasonably demonstrate contamination and/or other adverse environmental conditions of the property, remediation of such contamination and/or other adverse environmental conditions shall be completed and approved by the Town Council prior to final approval of any rezoning, map amendment, or development, on or pertaining to such property. The Town Council shall have the power to waive the requirements of such assessments upon a finding that the submission of such assessments is not reasonably necessary to protect the public health, safety, and welfare of the citizens of the Town of Strasburg.

2.16.2 **Applicability**

The provisions of this section apply to any application to:

- A. Revise the text of the UDO (Text Amendment); or
- B. Reclassify a tract, parcel, or land area from one zoning district to another (Map Amendment).

2.16.3 **Initiation**

- A. All petitions, applications, recommendations, or proposals for changes in the zoning district classification of property (referred to as a “rezoning”) or for changes in the text of the UDO shall be filed with the Zoning Administrator.
- B. Text amendments may be proposed by any person.
- C. A proposed rezoning may be initiated by:
 - 1. The Town Council or Planning Commission by resolution; or
 - 2. An application properly signed and filed by the owner or, with the owner’s specific written consent, a contract purchaser or owner’s agent of a property included within the boundaries of a proposed rezoning, unless otherwise provided by the UDO. The Applicant may file an application for subdivision plat approval concurrent with an application for a rezoning.
- D. Pre-Application Meeting Required for UDO Map Amendments. The Zoning Administrator shall require the Applicant to hold a Neighborhood Meeting prior to the application for all properties within 500 feet.

- E. The Zoning Administrator shall forward applications for UDO amendments to the Planning Commission and then Town Council with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with the provisions of this UDO.
- F. Upon receipt of a petition for a UDO amendment as provided herein, the Town Council may summarily deny the petition or set a date for a public hearing on the requested amendment and instruct the Town Attorney, in consultation with the Zoning Administrator, to draft an appropriate ordinance.
- G. Applicability. The provisions of this subsection do not apply to any application for a rezoning that is initiated by the Town Council.

2.16.4 Decision

- A. Process
 - 1. UDO Text Amendments shall be processed as legislative public hearings. Legislative approvals involve a change in land-use policy. A public meeting is required, but the procedural requirements of a quasi-judicial hearing do not apply.
 - 2. UDO Map Amendments shall be processed as quasi-judicial hearings. Quasi-judicial approvals involve the application of a discretionary standard required by this UDO to an application. It requires a public hearing and procedural due process requirements apply.

2.16.5 Criteria

In its review of an application, the Planning Commission and Town Council shall consider the following criteria as applicable to the UDO text or Zoning Map amendment. No single factor is controlling; instead, each shall be weighed in relation to the other standards within this list.

- A. Existing use and character of the property.
- B. Suitability as presently zoned.
- C. Consistency with the comprehensive plan.
- D. Suitability of the property for various uses; encouragement of most appropriate uses.
- E. Adverse impacts on neighboring lands.
- F. The trends of growth or change.
- G. Current and future requirements of the community for using land for various purposes as determined by population and economic studies and other studies.
- H. The transportation requirements of the community; the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services.
- I. The conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land and the conservation of properties and their values.
- J. Health, Safety, and Welfare. The amendatory ordinance shall bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The UDO amendment may be justified if a substantial public need or purpose exists, regardless of whether the Applicant also benefits.

- K. **Public Policy.** Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
- L. **Other Factors.** The Reviewing Body may consider any other factors relevant to a rezoning application under state law.
- M. The Reviewing Body shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

2.16.6 **Effect of Approval**

The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or development of property until the Applicant receives necessary Development Orders, such as subdivision, Site Plan and Zoning Permit approval.

2.16.7 **Recording Procedures**

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Zoning Administrator shall refer to the attested ordinance as a record of the current zoning status until such time as the zoning map may be changed.

2.16.8 **Subsequent Applications**

- A. **Withdrawal After Planning Commission Hearing.** No rezoning application shall be received or filed with the Planning Commission if, during the previous six months, an application was received or filed and withdrawn after a full, fair, complete, and final hearing occurred on the rezoning before the Planning Commission. However, if the Applicant certifies with a sworn affidavit that the evidence is new, relevant, and substantial, and could not have been secured at the time set for the original hearing, the Planning Commission may hear and consider the application.
- B. **Denial of Rezoning.** No application for rezoning shall be received or filed with the Planning Commission within one year after the Town Council has denied an application for rezoning of the same property.

2.17 **Conditional Zoning and Proffers**

2.17.1 **Purpose and Policy**

- A. The purpose of conditional zoning is to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the existing zoning district regulations are not adequate. In such instances, reasonable conditions voluntarily proffered by the owner of the subject property to which such conditions are applicable for the protection of the community (which conditions are not generally applicable to other land similarly zoned) when considered with existing UDO regulations should cause the requested rezoning to be compatible with existing zoning and uses in the area.
- B. It is the policy of the Town to encourage the voluntary proffering of conditions by the Applicant in cases where the use of traditional zoning methods is inadequate to achieve certain desired goals and where the proffered conditions will offset identified problems to the extent that the proposed rezoning is thus acceptable.

2.17.2 Scope

- A. Proffered conditions shall include written statements, development plans, profiles, elevations, or other demonstrative materials proffered in accordance with this UDO and approved by the Town Council in conjunction with the approval of an amendment to the Zoning Map. Upon approval, any Site Plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformance with all proffered conditions and no development shall be approved by any Town official in the absence of said substantial conformance.
- B. The Town Council may consider additional proffers, deletions, and/or amendments to all such conditions provided same have been voluntarily proffered in writing by the owner of the property which is the subject of the rezoning request. Such proffer amendments may include but are not limited to:
 - 1. The exclusion of a use that would otherwise be permitted by the zoning district regulations,
 - 2. An increase in the buffer, screening, landscaping or parking requirements for the proposed use,
 - 3. Enhanced onsite or offsite traffic control or road improvements,
 - 4. Enhanced protection from the impact of lighting from the proposed use on other properties in the vicinity,
 - 5. Enhanced architectural, or aesthetic design controls and
 - 6. Greater limits on the hours of operation for the proposed use.
- C. Nothing in this section shall be construed to affect or impair the authority of the Town Council to:
 - 1. Accept proffered conditions which include provisions for timing or phasing of dedications, payments, or improvements; or
 - 2. Accept or impose valid conditions pursuant to Code of Virginia, § 15.2-2286(A) (3) or other provision of law.

2.17.3 Basis for Conditions

- A. An owner may voluntarily proffer in writing, reasonable conditions, prior to a public hearing before the Town Council, in addition to the regulations provided for the zoning district or zone by this UDO, as a part of a rezoning or amendment to a zoning map; and consistent with Code of Virginia, § 15.2-2297-2298, provided that:
 - 1. The rezoning itself shall give rise for the need for the conditions;
 - 2. The conditions shall have a reasonable relation to the rezoning;
 - 3. The conditions may include a cash contribution to the Town;
 - 4. The conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in Code of Virginia, § 15.2-2241;
 - 5. The conditions shall not include payment for or construction of off-site improvements except those provided for in Code of Virginia, § 15.2-2241 and 15.2-2298;

6. No condition shall be proffered that is not related to the physical development or physical operation of the property; and
 7. All conditions shall be in conformity with the Comprehensive Plan, as defined in Code of Virginia, § 15.2-2223, and Capital Improvement Plans, pursuant to Code of Virginia, § 15.2-2239 or local charter, and may include off-site transportation improvements consistent with the Comprehensive Plan and incorporated into the Capital Improvement Program. However, nothing shall prevent the Town from accepting proffered conditions which are not normally included in a capital improvement program.
- B. Any cash proffer policy shall meet a “reasonableness” or “rough proportionality” test, which requires the Town Council to determine in each zoning case whether the amount proffered is related both in nature and extent to the projected impact of the proposed development on public facilities.

2.17.4 Limitations

The use of conditional zoning is not to be encouraged (a) where the proffered conditions do not sufficiently offset identified problems, (b) where the proffered conditions are unrelated to identified problems or (c) where traditional zoning methods are adequate to achieve certain desired goals. For proffered rezonings, conditions shall not:

- A. Change the amount of land area or permit a more intensive use from that approved pursuant to the proffered conditions; or
- B. Result in an increased parking requirement, except for any additional parking which may be required for any building additions or modifications permitted pursuant to this UDO; or
- C. Permit uses other than those approved pursuant to the proffered conditions, except that accessory uses in accordance with this paragraph may be permitted; or
- D. Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
- E. Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
- F. Result in an increase in the amount of clearing and/or grading for a stormwater management facility, including any clearing and/or grading associated with spillways, inlets, outfall pipes or maintenance roads, that reduces non-stormwater management open space, tree save and/or landscaping area on the lot; or
- G. Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use and minor additions to buildings may be permitted.

2.17.5 Enforcement and guarantees

- A. The Zoning Administrator shall administer and enforce the conditions attached to a rezoning or amendment to the zoning map, and shall be vested with all necessary authority on behalf of the Town Council to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to insure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in this UDO, including:
 1. Ordering by written notice the remedy of any noncompliance with the conditions.
 2. Bringing legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding.

3. Requiring a guaranty, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guaranty, in like amount and so conditioned, which guaranty shall be reduced or released by the Town Council, or agent thereof, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part.
- B. Failure to meet or comply with any proffered condition shall be sufficient cause to deny the approval of Site Plans, subdivision plats, Zoning Permits or building or occupancy permits.

2.17.6 Modification of Conditions

- A. Once proffered and accepted as part of an amendment to this UDO, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions; however, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised UDO.
- B. Once conditions have been approved, and there is cause for an amendment which would not be in substantial conformance with the proffered conditions, or there is a request to proffer conditions on a parcel not currently the subject of a proffered condition, then an application shall be filed for an amendment. An amendment application may be filed on a portion of the property subject to proffered conditions, upon a determination by the Zoning Administrator that the amendment:
1. Would not adversely affect the use of the property subject to the proffered conditions but not incorporated into the amendment application,
 2. Would not inhibit, adversely affect, or preclude in any manner the fulfillment of the proffered conditions applicable to the area not incorporated into the amendment application,
 3. Would not adversely affect the vehicular and pedestrian circulation, connectivity, landscaping and streetscape applicable to the area not incorporated into the amendment application, and
 4. Would not increase the overall approved density/intensity for the development.
- C. Previously approved proffered conditions which are not subject to the amendment request shall remain in full force and effect. If the amendment concerns an approved development plan, such application shall include the submission requirements for a development plan, except the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the generalized development plan amendment application.

2.17.7 Additional Criteria

- A. In the event proffered conditions include the dedication of real property or payment of cash, the property shall not transfer and the payment of cash shall not be made until the facilities for which the property is dedicated or cash is tendered are included in the capital improvement program, provided that nothing herein shall prevent the Town from accepting proffered conditions which are not normally included in a capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.
- B. In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for

which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of this UDO with respect to the zoning district applicable thereto initiated by the Town Council, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to the property, shall be effective with respect to the property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

- C. Any landowner who has prior to July 1, 1990, proffered the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, but who has not substantially implemented such proffers prior to July 1, 1990, shall advise the Town Council by certified mail prior to July 1, 1991, that he intends to proceed with the implementation of such proffers.
- D. The notice shall identify the property to be developed, the zoning district, and the proffers applicable thereto. Thereafter, any landowner giving such notice shall have until July 1, 1995, substantially to implement the proffers, or such later time as the Town Council may allow. Thereafter, the landowner in good faith shall diligently pursue the completion of the development of the property. Any landowner who complies with the requirements of this subsection shall be entitled to the protection against action initiated by the Town Council affecting use, floor area ratio, and density unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare, but any landowner failing to comply with the requirements of this subsection shall acquire no rights pursuant to this section.

2.17.8 Process

- A. Application. Any rezoning Applicant may, at his or her option, submit a written proffer of conditions to accompany his rezoning petition. Such written proffers, together with a copy of the deed, shall be submitted to the Zoning Administrator as part of the zoning amendment application. In complying with the notice requirements, the Planning Commission and Town Council shall state whether conditions have been proffered, and such proffers shall be made available for public review by the Zoning Administrator as part of the public documents in the case.
- B. Proffer Review. The submission of proffer statements is to include:
 1. A copy of the Applicant's written proffers and the proffer analysis from the Zoning Administrator shall be forwarded to the Planning Commission.
 2. Upon receipt of the proffer analysis, the Applicant may make subsequent voluntary changes deemed appropriate to the written proffers, provided that it is submitted no later than 14 days prior to the Planning Commission public hearing.
 3. Where an amendment to the written proffers provides for a voluntary cash contribution, dedication of real or personal property, or payment for or construction of off-site improvements, the Zoning Administrator may require that the amended proffers be submitted at least 30 days prior to the public hearing when additional time is deemed necessary to allow for adequate staff review of the sufficiently of such amended proffers.
 4. Upon receipt of the amended proffers, the Zoning Administrator shall make them part of the public record. The Planning Commission shall not consider any proffer not made available for public review for at least seven (7) days prior to the public hearing.

5. The Zoning Administrator shall submit to the Applicant a written proffer analysis addressing the following items:
 - (a) A list of identified problems or reasons, if any, where the proposed rezoning may be deemed to fall short of compliance or policy;
 - (b) The degree to which the proffered conditions respond to the identified problems;
 - (c) A list of those proffered conditions, if any, that do not respond to identified problems, are insufficient to offset them, or that are not in keeping with the criteria set forth in this section;
 - (d) An indication of whether the identified problems will be adequately offset by the voluntarily proffered cash contribution, dedication of real or personal property, or payment for or construction of off-site improvements and
 - (e) The date of the Planning Commission hearing.
- C. Planning Commission and Town Council Action on Proffered Conditions.
1. After holding a public hearing on the conditional zoning application, the Planning Commission, in taking its action on the application, may recommend from the following options: (1) recommend to the Town Council approval of the zoning application as submitted, (2) recommend to the Town Council denial of the application as submitted or (3) recommend approval of the application with the deletion or modification of one or more of the proffers in the application.
 2. If the Planning Commission takes final action on a conditional rezoning application, it shall require the Applicant to (a) reduce all proffers made to the Planning Commission to a final written proffer statement in the proper legal form required by the Town and (b) return the final proffer statement to the Zoning Administrator not more than 14 days after the Planning Commission hearing for subsequent transmittal to the Town Council.
 3. The Planning Commission, upon the concurrence of the Applicant, may defer action to a later meeting for the purpose of considering the revised proffers, provided that such revisions are submitted in proper legal form and are reviewed on the same time schedule as the original zoning application.
 4. Upon completion of Planning Commission action on the conditional zoning application, the matter shall be forwarded to the Town Council in the manner of all rezonings. The Town Council, in taking action on the zoning amendment proposal and proffers, may (1) approve the zoning application, (2) deny the zoning application or (3) consider modification of the proffered conditions for subsequent approval.

2.17.9 Recordation

- A. The zoning map shall show by an appropriate symbol on the map the existence of conditions attached to zoning.
- B. The Zoning Administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the UDO creating conditions in addition to the regulations provided for in a particular zoning district or zone.
- C. The Applicant shall cause to be recorded in the deed book records of the office of the clerk of the Circuit Court of Shenandoah County a certificate, to be provided by the Zoning Administrator, indicating that the property is subject to conditional zoning as shown on the Town of Strasburg zoning map.

2.18 Variance

2.18.1 Applicability

The Board of Zoning Appeals shall have the power to vary these regulations when it may be shown by the Applicant that extraordinary hardships or identifiable concerns are brought about by strict compliance with these regulations and that a variance is required so that substantial justice may be done and the public interest secured provided that such variations shall not have the effect of reducing or nullifying the intent and purpose of the Comprehensive Plan. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts, shall be considered as grounds for issuance of a variance permitting similar uses.

2.18.2 Initiation

A variance application shall be filed with the Zoning Administrator. The application shall state fully the special conditions and circumstances applying to the building or other structure or land for which such variance is sought. The application shall demonstrate that the existing conditions and circumstances are such that the strict application of the provisions of this UDO would deprive the Applicant of reasonable use of said land, building, or structure, equivalent to the use made of lands, buildings, or structures in the same district and permitted under the terms of this provision and that the peculiar conditions and circumstances are not the result of the actions of the Applicant.

2.18.3 Decision

The Zoning Administrator shall submit a report to the Board of Zoning Appeals who shall evaluate the application based on the criteria required by this section. The BZA shall render a decision and deny, approve, or approve with conditions the variance after considering the evidence presented at this hearing or agreed on by the parties. Any approved variance shall be entered into the minutes of the Board of Zoning Appeals along with the reasons and justifications set forth. No variance shall be authorized except after notice and hearing as required by the Code of Virginia, § 15.2-2204

2.18.4 Findings and Conditions

Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in Code of Virginia § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in Code of Virginia § 15.2-2201 and the criteria set out in this section

- A. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance.
- B. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.
- C. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.
- D. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
- E. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

- F. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of Code of Virginia § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of Code of Virginia § 15.2-2286 at the time of the filing of the variance application.
- G. No variance shall be considered except after notice and hearing as required by § [15.2-2204](#).

2.18.5 Historic Structures

Variations may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

2.18.6 Floodway

Variations shall not be issued within any designated regulatory floodway or known or historic floodway areas if any increase in flood levels during the base flood discharge would result or upon a determination by the BZA that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, including FEMA regulations, and may be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and maps.

2.19 Administrative Appeals

2.19.1 Applicability

- A. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Strasburg affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to Code of Virginia § 15.2-2286.
- B. Should any person be aggrieved by any decision of the Board of Zoning Appeals, they shall have the right to appeal same to the Circuit Court of Shenandoah County, Virginia, in the manner prescribed by law, consistent with the Code of Virginia, § 15.2-2314.

2.19.2 Initiation

- A. Appeal may be made from any final decision of the Zoning Administrator to the Board of Zoning Appeals. The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- B. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the Clerk of Circuit Court of Shenandoah County a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of the Town of Strasburg" specifying the ground on which aggrieved within 30 days after the final decision of the board.

2.19.3 Stay of Proceedings

When an appeal is filed, all proceedings in furtherance of the action affected by the decision being appealed shall be stayed, unless:

- A. The Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property; or
- B. The appellant is not diligently pursuing the appeal.

2.19.4 Criteria

In considering all appeals from rulings made under these regulations, the Board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals and general welfare of the people of Strasburg, Virginia. Every ruling made upon any appeal to the BZA shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the Board and shall specify the reason for granting or denying the appeal.

2.19.5 Decision

- A. The Board of Zoning Appeals shall give public notice of the hearing as provided in this UDO, shall hold the hearing, and shall decide the appeal within thirty (30) days after such hearing.
- B. Any party may appear before the Board of Zoning Appeals at any hearing, in person, or by agent or attorney.
- C. The Board of Zoning Appeals may:
 - 1. Reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed;
 - 2. Make such order, requirement, decision, or determination as ought to be made; and
 - 3. Exercise all the powers of the Zoning Administrator or Board of Zoning Appeals pertaining to the final decision which is being appealed.

2.19.6 Exemptions

- A. Generally
 - 1. The Board of Zoning Appeals may approve an exemption from any of the requirements of this UDO, to the extent necessary to comply with or conform to federal or state law, or to avoid or resolve any alleged violation of the freedom of religion-based rights afforded to any person under federal or state law caused by the enforcement of any regulation imposed by this UDO or as otherwise allowed by the Virginia Code or case law.
 - 2. Any person desiring such an exemption shall file a written petition with the Zoning Administrator, who shall forward the petition to the Board of Zoning Appeals for purposes of conducting a public hearing on the petition and issuing a final determination. The petition shall include separate statements that:
 - (a) Advise to which particular regulation of the Town of Strasburg the requested exemption relates;
 - (b) Explain how the regulation is not in conformance with federal or state law, or how it allegedly violates the person's rights afforded under federal or state law;
 - (c) Describe how granting the exemption would be in the public interest and not be contrary to health, safety, and welfare considerations; and

- (d) Describe the intended use of land or activity for which the exemption is being sought.
 3. The Applicant shall submit any additional information requested by the Board of Zoning Appeals and shall appear before the Board of Zoning Appeals at the public hearing to explain the request and to answer any questions relative to the petition.
 4. In considering an exemption from the requirements of this UDO, the Board of Zoning Appeals may approve the exemption, provided that it makes findings, based on the evidence presented, regarding at least one of the following criteria:
 - (a) The exemption is in the public interest and is not contrary to health, safety, and welfare considerations;
 - (b) The exemption is necessary for the Applicant or the Town of Strasburg to comply with or conform to federal or state law;
 - (c) The exemption is necessary to avoid or resolve any alleged violation of rights afforded to any person under federal or state law caused by the enforcement of any regulation of the UDO; and
 - (d) The Town of Strasburg regulation does not constitute or further a compelling governmental interest in need of protection and is not the least restrictive alternative for satisfying or achieving the governmental interest.
 5. The Board of Zoning Appeals shall either grant or deny the exemption within 30 days of the conclusion of the public hearing at which it considered the exemption. The Board of Zoning Appeals may request additional information from the Applicant, may continue the hearing from time to time in order to fully consider the petition and all pertinent information, and may grant the exemption in full or in part by waiving compliance with certain aspects of this UDO. The Board of Zoning Appeals may grant the exemption in full or in part, subject to conditions that are related to the public health, safety, and welfare. If the Board of Zoning Appeals grants the exemption in full or in part, it shall prepare a written order that approves the exemption. If appropriate, the order may contain conditions relating to the exemption. If the Board of Zoning Appeals denies the exemption, it shall issue a written decision that identifies the reasons for the denial and shall provide a copy of the decision to the Applicant.
- B. Temporary Certificate of Compliance. The Applicant may file a written request with the Board of Zoning Appeals for a temporary certificate of compliance to allow the use or activity during the pendency of the exemption petition process pursuant to this UDO.
- C. Town of Strasburg Policy or Practice. In regard to an exemption from any Town of Strasburg policy or practice, the same procedures and criteria within this UDO shall apply, except that there shall be no public hearing before the Board of Zoning Appeals. The Zoning Administrator shall forward the petition to the Board of Zoning Appeals who shall consider the exemption petition at an open public meeting, which shall be attended by the Applicant. The public meeting shall be scheduled within 30 days of receipt of the petition and the Board of Zoning Appeals may request additional information from the Applicant. The Board of Zoning Appeals shall grant or deny the exemption within 30 days of the conclusion of the last public meeting at which it considers the information relative to the exemption. The Board of Zoning Appeals may grant the exemption in full or in part, subject to conditions that are related to the public health, safety, and welfare. If the Board of Zoning Appeals grants the exemption in full or in part, it shall prepare a written order that approves the exemption. If appropriate, the order may contain conditions relating to the exemption. If the Board of Zoning Appeals denies the exemption, it shall issue a written decision that identifies the reasons for the denial and shall provide a copy of the decision to the Applicant.

2.20 Special Use Permit

2.20.1 Purpose

This section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards and factors set forth in the UDO, be approved. These uses shall be permitted through the issuance of a SUP within a Site Plan or Planned Development recommended for approval by the Planning Commission after ensuring that the use may be appropriately accommodated on the specific property; that it will conform to the comprehensive plan; that it may be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the community; and that the public interest, health, safety, and general welfare will be promoted. No inherent right exists to receive a SUP. Such authorization shall be approved under a specific set of circumstances and conditions. Each application and situation is unique. Every SUP amendment or application shall at a minimum be required to comply with every requirement contained in the UDO. Mere compliance with the generally applicable requirements however may not be sufficient, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.

2.20.2 Conditional Applicability

The provisions of this section apply to any application for approval of a SUP. Special Uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review of their location, design, and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as Special Uses in a zoning district, as set forth in the zoning regulations, shall be authorized by the Planning Commission. A SUP is not required for a use permitted by right in a given zoning district.

2.20.3 Initiation

An owner of real property, or that owner's authorized representative, may apply for a SUP for that property by filing an application with the Zoning Administrator.

2.20.4 Approval

When the Zoning Administrator has certified that the application is complete, it shall be deemed received and shall be referred to the Planning Commission for its review and decision. The Planning Commission, after public notice in accordance with applicable state laws, shall hold at least one public hearing on the application. The Planning Commission may concurrently process and review a rezoning Site Plan, subdivision approval, and SUP.

- A. Type of Hearing. The public hearing before the Planning Commission and Town Council shall be conducted as a quasi-judicial hearing.
- B. Conditions. In recommending any SUP, the Planning Commission may:
 1. Impose such reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in the UDO, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:
 - (a) Financing and availability of adequate public facilities or services;
 - (b) Dedication of land;
 - (c) Reservation of land;
 - (d) Payment of exactions;
 - (e) Creation of special assessment districts;

- (f) Creation of restrictive covenants or easements;
 - (g) Special setbacks;
 - (h) Height requirements;
 - (i) Yard requirements;
 - (j) Increased screening or landscaping requirements;
 - (k) Area requirements;
 - (l) Development phasing; and
 - (m) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
 - (n) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement;
2. Require that a performance guarantee—acceptable in form, content, and amount to the Town Attorney—be posted by the Applicant to ensure continued compliance with all conditions and requirements as may be specified; and
 3. Require that a development agreement be entered into by the Applicant.

2.20.5 Approval Criteria

Where uses are permitted by special permit the location and beginning of such uses shall require, in addition to the Zoning Permit and Certificate of Occupancy, a special use permit. Such permit shall be subject to review and recommendation of the Planning Commission and approval of Town Council. These permits shall be subject to such conditions as required in this UDO, and those that the Town Council deems necessary to carry out the intent of this UDO. Application for such permit shall be made to the Zoning Administrator who shall issue such permit only after approval by Council. A public hearing in accordance with Code of Virginia, § 15.2-2204, as amended, shall be held for all uses permitted by special permit. Such permits shall be issued in accordance with the following regulations:

- A. Such use shall be one which is specifically authorized as a special permit in the zoning district wherein the Applicant seeks such permit.
- B. Such permit shall only be granted subject to any applicable condition and safeguard as required by this UDO.
- C. Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Town Council to be advisable, appropriate, or necessary in the public interest.
- D. Such additional conditions may be recommended by the Planning Commission.
- E. Such use shall be found by the Town Council to be in harmony with the general purposes and intent of this UDO.
- F. The proposed Special Use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district. In making such a determination, consideration shall be given to:

1. The location, type, and height of buildings or structures;
 2. The type and extent of landscaping and screening on the site; and
 3. Whether the proposed use is consistent with any policy of the comprehensive plan that encourages mixed uses and/or densities.
- G. Such use shall be of such size and so located and laid out in relation to access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.
- H. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- I. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
- J. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- K. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
- L. Such use shall not conflict with development in accordance with any comprehensive plan or portion thereof which has been adopted by the Town Council.
- M. A special use permit shall become null and void if the use is discontinued for two years.
- N. If the use of the property substantially changes from the use presented in the application the special use permit shall become null and void.
- O. No more than one special use permit shall be permitted per parcel.

2.20.6 Subsequent Applications

An application for a SUP may be withdrawn at any time. If the application has been advertised in compliance with state law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within one year of withdrawal. No application for a SUP for any lot or parcel that requests the same use and same conditions shall be considered within one year of a final decision denying the application.

2.20.7 Amendment

Once a SUP is granted, such use may be enlarged, extended, increased in intensity, or relocated only in accordance with this section unless the Town of Strasburg, in approving the initial development approval, has specifically established alternative procedures for consideration of future expansion or enlargement. The provisions of this UDO relative to expansion of nonconforming uses, do not supersede this requirement unless the permitted use for which the Development Order was initially granted is no longer a use permitted as of right or as a Special Use in the zoning district in which it is located.

- A. **Minor Amendments.** A minor amendment is a request for any enlargement, expansion, and increase in intensity, relocation, or modification of any condition of a previously approved and currently valid SUP. Amendments shall be processed as follows: shifts in on-site location and changes in size, shape, intensity, or configuration of less than 5%, or a 5% or less increase in either impervious surface or floor area over what was

originally approved, may be authorized by the Zoning Administrator, provided that such minor changes comply with all applicable Town, state and federal regulations and the following criteria:

1. No previous minor modification has been granted pursuant to this section;
 2. There shall be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
 3. Nothing in the currently valid SUP precludes or otherwise limits such expansion or enlargement; and
 4. The proposal conforms to the UDO and is in keeping with the spirit and intent of any adopted comprehensive plan.
- B. Major Amendments. Any proposed amendment other than those considered minor amendments as described in this UDO are considered a major amendment and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original Development Order.

2.21 Subdivision Applications, Generally

2.21.1 Purpose

The purpose of this UDO is to establish certain subdivision standards and procedures. Where a proposed subdivision is located both within and beyond the Town's boundaries, it shall be governed by the regulations of that jurisdiction in which lies the greater portion of such proposed subdivision. This UDO is part of a broad, long-range strategy to guide and facilitate the orderly, beneficial growth of the community, and to promote the public health, safety, convenience, comfort, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when land becomes urban in character as a result of development for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner.

2.21.2 Subdivision Required

No permit shall be issued by any administrative officer of the Town of Strasburg or the County of Shenandoah, Virginia, for the construction of any building or other improvements requiring a permit upon any land concerned, for which a plat is required by this UDO, unless and until the requirements of this UDO have been complied with. Any person aggrieved by the decision of any administrative official whose decision is required pursuant to this UDO may appeal said decision to the Board of Zoning Appeals or the Town Council as the situation requires.

2.21.3 Private contracts

This UDO bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenants, agreement or restriction implied herein to any public official unless required by this UDO. When this UDO calls for more restrictive standards than are required by private contracts the provisions of this UDO shall control.

2.21.4 Necessary changes

No change, erasure or revision shall be made on any Preliminary or Final Plat, nor on accompanying data sheets after approval by the Planning Commission has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Planning Commission.

2.21.5 Amendments

The Strasburg Planning Commission may recommend and Strasburg Town Council may grant variations in or exceptions to the general regulations of this Section upon reasonable finding that such variations or exceptions will result in improved

subdivision design with overall benefit to the Town, provides substantial justice to the property owner(s) and would not create a detriment to the public health, safety and welfare. Such variations or exceptions should be consistent with the general purpose and intent of this UDO.

2.21.6 Subdivisions Subject to This Section

- A. The owner of any tract of land who desires to subdivide land shall submit a plat of such subdivision to the Zoning Administrator. No person shall subdivide land without making and recording a plat and complying fully with this UDO. No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Clerk of the Court for Shenandoah County, unless such subdivision was created prior to the adoption of this UDO. No Development Order or Certificate of Occupancy shall be issued for any plat, map, or plan that was created prior to subdivision approval under the UDO, or for any parcel or plat of land that was created by subdivision after the effective date of the UDO, and no excavation of land or construction of any public or private improvements shall be commenced, except in conformity with the requirements of the UDO.
- B. A final subdivision plat shall be approved by the Zoning Administrator before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Zoning Administrator in accordance with these regulations.
- C. The Zoning Administrator may review and approve, conditionally approve, or disapprove the development of lands subdivided prior to or following the effective date of these regulations where:
 1. The Applicant proposes to combine or to recombine previously subdivided and recorded lots, and the total number of lots will increase or does not meet the standards of the UDO; or
 2. The original Applicant or their successor failed to complete subdivision improvement requirements pursuant to a subdivision improvement guarantee entered into when the plat for the subdivided land was approved. This subsection applies whether the lots are owned by the original Applicant or an immediate or remote grantee from the original Applicant. This subsection does not apply if Town of Strasburg has obtained possession of sufficient funds from security provided by the Applicant with which to complete construction of improvements in the subdivision.

2.21.7 Exemptions

A subdivision plat is not required for any of the following:

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Strasburg;
- B. The public acquisition by purchase of strips of land for the widening or opening of streets; and
- C. If a court orders the partition of land by dividing the same among the owners, provided that the Town of Strasburg is made a party defendant to said action and gives its consent.

2.21.8 Recordation of Unapproved Plat Prohibited

Signatures of Town officials shall not be affixed to a plat or the plat be submitted for recordation until the plat is approved in accordance with the regulations set forth in this UDO.

2.21.9 Sale or Lease

No land described in this section shall be subdivided, sold, leased, transferred, or developed until each of the following conditions has occurred in accordance with these regulations:

- A. The Applicant or their agent has obtained approval of the Preliminary Plat (when required) and a Final Plat as provided in this UDO; and
- B. The Applicant or their agent files the approved plats with the Clerk of the Court for Shenandoah County.

2.21.10 Development Approval

No Development Order, including land-use alteration, Zoning Permit, certificate of zoning compliance, or Certificate of Occupancy shall be issued for any parcel or plat of land created by subdivision unless the approvals conform to a previously approved and lawful subdivision plat or Site Plan.

2.21.11 Subdivision Classification

Subdivisions are classified as Major Subdivisions and Minor Subdivisions, as identified in Exhibit 2D, which summarizes the procedures for the plat classifications. Major and minor subdivisions are subject to the criteria for approval of subdivision plats, unless a specific provision indicates that it does not apply to minor subdivisions. Different time limits are prescribed for the review and processing of major and minor subdivisions in order to reflect the level of complexity involved in review of the applications.

Exhibit 2D: Subdivision Classification

Classification	Definition	Procedures Required		
		Sketch Plat	Preliminary Plat	Final Plat
Minor Subdivision	Any subdivision: <ul style="list-style-type: none"> ▪ Involving three or fewer lots; ▪ Fronting on an existing street; ▪ Not involving the creation of any new street; ▪ Not involving the extension of municipal utilities; ▪ Not involving the creation of public improvements; ▪ Not adversely affecting the remainder of the parcel or adjoining the property; and ▪ Not in conflict with the comprehensive plan, official map, or zoning regulations. A series of related minor subdivisions or contiguous land cumulatively totaling five or more lots shall be construed to create a major subdivision. 	O	O	✓
Major Subdivision	Any subdivision not exempted by the UDO or state law, other than a minor subdivision.	✓	✓	✓

✓ = Required

O = Optional

2.21.12 Submission And Review Procedures

- A. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner of the property (Applicant), or his agent authorized in writing, shall apply for and secure approval and

endorsement of such proposed subdivision and such subdivision shall be recorded in the office of the Clerk of the Circuit Court of Shenandoah County, Virginia.

- B. Any application for subdivision approval shall include the submission of a Phase I environmental site assessment based on the reasonably anticipated use of the property proposed for subdivision that meets generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the Planning Commission and/or Town Council deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments, for which fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review. Such fees will be established by the staff, subject to approval by the Town Council. Should any such assessments reasonably demonstrate contamination and/or other adverse environmental conditions of the property proposed for subdivision, or as a result of such subdivision, remediation of such contamination and/or other adverse environmental conditions shall be completed and approved by the Town Council prior to final approval of any subdivision of such property. The Town Council shall have the power to waive the requirements of such assessments upon making a finding that upon a consideration of all facts and circumstances, the submission of such assessments is not reasonably necessary to protect the public health, safety, and welfare of the citizens of the Town of Strasburg.
- C. The Town shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, in accordance with these regulations, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. Provisions of this UDO shall be relied upon to determine suitability. Land within a 100-year floodplain or known to be subject to flooding and land deemed by the Town to be topographically or geologically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate erosion. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or erosion and shall not produce conditions contrary to the public welfare.
- D. All plans for the subdivision of land within the corporate limits of the Town of Strasburg to which these regulations apply shall be reviewed and approved, approved with conditions and mitigation requirements, approved in part or in phases, denied, or denied in parts by the Town Council. The Town Council shall not take final approval or rejection action on an application until it has been reviewed by appropriate government officials as required by this UDO. The provisions and requirements of this UDO shall apply to and control all land subdivisions which, as of March 4, 1980, have not been recorded in the office of the clerk of the Circuit Court in and for the County of Shenandoah, Commonwealth of Virginia, and are not specifically exempt. However, any change in a recorded plat shall constitute a re-subdivision and shall make said plat subject to any and all of the regulations of this UDO.
- E. The recording of a subdivision plat under this section shall not be required in the following cases:
1. Court action: A partition of land by or through actions of a court of competent jurisdiction unless or until development of the land is proposed.
 2. Public taking: When a property has been changed in size or shape by reason of the taking of a part of such property for public use by referring to a properly drawn and recorded plat; provided that the

outlines and dimensions of such remainder may be clearly determined by reference to the previously recorded plats.

3. Adjoining properties: The sale or exchange of any parcels of land between owners of adjacent properties for the purpose of small adjustment in boundaries, provided that additional lots are not created, and no lot is reduced below the minimum size required by this UDO.
4. Utility rights-of-way: A bona fide division of a tract of land in order that one or more of the resulting parcels may be used as a part of a public utility right-of-way; provided, that if a parcel resulting from such subdivision is ever to be used as a building site for other than right-of-way purposes, then before a Zoning Permit may be issued for such other use, a plat shall be filed and recorded which satisfies the requirements of this UDO.

F. Application Process

1. For each stage of plat approval, two copies of the subdivision complete application shall be submitted with the proposed subdivision plat to the Zoning Administrator. Application forms may be secured from the Zoning Administrator.
2. A plat of all subdivisions within the force and effect of these regulations shall be drawn and submitted to the Planning Commission and Town Council for their approval or disapproval as provided herein.
3. Each plat submitted for sketch, preliminary, or final approval shall be placed on the agenda of the Planning Commission, through the Zoning Administrator, upon submission of the appropriate application in accordance with the requirements of these regulations. The approval of the sketch or Preliminary Plat shall not be deemed final acceptance of, but rather an expression of approval of the layout as submitted on the sketch or Preliminary Plat; such approval shall be noted on the sketch or Preliminary Plat.
4. No plat or description of land subdivision shall be filed in the office of the Clerk of the Court for Shenandoah County, until same shall have final review by the Planning Commission and final approval by the Town Council as required by law.
5. The plat filing fees shall be paid to the Clerk of the Court for Shenandoah County upon submission of the appropriate plat for Town review and consideration for approval. Filing fees are non-refundable.
6. Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted at any time within two years of the Preliminary Plat without payment of any additional plat filing fee by the Applicant, providing the Final Plat for the additional area conforms substantially with the approved Preliminary Plat. The Applicant shall still be required to pay the appropriate fee for the construction and final engineering inspections.

2.22 Sketch Plat

2.22.1 Purpose

The purpose of the Sketch Plat is to ensure that improvements are well coordinated within and among individually platted parcels, sections, or phases of a development prior to approval of a Preliminary Plat. Approval of a Sketch Plat shall constitute approval of the type(s) and intensity of development and approval of a project phasing plan. A Sketch Plat may be processed concurrently with a Preliminary Plat.

2.22.2 Applicability

A Sketch Plat shall be required when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership. The Sketch Plat shall identify all contiguous land holdings of the Applicant and establish a phasing plan for any subdivision involving multiple phases of development and any subdivision for which only a portion of the parent tract or a portion of contiguous holdings under common ownership are proposed to be platted. Where a Sketch Plat is required, no further development applications shall be approved until a Sketch Plat has been submitted and approved.

2.22.3 Plat to be filed with the Zoning Administrator

The Applicant may, if he so chooses, submit to the Zoning Administrator a Sketch Plat of the proposed subdivision prior to his preparation of an engineered preliminary and Final Plat. The purpose of such sketch is to permit the Zoning Administrator and the Planning Commission to advise the Applicant whether his plans, in general, are in accordance with the requirements of this UDO. The Planning Commission, upon submission of any Sketch Plat, shall study it and advise the Applicant wherein it appears that changes would be necessary. The Planning Commission may mark the Sketch Plat indicating necessary changes and any such marked copy shall be returned to the Applicant. Sketch plats shall fully comply with this UDO.

2.22.4 Number of copies

Five legible black-line or blue-line paper prints (which may be prepared in ink or pencil) of the Sketch Plat shall be required for this optional submission.

2.22.5 Review of Sketch Plat

- A. A Sketch Plat shall be considered a submission for informal discussion between the Applicant and the Town. Submission of a Sketch Plat shall not constitute official submission of a plat to the Town.
- B. Review by the Planning Commission
 1. Such submission shall include application forms available at the office of the Zoning Administrator.
 2. The Planning Commission shall study the Sketch Plat, taking into consideration the requirements of the subdivision regulations and the best use of the land being subdivided. Particularly attention shall be given to the arrangement, the further development of adjoining lands as yet unsubdivided, the guidelines of the Town comprehensive plan, and the requirements of other plans and ordinances as adopted by the Town.
 3. The Planning Commission may seek the advice of other officials or consultants in reviewing a Sketch Plat.
 4. Within 14 days after the meeting at which the Sketch Plat is reviewed by the Planning Commission, the Zoning Administrator shall send written notice of the Planning Commission's action, including changes or modifications, and what environmental protection analyses, plans, development controls, or other information it may require as a condition for approval of later subdivision plat submissions. Such notice shall be sent to the Applicant or his agent, and the Town Council. The Planning Commission and/or Town Council may require additional changes as a result of further study of the subdivision at the time of submission and review of preliminary and/or Final Plats.

2.22.6 Application

- A. A Sketch Plat shall be printed on 24" x 36" paper or equivalent at a scale no smaller than 1 inch = 100 feet with all dimensions measured accurately to the nearest foot; provided, however, that a different scale may be used

if approved in writing by the Zoning Administrator prior to submittal. The Sketch Plat shall contain or have attached thereto:

1. Name and addresses of the developer, record owner, land planner, and engineer.
2. Proposed name of the subdivision, date revised and/or prepared, north indicator, scale.
3. If the Sketch Plat requires more than one sheet, a key diagram showing relative location of the several sections, shall be drawn on each sheet.
4. Location map drawn at a scale no smaller than 1 inch = 2,000 feet showing the area within a one-mile radius of the proposed subdivision. Use of the latest USGS 7.4 minute quadrangle map is recommended.
5. A layout of the entire tract and its relationship to adjacent property, existing development and recorded and pending plats.
6. Existing covenants on the property, if any.
7. Name, address, and telephone number of persons responsible for subdivision design or improvements, and for boundary surveys.
8. Tract boundaries accurately labeled.
9. Name of municipality or municipalities in which subdivision is located.
10. North point, scale (written and graphic) and date.
11. Name(s) of all adjoining property owner(s) including those on adjacent rights-of-way and streets.
12. Significant topographical and physical features (water sources, wooded areas, etc.).
13. Proposed general street and lot layout, with approximate dimensions.
14. Preliminary proposals for connection with existing water supply and sanitary sewerage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
15. The approximate location and area of all parcels of land proposed to be set aside for nonresidential use such as park or playground use or other public use, or for the use of property owners in the proposed subdivision.
16. Whenever the Sketch Plat does not include all of the tract of land, the Applicant shall submit, at the scale no smaller than 1 inch = 1 foot and 1 inch = 250 feet, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system and an indication of the probable future street and drainage system of the remaining portion of the tract, if known.
17. Topographic contours based on USGS or NAVD Datum at ten foot (10') intervals based on USGS or NAVD Datum unless otherwise approved by the Zoning Administrator.
18. Proposed and existing arterial and collector streets to serve the general area.
19. Significant drainage features and structures including any 100-year floodplains.

- 20. Significant man-made features such as railroads, buildings, utilities and drainage structures.
 - 21. Approximate boundaries and timing of proposed phases of development.
 - 22. Identification of known exceptional topographical, cultural, historical, archaeological, hydrological or any other physical conditions of the property to be developed or within 100 feet on adjacent tracts.
- B. The Zoning Administrator shall review the Sketch Plat for consistency with Town Code, policies and plans, and prepare a report analyzing the subdivision submittal as well as any comments received concerning the plan, and recommending the approval, conditional approval or disapproval of the plan.

2.22.7 Review Criteria

The Planning Commission shall approve the Sketch Plat if it finds that the following criteria are satisfied:

- A. The Sketch Plat conforms to all applicable provisions of this UDO;
- B. The Sketch Plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvement Program, and any other applicable planning documents adopted by the Town; and
- C. The proposed development is located in an area of the Town that is appropriate for current and future development activity and which shall not contribute to sprawl and leapfrog development patterns nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

2.22.8 Effect of Approval and Validity

- A. Approval of a Sketch Plat constitutes acceptance of the type, density and intensity of land use indicated on the plan as being consistent with the Comprehensive Plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed.
- B. The approval of the Sketch Plat shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one year behind the approved phasing plan, or a period of one year elapses without approval of a Preliminary Plat, Sketch Plat approval shall expire. Upon receipt of a written request, the Board of Zoning Appeals may approve extensions upon finding that changing conditions in the Town do not necessitate changes to the approved Sketch Plat.
- C. Sketch Plat approval does not ensure approval of a Preliminary Plat involving a substantially different concept or failing to meet specific requirements of these regulations, and approval does not comprise any vesting of development rights or any assurance that permits of any kind shall be issued.

2.22.9 Denial and Appeal

If the Planning Commission finds that the Sketch Plat fails to meet the criteria established in the section, it shall deny the Sketch Plat application. The Applicant may appeal such denial to the Town Council.

2.23 Preliminary Plat

2.23.1 Purpose

- A. The Preliminary Plat serves as a guide to the density, intensity, land uses, pedestrian and bicycle ways, bus stops, trails, parks, open space, and future lot, street, and drainage patterns established for a site in the platting process. It is the intent of the Preliminary Plat requirement to insure that a landowner investigates the

broad effects that development of property shall have on the site itself as well as on adjacent properties and public infrastructure systems. Approval of a Preliminary Plat shall constitute acceptance of the land-use mix, development intensity, general street patterns, drainage patterns, lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails and school bus stops, provided that these may be modified in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during Preliminary Plat review.

- B. The purpose of the Preliminary Plat, together with the additional items required herein, is to provide plans for the construction of the subdivision and its improvements as well as a draft of the Final Plat of the subdivision. To this end, during preparation of the Preliminary Plat, the Applicant should consult with the Planning Commission's technical staff, with the Public Works Director, and with other officials and agencies concerned with the subdivision and the improvements. The Preliminary Plat and construction plans shall be based upon the general design shown on the Concept Plan, together with the recommended changes.

2.23.2 Applicability

Approval of a Preliminary Plat, when required, for any site where the eventual platting of the property involves a subdivision containing more than 50 lots. No Final Plat shall be approved until a Preliminary Plat for the property has been approved, unless the application is for a subdivision containing 50 lots or less. Preliminary Plats are not required for subdivisions involving 50 or fewer lots.

2.23.3 Initiation

Copies of the Preliminary Plat and all required supporting data shall be officially submitted to the Zoning Administrator by the Applicant or his representative authorized in writing to submit the plat. The Preliminary Plat shall be considered the first official submission of a plat for subdivision. If a Sketch Plat has not been submitted, the Applicant should confer with the Zoning Administrator or Planning Commission as to the proper procedure for filing and obtaining approval of plats. Plats shall fully comply with the requirements of this UDO. The Applicant shall also contact the VDOT to obtain design and construction standards, the Department of Health regarding water and sewer system design standards, and/or the State Water Control Board concerning public sewage system standards. The Public Works Director shall be contacted to obtain design and construction standards.

2.23.4 Submittal

Official submission of the Preliminary Plat by the Applicant to the Zoning Administrator shall consist of:

- A. Two completed copies of the application for review of preliminary subdivision plat available at the office of the Zoning Administrator.
- B. Five legible black-line or blue-line paper prints of the Preliminary Plat as described in these regulations.
- C. Five copies of all other information as required by this UDO.
- D. The proposed plat shall be at a scale that is legible and functional on sheets of 24 by 36 inches in size.
- E. Every plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.
- F. Every such plat or deed of dedication to which the plat is attached shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows: The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in

accordance with the desire of the undersigned owners, proprietors, and trustees, if any. The statement shall be signed (on the Final Plat) by such persons and duly acknowledged before some officer authorized to take acknowledgements of deeds.

- G. Date, including the month, day, and year, that the original drawings were completed and the month, day, and year that the original drawing was revised, for each revision.
- H. True north point, with declaration for magnetic north, scale (written and graphic), and name of subdivision.
- I. Name, address, and telephone number of record owner and Applicant.
- J. Name and address of registered engineer or surveyor responsible for the subdivision plat, surveys, and design of improvements.
- K. Names of all owners of all land next to each boundary of the land being subdivided and the names of all subdivisions, if any, next to the project being considered with the book and page numbers where each is recorded.
- L. A vicinity map for the purpose of locating the property being subdivided drawn at a scale of between 1 inch = 250 feet and 1 inch = 2,000 feet, and showing the relation of the property, set apart by tone or pattern, to adjoining property and to all streets and municipal boundaries within 1,000 feet of each subdivision boundary, giving the names of each such street.
- M. Total tract boundaries (with dimensions) of the property being subdivided showing bearings and a statement of total acreage of the property.
- N. The dimensions in feet and decimals of lot area and lot frontage along any public street.
- O. Zoning data including all of the following which are applicable:
 - 1. Existing Town zoning district designations, and any zoning district boundary lines going through or touching the boundary of the proposed subdivision.
 - 2. Any changes in the existing zoning to be requested by the Applicant.
- P. Contours at vertical intervals of one foot on plats containing five or more lots are required. Elevation shall be based on Strasburg' datum or United States Geographical Survey datum, whichever is required by the Public Works Director or his designated authority.
- Q. All water and sewer lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, quarries, strip mines, watercourses, tree masses, rock outcrops, and other significant manmade or natural features within the proposed subdivision and within 500 feet from the boundaries of the proposed subdivision.
- R. All existing streets, including streets of record, easements and rights-of-way, including names, right-of-way widths, pavement widths and approximate grades of such streets or rights-of-way on or abutting the tract.
- S. Existing and proposed covenants on the property.
- T. The full plan and proposed development, including:
 - 1. Location, width, and names of all streets, easements, and rights-of-way, with a statement of any conditions governing their use, and functional classification of each with dimensions.
 - 2. Setback lines along each street.

3. Lot lines with dimensions.
 4. Lot numbers and statement of number of lots and parcels. All lots within each block shall be numbered consecutively.
 5. A statement of the intended use of all nonresidential lots and parcels.
 6. Location of water supply, sanitary and/or storm sewers, invert elevations, manholes and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities.
 7. Areas proposed to be dedicated or reserved for public use with any conditions governing such use, dedication, or reservation.
 8. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.
 9. The 100-year floodplain line as indicated on the Flood Hazard Boundary Map, Strasburg, Virginia, prepared by the Department of Housing and Urban Development, Federal Insurance Administration and currently administered by the Federal Emergency Management Agency (FEMA), with additions by the Town of Strasburg for areas not covered in the original HUD floodplain study. For areas outside the corporate limits, the Shenandoah County Administrator shall be consulted.
 10. Municipal boundaries which cut through the subdivision, showing the name of municipalities, if applicable.
- U. Proposed sites (if any) for shopping centers, churches, industry, group housing units or other nonpublic use exclusive of single-family, duplex or quadraplex dwellings.
- V. The location of all proposed monuments.
- W. The Preliminary Plat shall be accompanied by the following supplementary data shown in accordance with standards in this UDO as applicable:
1. Street cross section drawing(s) for all proposed streets, showing depth and type of base, type of surface, etc. Cross section drawings may be shown on either the Preliminary Plat or on separate profile sheet and shall show tentative profiles along the top of pavement edges or along the top of curb for both sides of each proposed street. Such profiles shall show existing and proposed grades. Information as required by the VDOT shall be submitted. Such information shall also be submitted to the department of transportation by the Applicant.
 2. A plan for the surface drainage of the tract to be subdivided shall be shown. Such plan shall include stormwater runoff calculations for the entire property being subdivided as well as the anticipated runoff of areas of higher elevation in the same watershed, and shall show the proposed method of accommodating the anticipated runoff. Such plan shall also show a complete drainage layout including all pipe sizes and types, drainage easements and the means of transporting the drainage to a well-defined open stream which is considered natural drainage. Drainage computation for the appropriate drainage structures shall also be included.

3. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of appropriate state and local agencies and shall be submitted to such agencies by the Applicant.
 4. Where a Preliminary Plat shows the proposed subdivision of only a part of the Applicant's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the Planning Commission may, based on existing natural or manmade features, delineate the area for which a prospective street system shall be sketched.
- X. The Preliminary Plat shall be accompanied by the following environmental protection analyses where applicable:
1. Erosion and sediment control plans.
 2. Floodplain preservation plans.
 3. Geological survey of the surface and subsurface conditions of any areas to be built upon.
 4. Archeological survey.

2.23.5 Review of Preliminary Plat

- A. Review by the Planning Commission:
1. When a Preliminary Plat drawn in accordance with this section has been officially submitted, such plat shall be reviewed by the Planning Commission at its next regularly scheduled meeting. At the discretion of the Planning Commission the plat may be reviewed at a special meeting.
 2. During review of the Preliminary Plat, the Planning Commission shall seek the advice of the Health Department, the VDOT, and other officials or consultants as required, before making its decision on the plat. Such review shall ensure that the Preliminary Plat is in accordance with the requirements of this UDO, the streets in the proposed subdivision are designed to fit into the existing street system, and no harmful effects are created for the present and future residents of the Town and surrounding area. All subdivisions shall be reviewed considering the policies of the Town comprehensive plan and the requirements and recommendations of all the plans and ordinances of the Town.
 3. If the Preliminary Plat is approved or disapproved, or the Planning Commission deems changes or modifications to be necessary in the public interest, such decision, the reasons therefor, and the UDO sections relied upon, shall be put in written form by the Zoning Administrator. Such notice shall be sent to the following:
 - (a) The Applicant or his agent.
 - (b) The Town Council.
 - (c) The Public Works Director, if applicable, or highway resident engineer.
 - (d) Such report shall be only a notification to the Town Council of Planning Commission action. Such report may also include an estimate of 125% of the cost of all improvements as required by this UDO and the amount of the performance bond recommended as a prerequisite for approval of the final subdivision plat. In determining the cost of required improvements and the amount of

the performance bond, the Planning Commission may require an estimate of the cost of improvements, prepared and certified by a duly licensed engineer, to be furnished by the Applicant. One copy of the plat with all comments shall be maintained for the permanent records of the Town, and one copy shall be sent to the Applicant or his agent.

4. The Planning Commission shall render its decision on the application and communicate it to the Applicant no later than 60 days after its submission. Failure of the Planning Commission to render such a decision and communicate it to the Applicant within the time and in the manner required shall be deemed an approval unless the Town requests an extension of time, and the Applicant has agreed in writing, to such extension.
 5. When a Preliminary Plat has been returned to the Applicant for changes or modifications, it shall be so modified and resubmitted to the Planning Commission within 90 days. The Planning Commission shall review the modified plat, and such resubmission of the Preliminary Plat shall establish a new 90-day review period as established under this UDO. The Planning Commission shall approve or disapprove the modified plat and transmit its decision to the Applicant without delay.
 6. Approval of Preliminary Plat shall not constitute acceptance of a subdivision for recording and does not constitute a guarantee of approval of the Final Plat. Approval is only an expression of approval of a general plan to be used in preparing the final subdivision plat for final approval and recording upon fulfillment of all requirements of these regulations.
 7. When a Preliminary Plat has been approved, or approved subject to conditions, no subsequent changes or amendment in the UDO or other governing ordinance or plan shall be applied to adversely affect the right of the Applicant to commence and to complete any item for which the approval was granted.
- B. **Withdrawal of Application.** Once filed with the Reviewing Body, a plat may be withdrawn, provided that a written notice of withdrawal stating the reasons for the request is submitted to the Zoning Administrator. The Zoning Administrator shall present a withdrawal request to the Reviewing Body for consideration.

2.23.6 **Approval Criteria**

- A. **Conformance.** The Planning Commission shall not approve a plat unless it complies with the standards of the UDO. The decision-making entity shall not approve a plat if it fails to conform to:
1. The comprehensive plan and future streets, alleys, parks, playgrounds, and public utility facilities;
 2. The transportation plan and major thoroughfare plan (or official map) for the extension of major thoroughfares, streets, and public highways, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
 3. Any applicable watershed drainage plan adopted by the Town; and
 4. Capacity requirements of the sewer collection or water distribution system.
- B. It is the intent of the UDO that land to be subdivided shall be of a character that may be used safely for building purposes without danger to health or peril from fire, flood, or other menace; furthers environmentally sensitive area protection and sustainability; and that land shall not be subdivided until adequate public facilities and improvements exist or proper provision has been made for drainage, water, sewerage, and capital improvements, such as schools, parks, recreational facilities, transportation facilities, and improvements. Accordingly, the Zoning Administrator or Planning Commission shall not approve a subdivision plat unless all of the following findings with respect to the proposed development are made:

1. The proposed land uses are in accord with the adopted comprehensive plan, specific plan, and the official zoning map, or that the means for reconciling any differences have been addressed. A Preliminary Plat may be processed concurrently with a rezoning request.
2. The proposed subdivision conforms to all relevant requirements of the UDO and variances have been granted to permit any nonconformance.
3. The proposed development, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible future use of adjacent property.
4. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development.
5. The proposed subdivision shall not have detrimental impacts on the safety or viability of permitted uses on adjacent properties.
6. The soils, topography, and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
7. Any land located within Zone A on the adopted flood boundary and floodway maps of the flood insurance study, is determined to be suitable for its intended use, and the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain-related risks to the health, safety, or welfare of the future residents of the proposed subdivision in a manner consistent with the UDO.

2.23.7 Subdivision Name

The proposed name of a subdivision shall not use a word that is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the Town of Strasburg except for the words "court," "addition," "place," "heights," "hills," and similar words, unless the land platted is contiguous to and platted by the same Applicant who platted the existing subdivision bearing the name, or the Applicant has obtained the written consent of the party who platted the subdivision bearing that name, or the Zoning Administrator requires the use of the same name for purposes of clear identification.

2.23.8 Conditions on Approvals

In considering an application for a subdivision plat, the Planning Commission shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria herein.

2.23.9 Subsequent Applications

There is no restriction on reapplication for subdivision approval.

2.23.10 Amendments

Amendments to a subdivision plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein. Amendments to Preliminary Plats may be initiated by the owner of property within the Preliminary Plat area subject to the following:

- A. Minor amendments may be approved by the Zoning Administrator without filing a new Preliminary Plat. Minor amendments include the following:

1. Changes in the internal alignment of streets that do not affect external properties or the connectivity index;
 2. Changes in internal parcel boundaries that do not abut external property lines;
 3. Changes in setbacks along internal property lines;
 4. Changes in the routing of trails and pedestrian ways;
 5. Changes to right-of-way, easements or drainage; or
 6. Changes in the orientation of buildings on internal parcels.
- B. No minor amendment authorized by this section may cause any of the following:
1. Change in the permitted uses;
 2. Increased intensity of use as measured by the number of dwelling units or square feet of nonresidential building area;
 3. Increased trip generation or demand for public utilities;
 4. Decreased public or private open space area; or
 5. Increased volume or velocity of stormwater runoff from the development.
- C. Major Amendments. All other changes to an approved Preliminary Plat require the filing and approval of a new Preliminary Plat.

2.23.11 Scope of Approval

- A. The Preliminary Plat governs the preparation of the final subdivision plat, which shall be submitted for final approval and recordation upon fulfillment of the requirements of this UDO.
- B. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat.
- C. The Final Plat shall conform in all respects to the Preliminary Plat as previously reviewed by the Planning Commission and shall incorporate all modifications approved by the Town in its review of the Preliminary Plat.

2.24 Final Plat

2.24.1 Applicability

There shall be a Final Plat for each subdivision that received Preliminary Plat approval. No final subdivision plat shall be recorded until a Final Plat has been approved as provided in this section.

2.24.2 Initiation

The materials required herein shall be submitted to the Zoning Administrator for a determination as to whether it complies with the approved Preliminary Plat. The Applicant may submit Final Plat copies for only that portion of the approved Preliminary Plat that they propose to record and develop at that time, if such portion conforms to all requirements of this UDO. The Final Plat shall conform to the approved Preliminary Plat. Any deviation from the approved Preliminary Plat that

does not constitute a minor amendment requires additional review by the Planning Commission and final approval by the Town Council.

2.24.3 Submittal

Official submission of the Final Plat by the Applicant to the Zoning Administrator shall consist of:

- A. Two completed copies of the application for review of final subdivision plat available in the office of the Zoning Administrator.
- B. Five legible black-line or blue-line paper prints of the Final Plat which shall comply with these regulations.
- C. Five copies of all other required information including but not limited to the following, if applicable:
 1. A draft of the deed restrictions or protective covenants whereby the Applicant intends to regulate the land use other than through this UDO, or otherwise protect the proposed development, shall be attached to the Final Plat application. All offers of dedication, and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Town Attorney as to their legal sufficiency. Such deed restrictions as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.
 2. Certificate of appropriate approval of the state health department and/or state water control board, when required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision. If individual on-site sewage disposal systems are to be used, the Applicant shall submit health department tentative approval of each lot in the subdivision as having a suitable site for a septic system at the stated lot size. This shall be done on a lot-by-lot basis. This tentative approval does not guarantee the issuance of a permit for a septic system when construction occurs. The state health department reserves the right to withdraw any tentative approval at the time a permit for a septic system is applied for.
 3. The performance bond in a form satisfactory to the Town Attorney and in an amount established by the Planning Commission of 125% of estimated costs upon recommendation of an engineer approved by the Planning Commission and shall include a provision that the principal of the bond shall comply with all the terms of the final subdivision plat approval as determined by the Town and shall include, but not be limited to, the performance of all required subdivision and off-site improvements or parts thereof. All improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town free and clear of all liens and encumbrances on the premises.
 4. The total tract boundary lines and bearings of the area being subdivided. Such boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(s) adjoining additional unplatted land of the Applicant are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plat, and the placement of the monuments.
 5. The following data shall be shown for the pavement edges (curblines) and right-of-way lines: the ultimate right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided; the length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii of curved lines; and, the angle (in degrees, minutes and seconds).

6. All lot lines shall be completely dimensional in hundredths of a foot if straight, and by length of arc and radius if curved with central angles in degrees, minutes and seconds. All internal angles within the lots shall be designated to the nearest second.
7. A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page numbers.
8. The location of all existing and proposed required street monuments.
9. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plat, and easements shall either be shown or specifically described on the plat. Easements should be located in cooperation with the appropriate public utilities.
10. The location of all planned landscaping and trees protected by the current Town ordinances within the limits of proposed rights-of-way, easements, alleys or any other properties to be dedicated to the Town.
11. Where one or more entrances or street structures or medians or other common areas such as monuments, pillars, fences, walls, plantings, statuary, or other decorative features are to be installed in a permanent fashion, the location, size and design shall be included with the Preliminary Plat submitted to the Planning Commission for review and approval by the Town Council. This submission shall also include a copy of the bylaws or other documentation of the association which shall have a permanent responsibility for maintenance. Such bylaws or other documentation shall contain language which will ensure proper maintenance of such structures by such association.
12. If the subdivision proposes a new street intersection with a state route, VDOT and DPW approval shall be obtained for all such intersections.
13. A blank oblong space three inches by five inches shall be reserved on the plat for the use of the Planning Commission and Council.
14. Certificates signed by surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
15. When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
16. The Final Plat shall be accompanied by supplementary data, if required by the Planning Commission, as required for Preliminary Plats, in addition to all appropriate approvals from the state health department, VDOT, the state water control board, and any other agency as required. No Final Plat shall be approved by the Town unless all proper approvals are submitted to the Town.
17. The Final Plat shall contain the following signed statement: All items, plans, designs, and information, provided for the approval of the Preliminary Plat approved _____ (date of Planning Commission approval), remain in full force and effect, without modification, as part of the approved Final Plat, and the undersigned acknowledges the obligation to complete all action required as a part of such plans, the same as if they were set forth herein and the Final Plat is approved subject to the owners required completion of all measures included within such approved plans.

18. The Final Plat shall be at a scale that is legible and functional and on sheets of 24 by 36 inches in size.
19. From and after the effective date of the adoption of this UDO, all subdivisions developed in the Town of Strasburg shall have the plats thereof certified by the Applicant's engineer for the subdivision, who is a registered, professional engineer in the Commonwealth of Virginia, which said certification will specify, without limitations or reservations that:
 20. The plans of said subdivision and the construction of all improvements therein, which are or may become the property of the Town of Strasburg, have been designed and constructed in accordance with this UDO and all other laws, rules, ordinances, regulations, and that they meet or exceed all accepted engineering standards.
 21. Said engineer certificate shall be placed on the face of the Final Plat of said subdivision and properly certified to by said engineer at or prior to its submission to the Planning Commission for approval, and the failure to place such certificate thereon shall cause said plat to be unacceptable to the Town of Strasburg, Virginia. In the event any such approval is granted by the Town without said engineer's certificate, such approval shall be void.
22. The Final Plat shall include all information required on the Preliminary Plat, plus it shall show or include the following:
 - (a) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.
 - (b) The names and lines of all proposed streets, alley lines, lot lines and building setback lines lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitation.
 - (c) All dimensions shall be accurate to the nearest one-tenth of a foot and all angles accurate to the nearest minute.
 - (d) Accurate location, material and description of monuments and markers with a complete description of all benchmarks including location, type of mark, elevation, and state plan coordinates.
 - (e) Finish floor elevations for each lot shall be indicated on the Final Plat.
23. The Final Plat shall include the following certificates and/or dedications:
 - (a) A certificate showing that the Applicant is the landowner and certification that all prior easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use. The person, utility or corporation shall retain whatever rights they would have as if located on a public street. Recording data for all prior easement shall be included. Those prior easements shall be included and not subordinated.
 - (b) The certificate of accuracy by the Applicant's engineer, registered to practice in the Commonwealth of Virginia, as required herein.
 - (c) A certificate of dedication of all public streets, highways, water sanitary sewer, stormwater sewer, any other public utilities, and other rights-of-way, easements or parcels for public parks or

other public use to the Town of Strasburg, Virginia, executed by the owners and all other parties who have a mortgage or lien interest in the property.

24. A certificate by a registered land surveyor of the Commonwealth of Virginia to the effect that the plat represents an accurate survey made by him or someone under his direct supervision and that all dimensional and other data are correct. An engineer licensed by the Commonwealth of Virginia also may be required to certify the plat, if requested by the Public Works Director.
25. Certificates of approval by the Planning Commission and Town Council and a certificate of recording by the Clerk of the Court for Shenandoah County.
26. Each private development shall contain the following wording on the plat and deeds:
 - (a) The infrastructure and streets have not been dedicated to the public for public use nor have they been accepted by the Town of Strasburg as public improvements, and the infrastructure and streets shall be maintained by the required property owners' association within the subdivision, and the streets shall always be open to emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service and governmental employees in pursuit of their official duties.
- D. After satisfactorily passing the final engineering inspection, the Applicant shall provide the final construction contractor record as-built drawings to the Town at least 14 days prior to the regular monthly meeting of the Planning Commission at which Final Plat will be considered. The copies of the final contractor record as-built drawings shall be as follows: one Mylar diazo film and three sets of revised, if necessary, blue-line or black-line copies.
- E. Final plat shall show compliance with the requirements of this UDO and all applicable ordinances and requirements of the Town of Strasburg.

2.24.4 Final Plat Review

- A. Review by the Planning Commission:
 1. When a Final Plat drawn in accordance with this UDO has been officially submitted, such plat shall be reviewed by the Planning Commission at its next regularly scheduled meeting, provided such submission has occurred no less than 14 days prior to such meeting. At the discretion of the Planning Commission, the plat may be reviewed at a special meeting.
 2. The Planning Commission shall ensure that all requirements of this UDO and other Town ordinances are met.
 3. If the review is favorable, the Planning Commission shall authorize its chairman, with the secretary so attesting, to endorse the record plat and one other paper print with: "Reviewed and Approved by the Planning Commission," together with the date of such action, record such action in the minutes, and forward to the Town Council.
 4. The record plat and one other paper print shall be forwarded to the Town Council.
 5. If the Final Plat is not approved, the reasons for such disapproval shall be transmitted in writing to the Town Council. Such disapproval shall be forwarded with the Final Plat for review by the Town Council.
- B. Review by Town Council:

1. The Town Council shall not approve any plats until such plats comply with all Town ordinances, or until such modifications are made, as needed. If not approved, the Council shall return the plat to the Applicant with the deficiencies indicated thereon.
2. Before acting on a Final Plat, the Council may arrange for a public hearing with notice as provided for in Code of Virginia, § 15.2-2204, as amended.
3. If the Town Council approves the Final Plat, the record plat shall be endorsed "Approved by the Town Council of the Town of Strasburg," and signed by the Mayor and the Town Clerk, together with the date of action.
4. A performance guarantee, cash, or other bond, or a certificate of satisfactory installation of improvements as required shall be submitted before the Final Plat is finally approved and endorsed.
5. The Town Council shall communicate the result of its review of the Final Plat to the Applicant or his agent and the Planning Commission no later than 60 days after the application to review the plat. Should the Town not comply with this requirement, the Applicant may take action in accordance with Code of Virginia, § 15.2-2259, as amended.

2.24.5 Recording of Final Plat

- A. After approval by Town Council and with all endorsements indicated on the record plat, the Applicant shall record his Final Plat in the office of the Clerk of the Circuit Court of Shenandoah County, Virginia. No subdivision plat may be legally recorded unless it bears the Town approval and seal.
- B. Any plat not recorded within six months after final approval by Town Council shall be considered void, and such approval shall be considered withdrawn.
- C. The recordation of an approved plat shall operate to transfer, in fee simple, to the respective localities in which the land lies, the portion of the premises platted as is on the plat set apart for streets, alleys or other public use and to transfer to the locality any easement indicated on the plat to create a public right of passage over the land.
- D. The recordation of such plat shall operate to transfer to the Town, or to such association or public authority as the Town may provide, such easements shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the Town may require.
- E. Nothing contained in this UDO shall affect any right of an Applicant of land heretofore validly reserved. Provided, that where the authorized officials of the Town approve, in accordance with this UDO, a plat or replat of land therein, then upon the recording of such plat or replat, all rights-of-way, easements or other interest of the Town in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the Town by condemnation or by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of Code of Virginia, § 15.2-2271 or 15.2-2272 shall not be affected thereby.

2.24.6 Performance

- A. Upon completion of the improvements in the subdivision and before scheduling the final engineering inspection, the Applicant shall have a registered engineer or surveyor check the final as-built elevations and locations of all improvements shown on the originally approved construction plans and Preliminary Plat; and this information shall be recorded on an as built (contractor record drawing) copy of the plans which shall be

provided to the Town. Any variations from the original plans shall be reviewed by the Town. Should the Town reject such variation, the Applicant shall immediately take the necessary corrective measures to ensure the subdivision complies with the original plans. Both the lot numbers and the numerical address designation shall be shown on the site layout plans of the as-built (contractor record) consultation drawings. Lot numbers shall be clearly indicated (painted, stamped, cut, etc.) onto the curb or edge of pavement abutting the lot prior to scheduling the final engineering inspection. The location of water and sewer services shall be indicated with a "w" and "s" respectively, and shall be permanently stamped, cut or otherwise indicated into the curb abutting each lot or other location approved by Public Works Director.

- B. The Applicant shall have all subdivision requirements completed and scheduled the final engineering inspection so that it shall be accomplished at least 14 days prior to the regular monthly meeting of the Planning Commission. All administrative and construction requirements identified by the final inspection shall be complete and all submittals made to the Town at least 14 days prior to the regular monthly meeting of the Planning Commission. Otherwise, the Public Works Director shall recommend that the plat not be given final approval by the Planning Commission. A subdivision may not be recommended for Final Plat approval if there are any contingent or outstanding requirements which are not met.
- C. Fourteen (14) days prior to the scheduled final engineering inspection, submit to the Town:
 - 1. One blue-line or black-line copy of the construction drawings to include all items as they were constructed.
 - 2. One blue-line or black-line print of the proposed plat to be recorded.
 - 3. The Applicant shall have the option of:
 - (a) Maintenance bond.
 - (b) Irrevocable letter of credit from local financial institution; or
 - (c) Certificate of deposit from local financial institution.
- D. The Applicant shall, under any and all circumstances, be liable for any defects, malfunctions, deterioration, repairs, or any other expenditure occasioned by the failure of any improvements set forth herein to function in a reasonable manner and/or, in instance of required vegetation, for death or destruction of such vegetation and that the Applicant shall be fully responsible for all such items, without limitation as to the amount of bond or security required.
- E. Prior to Final Plat approval by the Planning Commission the subdivision shall satisfactorily pass the final engineering review. The Public Works Director shall recommend approval of the Final Plat based upon all improvements which will be dedicated to the Town conforming to these regulations, established engineering standards and the construction plans and specifications approved in conjunction with the Preliminary Plat. The subdivision's water and sewage systems plan shall have final approval of the appropriate state authorities and Director of Public Works immediately after construction of these systems and before recommendation for Final Plat approval may be made.

2.24.7 Subsequent Applications

There is no restriction on reapplication for subdivision approval.

2.24.8 Amendments

Amendments to a subdivision plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein.

2.24.9 Scope of Approval

- A. Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted at any time within two years of the Preliminary Plat without payment of any additional filing fee by the Applicant providing the Final Plat for the additional areas conform, substantially, with the approved Preliminary Plat.
- B. The Final Plat shall be submitted for approval within the required two years. Applicants failing to complete construction and obtain final approval from the Town Council within the specified time may submit a request for an extension of six months. If an extension is granted, the Final Plat shall be submitted within a total of 30 months from the original date of approval of the Preliminary Plat by the Town Council.
- C. If the Final Plat is not submitted within the required two years or within an approved extension period as prescribed above, the approval of the Preliminary Plat shall be rescinded. The Applicant shall be required to resubmit the application for Preliminary Plat and be subject to all fees related to the application. The Preliminary Plat shall comply with all current regulation in place at the time it is resubmitted.
- D. Upon approval of the Final Plat by the Town Council, the plat shall be submitted for recording within 60 days; otherwise Final Plat approval shall be null and void.

2.24.10 Dedication (Acceptance)

- A. The approval of a plat shall not be considered an acceptance of any proposed dedication and does not impose on the Town of Strasburg any duty regarding the maintenance or improvement of any dedicated parts until the appropriate Town of Strasburg authorities make an actual appropriation of the dedicated parts by entry, use, or improvement.
- B. The disapproval of a plat shall be considered a refusal by the Town of Strasburg of the offered dedication indicated on the plat.
- C. Any proposed dedication of right-of-way or other improvements shall comply with all standards of this UDO prior to acceptance by the Town.

2.25 Development Agreement

2.25.1 Purpose

This section promotes and facilitates orderly and planned growth and development through the provision of certainty in the development approval process by the Town and through corresponding assurances by the Applicant. The Development Agreement is intended to:

- A. Implement the Capital Improvement Plan (CIP) and the conditions of development approval
- B. Eliminate uncertainty in the development approval process;
- C. Assure Applicants that, upon approval of their project, they may proceed in accordance with the policies, rules, and regulations identified in the Development Agreement;
- D. Achieve the Town's goals and objectives through assurances that public facilities shall be provided concurrent with development;
- E. Provide a mechanism to allow regulatory flexibility for specific development proposals that achieve the Town's goals and objectives.

2.25.2 **Applicability**

This Section applies to any Development Agreement entered into between an Applicant and the Town to:

- A. Enforce a condition of development approval;
- B. Recognize the existence of vested rights;
- C. Facilitate the reasonable phasing of large-scale developments requiring significant infrastructure investment;
- D. Provide for the provision of infrastructure, design amenities, or other conditions; and/or
- E. Resolve potential legal disputes.

2.25.3 **Criteria for Entering into Development Agreements**

The Town Council may approve a Development Agreement pursuant to this section only if it finds that:

- A. The development to which the Development Agreement pertains is consistent with the Comprehensive Plan and Capital Improvement Program, zoning regulations, impact fee regulations, and other applicable requirements;
- B. The development subject to the Development Agreement contains features that advance the Town's goals, objectives and policies, in accordance with the criteria established herein;
- C. The property owner agrees to make contributions of capital improvements for community facilities for one or more types of public improvements, which are in excess of the development's proportionate share of the costs of the facilities needed to serve the development and which thereby advance provision of facilities needed to serve the community.

2.25.4 **Initiation and Application**

An application for a Development Agreement may be made to the Zoning Administrator. Application may be made by any person having a legal or equitable interest in the subject real property. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed Development Agreement executed by the holder of the legal interest.

2.25.5 **Contents of Development Agreement**

- A. **Mandatory Provisions.** The Development Agreement shall include, at a minimum, provisions pertaining to the following:
 - 1. The land that is the subject of the agreement;
 - 2. The duration of the agreement;
 - 3. The permitted land use or uses and density/intensity for the proposed development and any conditions attached thereto;
 - 4. Proposed infrastructure improvements and the timing of their installation;
 - 5. Provisions for the dedication of any portion of the land for public use, whether by easement, right-of-way or fee simple conveyance.
- B. **Optional Provisions.** If agreed to by the Applicant and approved by the Town Council, the Development Agreement may include, without limitation, provisions pertaining to the following:

1. The phasing of the proposed development project in coordination with the provision of public facilities, including, but not limited to, roads, water, sewer, drainage, parks, municipal, and other facilities, required to accommodate the impacts of the proposed development project on such facilities at the Town;
2. The identification of public facilities to be dedicated, constructed, or financed by the Applicant pursuant to the Development Agreement and the designation of such facilities as project improvements, system improvements, or subsystem improvements;
3. The determination of the development project's proportionate share of the total system and improvement costs required to be dedicated, constructed, or financed by the Applicant of the development project;
4. The Town's share of the costs of system and subsystem improvements to be dedicated, constructed, or financed pursuant to the Development Agreement;
5. Reimbursements, as applicable, to the owner of the subject property for the amount of any contributions for system or subsystem improvements in excess of the proportionate share of the benefit derived from such facility by the subject property;
6. The rules, regulations, ordinances, laws, plans, and official policies of the Town governing development applicable to the subject property; and
7. If the property to which the Development Agreement relates is located outside the incorporated area of the Town, the period of time within which each property shall be annexed to the Town of Strasburg.

2.25.6 **Completeness Review**

Upon submission of an application for a Development Agreement, the Zoning Administrator shall coordinate the review of the application and accompanying documentation for legal sufficiency, compliance with technical requirements, consistency with the adopted Comprehensive Plan and applicable rules, regulations, and policies. Upon satisfactory completion of such review, the Zoning Administrator shall provide required notice and place the matter on the agenda of the Town Council for a public hearing at the Council's next regularly scheduled meeting. If the application for Development Agreement is incomplete or legally insufficient, the Zoning Administrator shall notify the Applicant by certified U.S. mail, return receipt requested, within 14 days after the date of submission of such application. Said notifications shall detail the specific grounds for rejection of the application. The Applicant may resubmit at any time.

2.25.7 **Decision**

- A. **Town Council Public Hearing.** Within 30 days of the certification of completeness, the Application shall be submitted to the Town Council, which shall consider the proposed Development Agreement at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time. The Town Council may:
 1. Approve the Development Agreement as recommended by the Zoning Administrator and Town Attorney;
 2. Approve the Development Agreement with modifications; or
 3. Reject the Development Agreement as recommended by the Zoning Administrator and Town Attorney, in whole or in part, and take such further action as it deems to be in the public interest. Any such action shall be taken by the affirmative vote of at least a majority of the voting members of the Town Council.

- B. Ordinance. The Town Council may approve such agreement by ordinance. The Town Council's action shall be final and conclusive.
- C. Execution of Development Agreement. If approved by the Town Council, the Development Agreement shall become effective upon execution by the Mayor and any other parties to the Development Agreement.
- D. Notice. Within 14 days following rejection of a Development Agreement, the Town Clerk shall give notice of such action to the Applicant at the address shown on the application and to the Zoning Administrator.

2.25.8 Recordation

Recordation of Agreement. Within 14 days following execution of a Development Agreement, the Applicant shall record with the Clerk of the Court for Shenandoah County a fully executed copy of the Development Agreement and proof of Town Council approval of the Development Agreement. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to, the parties of the Development Agreement.

2.25.9 Coordination of Development Agreement Application with Other Discretionary Approvals

It is the intent of these regulations that the application for a Development Agreement shall be made and be considered simultaneously with the review of other necessary applications, including, but not limited to: rezoning; subdivision; PD and SUP. If combined with an application for development, the application for a Development Agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Development Agreement is not a substitute for, nor an alternative to, any other required development approval, and the Applicant shall comply with all other required procedures for development approval.

2.25.10 Existing and Subsequently Adopted Rules, Regulations, Ordinances, Laws, and Policies

- A. Unless otherwise provided by the Development Agreement, rules, regulations, ordinances, laws, general or specific plans, and official policies of the Town governing permitted uses, development, density and intensity of use, permitted uses of the land, growth management, public facilities, environmental considerations, and governing design, improvement, and construction standards and specifications applicable to the subject property shall be those in force and effect at the time of commencement of the term of the Development Agreement.
- B. The adoption of a Development Agreement, however, shall not prevent the Town, in subsequent actions applicable to the property or to the Town general, from applying such newer, modified rules, regulations, ordinances, laws and official policies that do not conflict with those applicable to the property at the time of the Development Agreement and that do not prevent the development of the land as set forth in the Development Agreement. The existence of the Development Agreement shall not prevent the Town from denying or conditionally approving any subsequent project development application not expressly addressed in said Agreement on the basis of such existing or new rules, regulations, and policies.
- C. Unless otherwise addressed in the Agreement, application, processing and inspection fees, utility fees and improvement standards that are revised during the term of a Development Agreement shall apply to the property, provided that:
 - 1. Such fees, standards, and specifications generally apply to public works within the Town; and
 - 2. Their application to the subject property is prospective only as to applications for building and other development approvals not yet accepted for processing.
- D. Subsequently Adopted State and Federal Laws. In the event that state or federal laws or regulations are enacted following approval of a Development Agreement that prevent or preclude compliance with one or

more provisions of the Development Agreement, the provisions of the Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such Development Agreement shall so provide.

- E. **Periodic Review, Termination, or Modification.** An adopted Development Agreement shall be reviewed at least every 24 months, at which time the owner or owners of the property subject to the Development Agreement shall be required to demonstrate good faith compliance with the terms of the Development Agreement. If, as a result of such review, the Town Council finds and determines, on the basis of substantial evidence, that the owner or owners have not complied in good faith with the conditions of the Development Agreement, the Town Council may unilaterally terminate or modify the Agreement. Such action shall be taken by the Town Council at a regular or special meeting, provided that the Applicant is notified at least 14 days in advance of such meeting.
- F. **Amendment or Cancellation of Agreement.** A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the Agreement or their successors in interest. The procedure for amendment or cancellation shall be the same as that for adoption as provided in this UDO.

2.25.11 Enforcement

A Development Agreement shall be enforceable by any party to the Agreement. The remedies specified herein and in the Development Agreement are not exclusive, and any party to the Agreement may pursue any other available remedies at law or in equity.

2.26 Plat Amendment

This section provides a streamlined and efficient process for the combination of parcels or the replat of parcels. The Town of Strasburg does not require extensive platting for every division of land otherwise within the scope of the state subdivision enabling legislation.

2.26.1 Applicability

A plat may be amended, and the Zoning Administrator may issue an amending plat, if the amending plat is signed by the Applicants only and is solely for one or more of the following purposes:

- A. To correct an error in a course or distance shown on the preceding plat;
- B. To add a course or distance that was omitted on the preceding plat;
- C. To correct an error in a real property description shown on the preceding plat;
- D. To indicate monuments set after the death, disability, or retirement from practice of the professional engineer or surveyor responsible for setting monuments;
- E. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- F. To correct any other type of clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- G. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - 1. Both lot owners join in the application for amending the plat;

2. Neither lot is abolished;
 3. The amendment does not attempt to remove recorded covenants or restrictions; and
 4. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- H. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- I. To relocate one or more lot lines between one or more adjacent lots if:
1. The owners of all those lots join in the application for amending the plat;
 2. The amendment does not attempt to remove recorded covenants or restrictions; and
 3. The amendment does not increase the number of lots.

2.26.2 Initiation

An Applicant wishing to amend an approved plat shall file with the Zoning Administrator the amending plat, together with a copy of the plat being amended and a statement detailing the amendments being proposed. The Zoning Administrator will determine the extent to which the amending plat will require review by the various departments and agencies of the Town. If the plat being amended has been recorded, the additional recordation fee shall be deposited with the Town of Strasburg at the time of plat filing.

2.26.3 Decision

Notice, a hearing, and the approval of all lot owners within the plat are required for the approval and issuance of an amending plat. The amending plat shall be processed by the Zoning Administrator in the same manner as a minor plat. If the plat being amended has been recorded, the amending plat shall be clearly marked as follows:

Amending plat of (____ [PLAT NUMBER] and ____ [NAME]). This plat amends the plat previously recorded in the plat and deed records of Shenandoah County, Volume _____, Page _____. The amending plat shall then be recorded if all requirements have been met. If the plat being amended has not been recorded, the amending plat may be approved by the Zoning Administrator. Upon approval by the Zoning Administrator, the amending plat shall be annotated with the following statement: This plat includes amendments approved by the Zoning Administrator.

2.26.4 Approval Criteria

The amending plat shall be approved unless it is inconsistent with any of the criteria set forth herein. The amending plat shall not be approved if it does not comply with any of the criteria set forth in herein.

2.26.5 Recording Procedures

The amending plat may be recorded as provided in this UDO. Once recorded, the amending plat is controlling over the preceding plat without vacation of that plat.

2.27 Planned Development

2.27.1 Purpose

The purpose of this section is to establish procedures and review criteria for the establishment of Planned Developments that comply with the purposes and standards established in this UDO.

2.27.2 Approval Process Overview

- A. The general approval process for the creation of a PD involves concurrent zoning map amendments and subdivision of land. Because PDs involve a mix of uses, the Town may apply flexible development standards that deviate from the specific standards in base zoning districts during review and approval of Site Plans and development plans. The process summarized in Exhibit 2E identifies the steps involved in a typical PD creation. Actual process may vary based on the complexity of the proposed development.

Exhibit 2E: Planned Development Process

Planned Development Process Steps
Pre-application Conference (required)
Neighborhood Meeting / Joint Work Session (required)
Conceptual Development Plan
Preliminary Development Plan (includes Preliminary Plat, Site Plan and contingent zoning approval)
Construction Plans
Proffers, Improvement Guarantees and Development Agreement (optional steps contingent on the Applicant’s proposed phasing and improvements plans)
Final Development Plan (includes Final Plat, final zoning approval and may in include architectural compliance permit)

2.27.3 Findings

In order to approve a “PD” or any revision thereto, the Town Council, after receiving the recommendation of the Planning Commission, shall determine that the following conditions, including other conditions it deems reasonable and appropriate, are met by the Applicant:

- A. The Planned Development is consistent with the Comprehensive Plan;
- B. The Planned Development is coordinated rather than an aggregation of individual and unrelated Buildings and Uses;
- C. The Planned Development incorporates a compatible mix of residential and nonresidential uses;
- D. The Applicant is providing sufficient public benefit to allow the Applicant to deviate from the regulations for development of the uses in the Town’s base zoning districts;
- E. All land included is owned or under the control of the Applicant;
- F. The Planned Development advances the public health, safety or welfare; and
- G. The Planned Development is compatible with existing development abutting the proposed “PD” district as demonstrated by the following factors, considered from the point of view of the abutting development:
 - 1. Existing development patterns;

2. Scale, mass, height and dimensions of existing buildings;
3. Total density and density transitions;
4. Intensity, as measured by floor area ratio and transitions;
5. Extent and location of parking, access points and points of connectivity to surrounding neighborhoods;
6. Amount, location and direction of outdoor lighting;
7. Extent and location of open space; and
8. The location of accessory structures such as dumpsters, recreational equipment, swimming pools or other structures likely to generate negative impacts such as noise, lights or odors;
9. Sufficiency of setbacks to mitigated potential nuisances; and
10. Proximity and use of all areas that will be utilized for any purpose other than landscaping.

2.27.4 PD Standards, Generally

- A. A “PD” district is an overlay zoning district intended to provide for flexible site design. The purpose and intent of establishing the “PD” district is to provide procedures and standards that encourage a mixture of uses anywhere in the Town that are functionally integrated and that encourage innovation and imagination in the planning, design and development or redevelopment of tracts of land under single unified ownership or control.
- B. A property owner has no legal right for approval of a “PD”. Rather, the Town shall approve a “PD” only when it has determined that the Applicant has demonstrated, to the satisfaction of the Town, that the “PD” provides a sufficient public benefit to justify allowing the property owner to deviate from otherwise applicable minimum requirements of the UDO.

2.27.5 General Requirements

- A. Ownership and Division of Land. No tract of land may be considered for a Planned Development District (PD) unless such tract is under single or unified ownership or control. If listed in several ownerships, the application for zoning shall be accompanied by each landowner's written consent. The holder of a written option to purchase or an Applicant under contract shall be considered an owner for purposes of this section provided the landowner's (or landowners') written consent is included with the application.
- B. Application. The Applicant shall file an application for a PD with the Zoning Administrator in the Planning and Zoning Department. A complete application shall include:
 1. Name, address and phone number of Applicant.
 2. Ownership information - if the Applicant is not the owner of the property in question, (i) the name, address and phone number of the owner(s); (ii) an explanation of the legal relationship of the Applicant to the owner that entitles the Applicant to make application; and (iii) written consent from the owner(s) giving Applicant authority to submit such zoning application.
 3. The date of the application.

4. Identification of the property in question by street address, tax map reference and/or deed(s) reference.
 5. The zoning district and future land use designation from the Comprehensive Plan.
 6. A boundary survey showing the dimensions and the number of square feet in or acreage of the property where the development is to take place.
 7. Two sets of stamped envelopes addressed to all property owners of property within 100 feet of the property to which the rezoning petition applies and within 100 feet of all other contiguous property owned by the property owner/Applicant and/or all land contained within the parcel(s) to which the rezoning petition applies.
- C. Staff Consultation Prior to Formal Application. Prior to submitting a formal PD application, a pre-application consultation may be conducted, and is strongly encouraged.
- D. Neighborhood Informational Meeting
1. Purpose. Encourage Applicants to pursue early and effective communication with the affected public in conjunction with applications, giving the Applicant an opportunity to understand and attempt to mitigate potential adverse impacts of the proposed project on the adjoining community and to educate and inform the public; and
 2. A Neighborhood Meeting shall be held by the Applicant to facilitate the exchange of information and solicit public input by and between the Applicant, nearby landowners and other citizens prior to finalization of a zoning petition. At a minimum, the Applicant shall make Conceptual Development Plans available for review, explain the general concept for the proposed development and provide time for open comment and questions.
 3. The Applicant shall invite all property owners of property lying: (i) within 100 feet of the proposed PD, (ii) within 100 feet of all other property contiguously owned by the property owner and/or Applicant for the proposed PD, or (iii) within 100 feet of all pieces of land that were part of the property requesting rezoning to the PD District prior to the requested rezoning. The Notice shall:
 - (1) State the date, time and place of the Neighborhood Meeting.
 - (2) Identify the property encompassing the proposed PD.
 - (3) Succinctly summarize the general intent or concept for the proposed development as currently contemplated by the Applicant.
 4. The Applicant shall provide a written report on the results of its citizen participation efforts to the Zoning Administrator, which shall be forwarded to the applicable Hearing Body. The report shall include the following information:
 - (a) Copies of graphics presented at the meeting;
 - (b) A copy of the sign-in sheet showing attendees;
 - (c) Representations made by the Applicant regarding the proposed development; and
 - (d) A summary of public comments and responses provided by the Applicant.

E. **Joint Work Session**

At the Applicant's request, or at the recommendation of the Zoning Administrator, a Joint Work Session of the Town Council and Planning Commission may be held by the Town to provide an opportunity for the Applicant to present the Concept Plan and respond to any initial questions that members of the Town Council and Planning Commission might have regarding the proposed PD.

2.28 Concept Plan

2.28.1 Purpose

The purposes of the Concept Plan, or Conceptual Development Plan, are to demonstrate that:

- A. The mix and intensity of land uses proposed in a Planned Development are consistent with the Comprehensive Plan;
- B. The general street layout is consistent with mobility needs of the Town and the proposed development;
- C. The phasing plan enables each phase to be developed in a way that it creates a sustainable neighborhood that will be enhanced as each successive phase is developed; and
- D. The proposed arrangement of land uses and the phasing plan are compatible with surrounding neighborhoods.

2.28.2 Applicability

A Concept Plan shall be required when an Applicant is planning to develop less than the entire, contiguous land area held in common ownership in a single phase or subdivision plat. The Concept Plan shall illustrate future development of the entire area under common ownership.

2.28.3 Application

- A. Neighborhood Meeting Summary, including a copy of sign-in sheet.
- B. A Conceptual Development Plan shall be printed on 24" x 36" paper at a scale no smaller than 1 inch = 100 feet with all dimensions measured accurately to the nearest foot; provided, however, that a different scale may be used if approved in writing by the Zoning Administrator prior to submittal.
- C. The Conceptual Development Plan shall contain or have attached thereto:
 1. Name and addresses of the Applicant, record owner, land planner, and engineer.
 2. Proposed name of the subdivision, date revised and/or prepared, north indicator, scale.
 3. Location map drawn at a scale no smaller than 1 inch = 2,000 feet showing the area within a one mile radius of the proposed subdivision. Use of the latest USGS 7.4 minute quadrangle map is recommended.
 4. A layout of the entire tract and its relationship to adjacent property, existing development and recorded plats.
 5. Topographic contours based on USGS or NAVD Datum at ten foot (10') intervals based on USGS or NAVD Datum unless otherwise approved by the Zoning Administrator.
 6. Proposed major categories of land use showing compatibility with the Comprehensive Plan.

7. Proposed number of dwelling units and gross density of each type of residence and proposed floor area ratio for all non-residential land uses.
8. Proposed and existing arterial and collector streets to serve the general area.
9. Location of sites for parks, schools and other public uses, and all areas of common ownership.
10. Significant drainage features and structures including any 100-year floodplains.
11. Significant man-made features such as railroads, buildings, utilities and drainage structures.
12. Approximate boundaries and timing of proposed phases of development.
13. Identification of known exceptional topographical, cultural, historical, archaeological, hydrological or any other physical conditions of the property to be developed or within 100 feet on an adjacent tract exist which shall require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from minimum standards.

2.28.4 Review and Approval

- A. A Conceptual Development Plan, prepared by a registered Land Surveyor or land planner together with a completed application form and filing fee, shall be submitted to the Planning Commission for approval.
- B. A Conceptual Development Plan may be submitted for review and approval simultaneously with a Preliminary Development Plan provided that the Preliminary Plan shall not be approved until the Conceptual Plan has been approved. If the Conceptual Development Plan and the Preliminary Plat are to be reviewed simultaneously, the plat and plan shall be submitted to the Zoning Administrator simultaneously.
- C. An approved Conceptual Development Plan shall be kept on file as a public record in the office of the Zoning Administrator.
- D. The Zoning Administrator shall review the Conceptual Development Plan for consistency with Town Code, policies and plans, and prepare a report analyzing the submittal as well as any comments received concerning the plan, and recommending the approval, conditional approval or disapproval of the plan.
- E. The Planning Commission shall approve the Conceptual Development Plan if it finds that the following criteria are satisfied:
 1. The Conceptual Development Plan conforms to all applicable provisions of this UDO;
 2. The Conceptual Development Plan represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvement Program, and any other applicable planning documents adopted by the Town; and
 3. The proposed development is located in an area of the Town that is appropriate for current and future development activity and which shall not contribute to sprawl and leapfrog development patterns nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

2.28.5 Effect of Approval

- A. Approval of a Conceptual Development Plan constitutes acceptance of the type, density and intensity of land use indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. The Planning Commission shall notify the Applicant of any design

requirements in excess of the established minimum standards or of any deviations from those established minimum standards or of any deviations from those established minimum standards set forth in the UDO.

- B. The approval of the Conceptual Development Plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one year behind the approved phasing plan, the approval shall expire if the Applicant does not submit a written request for the extension and continuance of the Conceptual Development Plan as approved by the Town prior to expiration. Approval of any such extension request shall be automatic one time only for a period of twelve (12) months. Subsequent to this extension, the Conceptual Development Plan shall be considered valid so long as the plan remains consistent with the Comprehensive Plan.
- C. Denial and Appeal. If the Planning Commission finds that the Conceptual Development Plan fails to meet the criteria established in the section, it shall deny the Conceptual Development Plan application. The Applicant may appeal such denial to the Town Council.

2.29 Preliminary Development Plan

2.29.1 Consistency

The Preliminary Development Plan shall be consistent with the Conceptual Development Plan.

2.29.2 Application

The Preliminary Development Plan shall include all information required of the Concept Plan and the following:

- A. Preliminary Plat, pursuant to this UDO.
- B. Existing Site Conditions - Natural Features. Description and/or diagrams of existing natural features including the following:
 1. A general description and location of prevalent tree canopy and vegetation.
 2. Orchards or other agricultural groves by common scientific name.
 3. Streams, ponds, drainage ditches, swamps, boundaries of 100-year floodways and floodplains, and general location of wetlands.
 4. Contour lines with no larger than two-foot contour intervals.
 5. Unique land formations and features (i.e., endangered and threatened plants and animals, waterfalls, rock outcroppings, etc.).
- C. Existing Site Conditions - Man-Made Features:
 1. Streets, private roads, parking areas, sidewalks and other walkways as well as any curb, gutter, fire hydrants or any associated drainage structures.
 2. Storm water or drainage facilities including manholes, pipes and drainage ditches.
 3. Utility services, including water, sewer/septic, electric power, light poles, telephone, gas, or other major facilities.
 4. Buildings, structures, signs including any historical structures.

- D. Existing Other Features:
1. Zoning of the property, including zoning district lines where applicable.
 2. Property lines of the site to be developed (with dimensions identified), adjacent property lines (including corporate limits, Town boundaries).
 3. Street rights-of-ways.
 4. Utility or other easement lines.
 5. Deed book and page reference demonstrating ownership of property.
 6. Zoning, use, pin number, and ownership of all adjacent tracts.
- E. Preliminary Development Plan Maps. A drawing or series of drawings that is intended to demonstrate the proposed mix of land uses within the property, general locations of such land uses and the overall transportation circulation pattern within the property. Preliminary Development Plan Maps shall include graphic illustrations that show:
1. Lots, lot dimensions and lot sizes.
 2. Building setbacks.
 3. Impervious lot coverage.
 4. Building and structure heights.
- F. The general boundaries of each sub-area within the PD and the proposed land uses within each.
- G. The proposed transportation circulation pattern including general points of ingress/egress for the development from existing roads and the general location of proposed Arterial and Collector streets within the site.
- H. The general location of any proposed amenities.
- I. The general location(s) of Open Space.
- J. The general location of proposed water and wastewater system connections.
- K. The general location of proposed primary storm water management facilities.
- L. Map summary tables providing:
1. The total number of acres of the site.
 2. The proposed net developable acres for the site.
 3. The proposed use categories.
 4. The proposed maximum number of dwelling units and/or gross floor area of nonresidential uses for each proposed use category and maximum gross density (DUA and/or FAR) for the PD.
- M. Statement of benefit. Applicant shall identify the benefits of the proposed PD to the Town that would not occur under the existing zoning districts and regulations, whether the proposed PD provides a recognizable

and substantial benefit without significant adverse or unreasonable negative impact on adjacent land or communitywide.

- N. Statement of compatibility. Applicant shall indicate how the proposed PD is compatible with adjacent uses and Town-wide development.

2.29.3 Review and Approval

- A. Staff Consultation after Application Submitted. The Zoning Administrator shall confer with the Applicant to ensure understanding of the staffs comments and interpretation of information regarding the application and to inform the Applicant of the next steps in the PD process.
- B. Staff Report - Zoning Administrator shall review the final application and provide a staff report. The staff report shall be completed not less than 14 days prior to the first public hearing.
- C. The Zoning Administrator shall review the Preliminary Development Plan for consistency with Conceptual Plan, Comprehensive Plan, Town Code, policies and plans, and prepare a report analyzing the subdivision submittal as well as any comments received concerning the plan, and recommending the approval, conditional approval or disapproval of the plan.
- D. The Zoning Administrator shall review the Preliminary Development Plan and transmit notice to the Planning Commission for its recommendation, and forward each Preliminary Development Plan to the Town Council for final action. The Town Council shall approve the Preliminary Development Plan if it finds that the following criteria are satisfied:
1. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;
 2. The Preliminary Development Plan represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvement Program, and any other applicable planning documents adopted by the Town; and
 3. The proposed development is located in an area of the Town that is appropriate for current and future development activity and which shall not contribute to sprawl and leapfrog development patterns nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

2.29.4 Effect of Approval

Approval of a Preliminary Development Plan shall constitute acceptance of the general land-use mix, range of development types and intensities, street patterns, drainage patterns, lot patterns, parks and open space, and pedestrian and bicycle trails. If sufficient certainty and information exists during the Preliminary Development Plan phase, Applicant or the Zoning Administrator may request Final Development Plan impact assessment requirements be considered.

2.30 Final Development Plan

2.30.1 Consistency

The Final Development Plan shall be consistent with the Preliminary Development Plan.

2.30.2 Application

Prior to the approval of any clearing, construction permits, plans or plats within the PD, the Applicant shall submit a Final Development Plan to the Zoning Administrator for review and approval. A submittal of a Final Development Plan for each phase is required. Each Final Development Plan shall include sufficient information allowing the Zoning Administrator to

properly evaluate such plan for compliance with the specific PD. The Final Development Plan submittal shall include the following:

- A. A summary table indicating the overall status of:
 1. The allocation of approved units or floor area of non-residential uses.
 2. The allocation of acreage for each land use.
 3. The allocation of required Open Space within each phase.
 4. Projected commencement and completion date for subject phase.
- B. A graphic depiction of the proposed phase which shall meet the required Drawing Standards and shall include:
 1. Lot layout.
 2. Street network with street types specified.
 3. Points of ingress/egress for existing roads.
 4. Primary Project Signage locations.
 5. The location of storm water management facilities.
 6. The location of water and wastewater systems connections to existing facilities.
 7. Open Space areas.
 8. The location and type of amenities including recreational facilities, trails and other pedestrian circulation facilities or amenities.
 9. Project Edge, screening and buffer treatment areas.
 10. The location of and plans for any historic structures or significant natural site features.
 11. The location of any other proposed major structures or facilities.
- C. A written explanation of any Minor Design Modifications from the approved Conceptual Development Plan, if applicable.
- D. Certifications from the appropriate agencies that the proposed utility systems are or shall be adequate to handle the proposed development and findings and reports pertaining to field surveys and studies, conducted by qualified professionals in the applicable discipline or respective field, pertaining to known natural and manmade features identified within the subject area.
- E. Legal documentation demonstrating the establishment of the Property Owners' Association (POA) or the entity responsible for control and maintenance of required common areas and facilities.
 1. Provide for the creation of a POA with mandatory membership for each owner or person taking title to land located within the property and require the collection of assessments from owners in an amount sufficient to pay for its functions. The POA shall be established and active prior to the transfer or sale of any parcel within the PD to a third party and such POA shall be properly disclosed to all property owners at the time of contract and as required by State and Federal law.

2. Provide for the ownership, development, management, and maintenance of private Open Space, private community parking facilities, private community meeting hall, and other common areas.
 3. Establish design guidelines that include basic architectural standards and procedures for compliance to ensure consistent development of the entire PD.
- F. Draft covenants and restrictions. Covenants and Restrictions for the property within a PD District are required and shall be recorded in the public records of Shenandoah County prior to the approval of a plat or issuance of a Zoning Permit for a vertical structure on the property. These restrictions shall run with the land so that if it is subdivided or developed in phases the Covenants and Restrictions will still be enforced. Covenants and Restrictions shall:
1. Be based on the approved Land Use Plan and Development Conditions for the PD District.
 2. Subject each owner or person taking title to land located within the property to the terms and conditions of the Covenants and Restrictions.
 3. Subject each property and owner within the development to the approved Land Use Plan and Development Conditions for the PD District.
 4. Subject each property and owner to general rules and conditions regarding the operations and administration of various aspects of the property/community.
- G. Improvement Guarantees, if required, pursuant to this UDO.
- H. Development Agreement, if required, pursuant to this UDO.

2.30.3 Review and Approval

- A. The Zoning Administrator shall determine if the Final Development Plan is in compliance with the PD, and upon staff approval of such plan, shall:
1. Transmit notice to the Planning Commission for its approval of each respective Final Development Plan together with a copy of the Final Development Plan for the Planning Commission members, and
 2. Forward each Final Development Plan to the Town Council for final action.
- B. Should the Zoning Administrator determine that the Final Development Plan submittal is not in compliance with the PD, the Zoning Administrator shall deny the Final Development Plan submittal. If denied, the Applicant may (i) revise and resubmit such Final Development Plan or (ii) may elect to have the submittal forwarded to the Planning Commission and Town Council for consideration.

2.30.4 Request for Amendments to and Modifications of a PD – Administrative Approval

Insignificant deviations and minor design modifications are permissible and the Zoning Administrator may authorize such. The Applicant shall request approval of Minor Design Modifications in writing and if approved, the approval shall be given in writing. Examples of Insignificant and Minor Design Modifications include:

- A. Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.
- B. Any other change which has no material effect on the character of the approved Land Use Plan, as determined by the Zoning Administrator, such as:

1. Driveway relocations, consistent with VDOT requirements and approvals.
 2. Facility design modifications for amenities.
 3. Substitutions of landscaping materials within the same genus, so long as the substituted material is not of a type that is specifically prohibited per the UDO or approved PD landscape standards.
- C. Modifications to uses in accordance with an approved Conversion Schedule.
- D. A request for an amendment or modification to a PD, other than an Insignificant Deviation or Minor Design Modification, is classified as Major Design Modification and requires an amendment to and modification of the PD.

2.30.5 Request for Amendments to and Modifications of a PD – Resubmittal and Rehearing

Major design modifications shall be resubmitted for Final Development Plan review and approval, and include:

- A. Change in use, other than allowable changes specified in a Conversion Schedule that was approved during the initial PD approval.
- B. Designation of additional land uses.
- C. Change in the location of permitted use(s) from what is shown on the approved Land Use Plan or as allowed in an approved Conversion Schedule.
- D. An increase or decrease in project area other than surveyor other base data corrections.
- E. Decrease in Open Space.
- F. Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses, a decrease in required setbacks or yards).
- G. Change to proposed treatment of Project Edge.
- H. Addition or reduction of driveways or access points, especially those which negatively affect connectivity.

2.30.6 Expiration

The approval of the PD shall be null and void unless a Final Development Plan for at least the initial phase has been submitted for review and approval within three (3) years after the date of approval of the PD application and, if not submitted within such time frame, the zoning for the property shall revert back to its previous zoning classification. Such time period shall not be extended with transfer of ownership. Upon written request, one extension of time may be granted by the Town Council for a period not to exceed one (1) year for good cause shown. No request for an extension shall be considered unless a written request is submitted to the Zoning Administrator no later than 60 days prior to the date the PD is to expire. The extension shall be deemed granted until the Town Council has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the approved PD Land Use Plan null and void upon the expiration of the three-year term.

2.31 Site Plan

2.31.1 Purpose

- A. This section enables the Town of Strasburg and the Applicant to collaborate in the processing of certain development approvals in order to enhance planning and timely, integrated processing and review. The Site Plan is intended to provide an overview of the Applicant's projected land development. In this context, the Site Plan shall be used to determine if the proposed development is in compliance with current statutes, ordinances, regulations, the Town of Strasburg comprehensive plan, the UDO, and specific or neighborhood plans, and other applicable local, regional, state, and federal requirements.
- B. The purpose of these requirements is to promote the orderly development of certain activities in the Town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the Site Plan shall be used to review the following:
 1. Compatibility with the environment;
 2. Ability of the traffic circulation system to provide for the convenient and safe internal movement of vehicles and pedestrians;
 3. Quantity, quality, utility, and type of project improvements;
 4. Required community facilities;
 5. Location and adequacy of the project's provision for drainage and utilities.

2.31.2 Prerequisite to Commencing Development

No clearing, grubbing, grading of the site or construction of infrastructure shall commence unless a Site Plan has been submitted and approved by the Planning Commission. A Site Plan is required for:

- A. All buildings, structures, or uses as noted in this UDO.
- B. The application proposes three or more residential dwelling units;
- C. The application will generate (upon build-out) more than 30 vehicle trips per day;
- D. The application contains land designated for nonresidential use;
- E. The application requests rezoning or approval of a floating zone, "PD" (Planned Development) district, or a plan amendment;
- F. The application requires a SUP;
- G. Where a change of use of an existing structure requires additional parking or other requirements applicable to a new use.
- H. The application requires regional, state, or federal review of approval or is subject to state or federal law; or
- I. The land is located within an historic, agricultural, environmentally sensitive, or transportation corridor district.

2.31.3 Initiation

A Site Plan shall be submitted concurrently with an application for a rezoning, for a specific plan amendment, or SUP approval. Applicants for a Site Plan shall incorporate citizen participation pursuant to this UDO and submit documentation of such efforts at the earliest feasible time in the process.

2.31.4 Site plan contents

The Site Plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons and shall be certified by an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The Site Plan shall provide the following:

- A. Every Site Plan shall be prepared in accordance with the following specifications:
 1. The scale shall not be less than 1 inch = 50 feet.
 2. All Site Plans shall be submitted on 24" x 36" sheets.
 3. If the Site Plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
 4. Horizontal dimensions shall be in feet and decimals of feet to the closest 1/100 of a foot.
- B. The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; and a signature panel for the Zoning Administrator's approval.
- C. North point, scale, and date.
- D. Vicinity map at a scale of between 1 inch = 1 foot to 1 inch = 2,000 feet. Such map shall show the location of the project in relation to corporate limits and streets in the Town.
- E. Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- F. The present use of all contiguous or abutting property.
- G. The boundaries of the property involved by bearings and distances, certified by a land surveyor licensed to practice in the Commonwealth of Virginia.
- H. All existing property lines, existing streets, buildings, watercourses, waterways or lakes and other existing physical features in or adjoining the project. Those physical features such as watercourses, waterways, or lakes on adjoining properties need only be shown in approximate scale and proportion.
- I. Topography of the project area with contour intervals of two feet or less.
- J. The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities.
- K. The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.
- L. The location of all off-street parking, loading spaces, and walkways, indicating: types of surfacing, size and angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.

- M. The location, height, type, and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- N. The location of all proposed main and accessory buildings and structures; number of stories and height; proposed general use for each building, and the number, size, and type of dwelling units where applicable.
- O. Provisions for the adequate disposition of stormwater, indicating location, sizes, types, and grades of ditches, catch basins, and pipes, and connection to existing drainage system.
- P. Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with applicable erosion and sedimentation control ordinances and regulations.
- Q. Proposed finished grading by contour, supplemented where necessary by spot elevations.
- R. The location, character, size, height, and orientation of proposed signs.
- S. The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.
- T. Any necessary notes required by the Zoning Administrator to explain the purpose of specific items on the plan.
- U. Location and dimensions of all sidewalks and pathways.

2.31.5 **Approval**

- A. **Criteria.** No Site Plan shall be approved unless it conforms to all applicable requirements of the UDO. The Planning Commission may approve a Site Plan that is required to be prepared under this section and that satisfies all applicable regulations.

2.31.6 **Subsequent Applications**

If the Site Plan is denied, a new Site Plan proposing the same development for the same property shall not be filed within six months after a final decision.

2.31.7 **Amendments**

- A. **Amendments to Approved Site Plan, Generally.** If it becomes necessary for an approved Site Plan to be changed, the Zoning Administrator shall at the Applicant's request either administratively approve a minor amendment to the Site Plan, or, if the change is major, require that a new Site Plan be drawn and submitted for review and action in accordance with this section.
- B. **Classification.** Amendments to a previously approved plan shall be classified as a minor or major revision. Minor amendments may be administratively accepted by the Zoning Administrator and will not be subject to review by the Town Council, Planning Commission, or other Town of Strasburg agency or department. Within seven (7) days after filing of the proposed amendments, required items, and information, the Zoning Administrator shall provide a written response indicating whether or not the revised Site Plan has been accepted as a minor or major amendment.
- C. **Minor Amendments.** Minor amendments include the following:
 1. Changes to the timing or phasing of the proposed development, provided that the use and overall geographic land area remains the same;

2. Adjustment of unit boundaries within tracts or parcels adjoining the outer boundaries of the Site Plan, provided that the use and overall geographic land area remains the same;
 3. A reduction in the number of proposed platted lots, provided that the use and overall geographic land area remains the same;
 4. A decrease in overall residential density;
 5. Updating of ownership or consultant information;
 6. A decrease in the overall land area, provided that the initial design is maintained;
 7. Site plan or subdivision plat name change;
 8. Change in internal street circulation pattern not increasing the number of lots or lowering the connectivity ratio; and
 9. Other UDO design requirements deemed to be minor amendments by the Zoning Administrator, which may include but are not limited to landscaping, signage, lighting and fencing.
- D. Major Amendments. All other revisions shall be classified as major amendments and shall be processed in the same manner as the initial Site Plan submittal.

2.31.8 Scope of Approval

- A. An approved Site Plan shall be valid for a period of not less than five years as determined by the Planning Commission during Site Plan review and approval.
- B. The Site Plan expires unless a Final Plat is approved within two (2) years from the approval of the Site Plan that plats at least twenty (20) acres or 8% of the net area of the Site Plan area.
- C. The Site Plan expires unless 50% of the net area within the approved Site Plan is the subject of Final Plats or other development approval within five (5) years from the date of approval of the Site Plan. The remaining 50% shall obtain Final Plat or development approval and commence substantial construction within 10 years after the initial 50% of the net area within the Site Plan has been platted or developed.
- D. Development activities subject to this section shall conform to the approved Site Plan and any conditions or restrictions. Any deviation from the approved Site Plan, unless approved in advance and in writing by the Zoning Administrator is deemed a violation of the UDO.

2.31.9 Bonding Prerequisite To Commencing Development

- A. No clearing, grubbing, grading of the site or construction of infrastructure shall commence unless a site development plan has been submitted and approved by the Planning Commission. In addition, bonding shall be required prior to any site disturbance that is attributed to the requirements of this UDO or prior to the installation of any public improvements.
- B. Before any subdivision plat shall be finally approved, the Applicant shall furnish a certified check, cash escrow, bond, or letter of credit in an amount estimated by a licensed professional engineer and approved by the Planning Commission. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed 125% of the total of the estimated cost of construction based on unit prices for new public or private sector construction in the Town of Strasburg and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten percent of the

estimated construction costs. Such certified check, cash escrow, bond, or letter of credit shall be payable to and held by the Town Council, and the form of such shall be approved by the Town Attorney.

- C. The Applicant's bond shall not be reduced by the Town Council until construction has been inspected and approved. Increase in prices due to inflation and the passage of time shall be given consideration in the determination of the amount of said bond. Each bond shall include an agreement that specifies deadlines for construction and failure to meet said deadlines gives the Town the right to draw from the bond and complete construction of the improvements.

2.31.10 Lot grading plans

Signed by a professional surveyor shall be submitted prior to issuance of an Occupancy Permit.

2.31.11 Record drawings (as-builts)

Will be submitted in accordance with the requirement for record drawings prior to subdivisions being taken over by the Town and final bond being released.

2.32 Historic District Certificate of Appropriateness

2.32.1 Application and Permit Review

- A. Minor modification. If it is determined by the Zoning Administrator that the proposed improvements qualify as a minor modification, then no application review is required by the Board. However, the owner may request an advisory meeting with the Board.
- B. Major modification. If it is determined by the Zoning Administrator that the proposed improvements qualify as a major modification, the owner shall be required to submit an application to the Board; however, the Board may only make recommendations on the proposal. The review process for a major modification shall be as follows:
 1. The owner shall complete and submit the form titled "Application for Review by the Architectural Review Board." No application shall be considered unless it is received by the Zoning Administrator at least seven (7) days before a scheduled meeting of the Board. The application shall be accompanied with all of the following:
 - (a) A scaled and dimensioned Site Plan of the property showing all existing and/or proposed buildings and structures including fences, porches, and other site features.
 - (b) A written description that includes:
 2. A list of all proposed modifications to existing and/or proposed buildings;
 3. A timeline of when construction of the proposed modifications will commence and be completed; and
 4. A narrative of the history of the buildings, structures, and site including age of the buildings and structures, previous owners, current and past uses, and any other pertinent information.
 - (a) Architectural elevations and photographs of all existing and/or proposed buildings and structures showing the location and extent of the proposed modification(s). The exhibits should clearly show the form and style of the buildings and structures including the height, mass, scale, architectural details, fixtures (decorative or functional), materials, and colors.

- (b) Cut sheets, specifications, photographs, samples, or other media indicating the materials and colors proposed for the modification.
 - (c) An application fee as set forth by the Town Council.
5. The ARB Board shall review the proposal for compliance with the review criteria outlined in this UDO and shall make recommendations to the owner. If the owner is seeking real estate tax exemption, the ARB shall take action on the application and either approve, disapprove, or approve with conditions. If the proposal is approved, the Board shall issue a Certificate of Appropriateness which indicates the approved modifications and any conditions of approval. If the application is disapproved, the Board shall indicate in writing, the reasons for such action and suggest conditions under which the application may be approved. Failure by the Board to issue a certificate of appropriateness shall disqualify an owner from receiving the tax exemption benefits.
- C. Demolition. If it is determined by the Zoning Administrator that the proposed improvements qualify as a demolition, the request shall be processed as follows:
- 1. The owner proposing a demolition shall complete the form titled "Application for Review by the Architectural Review Board." No application shall be considered unless it is received by the Zoning Administrator at least seven (7) days before a scheduled meeting of the Board. The application shall be accompanied with all of the following:
 - (a) A scaled and dimensioned Site Plan of the property showing all existing and/or proposed buildings and structures including fences, porches, and other site features. The plan shall indicate which buildings, structures, or features are proposed for demolition and those which will remain in place.
 - (b) A written description that includes:
 - (c) A list of all structures proposed for demolition;
 - (d) A timeline of when demolition will commence and be completed; and
 - (e) A narrative of the history of the buildings, structures, and site including age of the buildings and structures, previous owners, current and past uses, and any other pertinent information.
 - (1) Architectural elevations and/or photographs of all existing and/or proposed buildings and structures showing the location and extent of the proposed demolition.
 - (2) An application fee as set forth by the Town Council.
 - 2. The Board shall review the proposal for compliance with the review criteria outlined in this Section and shall either approve, disapprove, or approve with conditions. If the demolition is approved, the Board shall issue a certificate of appropriateness which indicates the extent of the approved demolition and any conditions of approval. If the demolition is disapproved, the Board shall indicate in writing the reasons for such action and suggest conditions, if any, under which the demolition may be approved.
- D. New construction, addition, movement, relocation or reconstruction greater than 50% of the market value. If it is determined by the Zoning Administrator that the proposed improvements qualify as new construction, addition, movement, or relocation as outlined in this UDO, the owner shall be required to submit an application for review by the Board and be issued a certificate of appropriateness prior to commencing the proposed activities. The review process shall be as follows:

1. The owner shall complete and submit the form titled "Application for Review" by the Architectural Review Board. No application shall be considered unless it is received by the Zoning Administrator at least seven (7) days before a scheduled meeting of the Board. The application shall be accompanied with all of the following:
 - (a) A scaled and dimensioned Site Plan of the property showing all existing and/or proposed buildings and structures including fences, porches, and other site features.
 - (b) A written description that includes:
 2. A list of all proposed modifications to existing and/or proposed buildings;
 3. A timeline of when construction of the proposed modifications will commence and be completed; and
 4. A narrative of the history of the buildings, structures, and site including age of the buildings and structures, previous owners, current and past uses, and any other pertinent information.
 - (a) Architectural elevations and photographs of all existing and/or proposed buildings and structures showing the location and extent of the proposed modification(s). The exhibits should clearly show the form and style of the buildings and structures including the height, mass, scale, architectural details, fixtures (decorative or functional), materials, and colors.
 - (b) Cut sheets, specifications, photographs, samples, or other media indicating the materials and colors proposed for the modification.
 - (c) An application fee as set forth by the Town Council.
- E. Site plan review. If a Site Plan application is required, as described in section.3.14 for the proposed action, then such application may be submitted concurrently with the "Application for Review by the Architectural Review Board."
- F. Zoning permit. After receiving a certificate of appropriateness from the Board, the owner shall apply for a Zoning Permit in compliance with this UDO.

2.32.2 Approval

- A. Construction activity. Following the issuance of a certificate of appropriateness and all other permits and approvals described in this section, the owner may begin the approved activity. The certificate of appropriateness or a legible copy shall be posted on the property in a location visible from a public right-of-way during the construction or demolition phase.
- B. Time for completion. Approved construction activity shall be completed within 12 months of the date of issuance of a certificate of appropriateness. Upon receiving a written request from the Applicant, the Zoning Administrator may approve an extension of up to 12 months. Such request shall be made prior to expiration of the initial time for completion. If the time for completion expires prior to the Applicant completing the approved construction activity, the certificate of appropriateness shall be considered void and the Applicant shall be required again to pursue the necessary approval.
- C. Final inspection. Subsequent to the completion of all approved activities, the Zoning Administrator shall conduct an inspection of the property to ensure that all activity has been completed as approved, and report to the Board. If the activity has not been completed in compliance with the certificate of appropriateness, the Zoning Administrator shall prepare a list of items not in compliance and may set a reasonable date by which all

activity shall be completed, and report to the Board. If all activity is not completed by the date established, the Zoning Administrator may revoke the certificate of appropriateness and/or may pursue enforcement action consistent with this UDO in consultation with the Board.

2.32.3 Criteria

Pursuant to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the ARB and the Town shall use the following criteria in granting or denying certificates of appropriateness.

- A. General factors. In considering the appropriateness of any application, the ARB shall be guided in their decisions by:
 1. The Strasburg Historic District Design Guidelines;
 2. The compatibility of the proposed change to the historical and architectural significance, quality, character, and scale of the surrounding properties;
 3. The impact of the proposed modification or new building or structure on the surrounding natural environment;
 4. The compatibility of the proposal with the goals for historic preservation detailed in the Comprehensive Plan and this UDO;
 5. General appearance of the land, building, or improvement under consideration;
 6. Structural condition of existing building or structure;
 7. Structural composition of existing building, or structure, or improvement, and proposed alteration;
 8. Architectural design of existing building, or structure, or improvement, and proposed alteration;
 9. Size of existing land parcel, building, or structure, or improvement and proposed alteration;
 10. Historical significance of existing land, building, structure, or improvement;
 11. Economic use of existing land, building, structure, or improvement;
 12. Relative cost of proposed project and alternatives;
 13. The owner's legitimate right to earn a reasonable return from his investment in the site, building, or structure, and building and its owner/occupant and his needs; and
 14. The relationship of the above factors to, and their effect upon the immediate surrounding and, if within an historic district, upon the district as a whole and its architectural historical character and integrity.
- B. Existing buildings and structures. In deciding upon applications to alter buildings or structures, the ARB shall consider the architectural and historic significance as well as other pertinent information provided by the Virginia Department of Historic Resources and National Register Nomination of 1984 and similar subsequent surveys, and shall consider criteria set forth in the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended.
- C. New construction (additions to existing resources and infill construction on vacant properties). In reviewing applications for new construction, the Board shall take into account the extent to which the building or structure would be appropriate or incongruous to the historic district as well as its immediate surroundings.

The ARB shall consider major design elements, including Site Planning; massing, proportion and scale; roof, windows, and doorways; and all exterior architectural elements, including height, materials, trim and other details. The Board may adopt additional guidelines for new construction as it deems appropriate.

1. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, and materials used in the facade, the texture inherent in the facade, the colors, pattern, and trim used in the facade, and the design of the roof.
2. Existing rhythm created by existing building masses and spaces between them should be preserved.
3. The Site Plan should be sensitive to the individual building and its occupant, and needs, and should be visually compatible with the buildings with which it is visually related.
4. A new street facade should blend directionally with other buildings with which it is visually related-- which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
5. New construction shall be compatible with the original construction of the historic resources, and should be distinguishable from the original construction and should enhance the architectural characteristic of the historic district.
6. No single architectural style shall be imposed.
7. The quality and excellence in design should be major determinants.

D. Exterior alteration

1. All exterior alterations to a building or structure should be compatible with the building itself and other buildings with which it is related, as is provided in subsection (b)(1) above, and in applying these standards, the original design of the building or structure shall also be considered.
2. Exterior alterations shall not affect the architectural character or historic quality of the building.

E. Demolition

1. Approval required. No building or structure subject to the provisions of this Section shall be demolished, in whole or in part, unless a certificate of appropriateness has been issued by the ARB, with right of direct appeal from an adverse decision to the Town Council, as provided herein; provided, however, approval by the Town Council, after a recommendation by the ARB, shall be mandatory in the case of the demolition of a building or structure designated as a Strasburg landmark.
2. Criteria. The ARB shall consider the following criteria in determining whether or not to issue a certificate of appropriateness for demolition:
 - (a) Whether or not the building or structure is of such historical, cultural, social, economic, political, artistic, architectural, or archaeological significance that its demolition would be detrimental to the public interest, cultural heritage, the architectural history of the locality, to the historic districts in whole or in part, to the purposes of this UDO, or would cause a loss of a visual

tangible demonstration of local history or the social and artistic pattern of community development and planning.

- (b) Whether or not the building or structure is of such interest or historic significance that it would qualify as a national, state, or local historic landmark or through individual listing on the Virginia Landmarks Register or National Register of Historic Places.
 - (c) Whether or not the building or structure embodies the distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or represents a significant or distinguishable entity whose components may lack individual distinction or whether the resource is associated with events that have made a significant contribution to the broad pattern of history or is associated with significant persons.
 - (d) Whether or not retention of the building or structure would help to preserve and protect a historic or architecturally significant place, the quality of life and pride of place or area of historic interest in the locality and promotes the purposes and intent of historic district zoning including tourism.
 - (e) Whether or not the building or structure has retained integrity or authenticity of its historic identity of design, materials, workmanship, setting, location, association and whether its unusual design, quality and workmanship of traditional materials and details of character-defining features could be easily reproduced.
 - (f) Whether the proposed demolition will affect the archaeological potential to yield information important to prehistory or history at this site.
 - (g) The difficulty or impossibility of reproducing such a resource because of its texture, design, material or detail.
 - (h) The proposed replacement structure and the future utilization of the site.
3. Offer for sale. In addition to seeking the right of demolition through application, the owner of a building or structure, the demolition of which is subject to the provisions of this UDO, shall as a matter of right be entitled to demolish such buildings or structures provided that:
- (a) They have applied to the Town Council for such right;
 - (b) The owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and
 - (c) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained.
4. During the demolition delay period, the Board may negotiate with the owner and with other entities in an effort to preserve, acquire, or relocate the buildings or structures. Negotiation steps may include, but shall not be limited to:

- (a) Consultations with civic groups, public agencies, and interested citizens;
- (b) Recommendations for acquisition of the building or structure by public or private entities;
- (c) Exploration of the possibility of moving the building or structure; and
- (d) Options to salvage significant elements of the building or structure.

F. Demolition Delay Period.

<u>Offering Price</u>	<u>Delay Period</u>
\$0 - \$24,999	3 months
\$25,000 - \$39,999	4 months
\$40,000 - 54,999	5 months
\$55,000 - \$74,999	6 months
\$75,000 - \$89,999	7 months
\$90,000 or greater	12 months

G. Reconstruction. The reconstruction of a building damaged or destroyed by fire, storm or other act of God greater than 50% of replacement value shall be governed by the provisions of this UDO except that the ARB shall regulate the exterior design of such buildings in accordance with the criteria set forth in subsection (c) of this section. An application for a certificate of appropriateness shall only be denied upon a determination that the proposed changes or project would:

- (a) Result in such disharmony of scale, materials, massing, spacing and/or style between the proposed project and its immediate surroundings and the historic district, landmark or landmark site as a whole so as to undermine the architectural integrity and character of the historic district, or landmark site or landmark and inhibit the accomplishment of the purposes of this Section; or
- (b) Result in such a change in the architectural design or character of an existing building or improvement so as to undermine the architectural integrity or character of an historic district as a whole and inhibit the accomplishment of the purposes of this Section; or
- (c) Result in the loss of or irreparable harm to an existing building or improvement of architectural or historical significance. A certificate of appropriateness should not be denied if that denial would jeopardize the owner's legitimate right to earn a reasonable return from his investment in the landmark, landmark site or resource located within the historic district, all factors being considered. The ARB shall, in reaching its decision for recommendation, balance the cost of the reconstruction against the economic hardship that would be imposed upon the Applicant were the permit denied.

2.32.4 Decision

The ARB shall take action on an application no later than seven (7) days after the conclusion of the regular meeting on the application. The Board may vote to extend the time if it is decided that additional information or a professional consultant's services is required.

- A. The ARB shall serve as a review body with the power to make recommendations on applications for certificates of appropriateness, and if granted, what conditions, if any, should be provided in such certificate.
- B. In making determinations, evaluations, and decisions under this Section, the ARB shall seek to accomplish the purposes of this Section; in particular, to preserve and protect the architectural and historic integrity and character of any landmark site, landmark, or historic district.
- C. All decisions of the ARB shall be in writing and shall state the findings of the ARB and the reasons thereof.
- D. The ARB shall not disapprove of any plans without giving its recommendations for changes to be made before such plans may be reconsidered. These recommendations may be in general terms, and compliance therewith shall not by itself qualify such plans for approval--only for reconsideration by the ARB.
- E. Upon approval of a Certificate of Appropriateness, the Applicant will receive a Zoning Permit from the Zoning Administrator.

2.32.5 Appeal

- A. From ARB to Town Council. The owner or Applicant may appeal a final decision of the Board to the Town Council by filing a written notice in the form of a letter to the Town Council within 30 days of the date of the Board decision. The Town Council may affirm, reverse, or modify, in whole or in part, the decision of the Board. In so doing, the Council shall give due consideration to the recommendations of the ARB along with other evidence as it deems necessary for the proper review of the application. Upon appeal, the final decision of the ARB shall be stayed pending the decision of the Town Council; provided, however, that the Applicant is prohibited from taking any action for which approval is sought during the pendency of such appeal. The Town Council shall conduct a full and impartial public hearing on the matter in compliance with Code of Virginia, § 15.2-2204, before rendering any decision.
- B. From Town Council to Circuit Court. In accordance with Code of Virginia, § 15.2-2306(A) {3}, decisions made by the Town Council on any application submitted in accordance with this UDO may be appealed to the Circuit Court. Such an appeal shall be filed by the affected Applicant within 30 days after the final decision is rendered by the Town Council.

2.32.6 Demolition by Neglect Procedures

- A. Preservation Required. Any building or structure which is a landmark and all buildings or structures within an historic district shall be preserved by the owner or such other person or persons who may have the legal custody or control thereof against decay and deterioration and be kept free from unreasonable structural defects. The Architectural Review Board (ARB) should be sensitive to the individual building and its owner/occupant and his needs and capabilities. The owner or other person having legal custody and control thereof shall repair such building or structure if it is found to have one or more of the following defects:
 1. The deterioration of a building(s) to the extent that it creates or permits a hazardous or unsafe condition as determined by the Zoning Administrator;
 2. The serious deterioration, as determined by the Zoning Administrator, of a building(s) characterized by one or more of the following:
 - (a) Those buildings which have parts thereof which are so attached that they may fall and injure persons or property;
 - (b) Deteriorated or inadequate foundation;

- (c) Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety;
 - (d) Members of walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - (e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
 - (f) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - (g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
 - (h) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
 - (i) Any fault, defect or condition in the building which renders the same structurally unsafe or not properly watertight.
- B. Notice. If the ARB makes a preliminary determination that a building or structure which is a landmark or is located within an historic district is being demolished by neglect, it shall request the Zoning Administrator to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore, and shall give the record owner or owners 30 days from the date of mailing such notice or the posting thereof on the property whichever comes later, to commence work to correct the specific defects as determined by the ARB. Said notice shall be given as follows:
- 1. By certified mail, return receipt, mailed to the last known address of the record owner or owners as listed on the county or Town tax rolls; or
 - 2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource involved and published in a local newspaper.
- C. Failure to Commence Work. If the owner or owners fail to commence work within the time allotted as evidenced by a Building Permit or Zoning Permit, the ARB shall notify the owner or owners in the manner provided above to appear at a public hearing before the ARB at a date, time and place to be specified in said notice, which shall be mailed or posted at least 30 days before said hearing. For the purpose of ensuring lawful notice, a hearing may be continued to a new date and time. The ARB shall receive evidence on the issue of whether the subject resource should be repaired and the owner or owners may present evidence in rebuttal thereto. If, after such hearing, the ARB shall determine that the resource is being demolished by neglect, it may recommend to the board that misdemeanor charges be filed against the owner or owners if the necessary repairs are not completed within 60 days of the determination by the ARB that the subject building or structure is being demolished by neglect.
- D. Public Safety Exclusion. None of the provisions of this Section shall be construed to prevent any measure of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Zoning Administrator or the fire department and where the proposed measures have been declared necessary, by such authorities, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by act of God or by the public enemy, to such an extent that in the opinion of the aforesaid authorities it cannot

reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

- E. **Minimum Maintenance Requirements.** In order to ensure the protective maintenance of landmarks, landmark sites and resources in the historic district, each building, whether a landmark or within the historic district shall be maintained to meet the requirements of the minimum housing, the building, electrical and plumbing codes.

2.32.7 Real property partial tax exemption

As provided for by Code of Virginia, § 58.1-3220, the Town of Strasburg will provide for the partial exemption from taxation of real estate on which any structure within the Historic Districts has undergone substantial rehabilitation, renovation, or replacement residential structures. Details regarding this program may be found in sections 78-71 to 78-74 of the Town of Strasburg Code.

2.33 Administrative Permits, Generally

Administrative Permits are routine, non-discretionary UDO implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Zoning Administrator is a purely administrative agent following the literal provisions of this UDO. The Zoning Administrator may engage in some fact finding, to determine objective facts that do not involve an element of discretion. In contrast to quasi-judicial and legislative hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this UDO. No notice shall be required for an administrative permit issued pursuant to this UDO unless otherwise provided by this UDO or by law.

2.34 Administrative Approval Process Overview

The general approval process for applications for development approval that do not require a public hearing is summarized in Exhibit 2F. Actual process may vary based on the complexity of the proposed development proposal.

Exhibit 2F: Administrative Approval Process Overview

	Review and Recommendation	Final Decision	Appeal *	Complete Application to Final Decision (days)	Appeal from Final Decision (days)
Minor Subdivision (3 or fewer lots)	Technical Review Committee	Zoning Administrator	Board of Zoning Appeals	15	30
Exception (Modification)	Technical Review Committee	Zoning Administrator	Board of Zoning Appeals	15	30
Home Occupation Permit	Technical Review Committee	Zoning Administrator	Board of Zoning Appeals	5	30
Lot Split, Lot Consolidation, Boundary Line Adjustment	Technical Review Committee	Zoning Administrator	Board of Zoning Appeals	15	30
Sign Permit	Technical Review Committee	Zoning Administrator	Board of Zoning Appeals	5	30

	Review and Recommendation	Final Decision	Appeal *	Complete Application to Final Decision (days)	Appeal from Final Decision (days)
Temporary Use Permit	Technical Review Committee	Zoning Administrator	Town Council	15	30
Outdoor Display and Use Area Permit	Technical Review Committee	Zoning Administrator	Town Council	5	30
Zoning Permit	Technical Review Committee	Zoning Administrator	Board of Zoning Appeals	5	30
Floodplain Permit	Technical Review Committee	Zoning Administrator	Town Council	15	30
Public Works Permit (Access Permit/Entrance Permit, Grading Plan)	Technical Review Committee	Director of Public Works	Town Council	15	30
Improvement Guarantee	Technical Review Committee	Town Attorney	Town Council	15	30
<i>* Appeals to Town Council are noticed public hearings.</i>					

2.34.1 Application for Permit

Written application shall be made for all permits required by this UDO. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative. The owner shall authorize any work for which a permit is required.

2.34.2 Records

The Zoning Administrator shall maintain a record of all Administrative Permits. Copies shall be furnished, upon request, to any person upon the payment of a fee established by the Zoning Administrator.

2.34.3 Plans and Specifications

Where plans and specifications are required, an Applicant's copy of the same marked "approved" by the Zoning Administrator shall be available at the work site for all inspections requested by the Applicant and shall be made available for any inspection upon request by the Zoning Administrator.

2.34.4 Completeness Review

The Zoning Administrator shall review all applications for completeness within seven (7) days of receipt of a complete application pursuant to this UDO.

2.34.5 Notice

If the Zoning Administrator determines that the development for which a Permit is requested will have or may have substantial impact on surrounding properties, the Zoning Administrator shall, at least 14 days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within 100 feet of the lot that is the subject of the application, informing them that:

- A. An application has been filed for a permit authorizing identified property to be used in a specified way; and

- B. All persons wishing to comment on the application should contact the Zoning Administrator by a certain date.

2.34.6 Resubmittals Due to Incompleteness

If a permit application is not complete, it shall be returned to the Applicant with instructions for completion and resubmittal. The Applicant shall have 30 days from the date of notification to revise and resubmit the application. There is no charge for a resubmittal within this period. If the Applicant fails to revise and resubmit the application within this period, the application shall be deemed withdrawn. Thereafter, a resubmittal of an application for the same site shall constitute a new application subject to the payment of fees and commencing a new timeline for action. Upon receipt of any resubmittal of the application, a new 7-day completeness review period shall begin.

2.34.7 Resubmittals Due to Non-Compliance

Upon determination that a permit application does not comply with standards and regulations set forth in this UDO, or requires extensive revision in order to comply with said standards and regulations, the Zoning Administrator shall deny the application. Resubmittal of an application which was denied shall be considered a new application.

2.34.8 Issuance of Administrative Permit

The Zoning Administrator shall review applications for conformance with this UDO, the appropriate regulatory and technical codes adopted herein, and the laws of the State. Within 14 days of receipt of a complete application, the Zoning Administrator shall approve, approve with conditions, or deny the application. Applications that are denied shall have the reasons for denial, in writing, attached to the application. The Applicant and the Town may agree to extend the response time contained in this UDO.

2.34.9 Limitations on Issuance of Permits

- A. No permit shall be issued for work on any new or existing dwelling unless the plans and specifications thereof contain information sufficient to indicate that the work proposed shall conform to the provisions of this UDO.
- B. No permit shall be issued for new construction where Town water or sewer mains are not available without written approval by the Shenandoah County Health Department of the required water supply or waste disposal systems.
- C. No permit shall be issued to any person who has failed after notice to remedy defective work, or has failed to pay a civil penalty assessed pursuant to this UDO which is due and for which no appeal is pending, or to otherwise comply with the UDO of the Town, the regulatory codes adopted therein, or the laws of the Commonwealth of Virginia.
- D. No licensed contractor shall secure a permit for any other person or persons not qualified in accordance with the provisions of the technical codes to do any work covered by the regulatory codes.
- E. No zoning or flood permit shall be issued during the pendency of an application for the revision of a floodplain area boundary of such property unless the proposed construction or filling is permitted under the existing floodplain area regulations and also under the revision proposed for the property.
- F. No permit authorized by this UDO shall allow construction to begin on a site until the boundaries of any natural resource buffer yard, any open space area, any riparian surface water buffers, and any tree protection adjacent to or encompassing a work site are clearly and accurately demarcated by a protective fence in the field. The location and extent of all authorized land-disturbing activities shall be similarly demarcated for so long as any land-disturbing activity continues.

2.34.10 Authorizing Use or Occupancy Before Completion of Development

In cases when, because of weather conditions or other factors beyond the control of the Permittee (exclusive of financial hardship), it would be unreasonable to require the Permittee to comply with all of the requirements of this UDO prior to commencing the intended use of the property or occupying any buildings, the Zoning Administrator may coordinate with Shenandoah County for the commencement of the intended use or the occupancy of buildings (in-so-far as the requirements of this UDO are concerned) if the Permittee provides an adequately secured completion bond or other security satisfactory to the Zoning Administrator to ensure that all of the requirements of this UDO shall be fulfilled within a reasonable period (not to exceed twelve months) determined by the Zoning Administrator. The bond and security shall be reviewed and approved by the Town Attorney, however, prior to the Zoning Administrator authorizing the intended use or occupancy.

2.34.11 Appeal

If the Zoning Administrator finds that the Permit application fails to meet the criteria established in the UDO, the Zoning Administrator shall deny the application. The Applicant may appeal such denial to the Board of Zoning Appeals.

2.35 Zoning Permit

2.35.1 Zoning Permit Required

No buildings or structures shall be constructed, reconstructed, enlarged, or altered, nor shall any uses of land be established, until after a Zoning Permit has been obtained from the Zoning Administrator.

2.35.2 Applicability

- A. Each application for a Zoning Permit shall be accompanied by three copies of an adequately dimensioned drawing unless as otherwise specified by the Zoning Administrator. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, the location and arrangement of off-street parking, the location of such building or use with respect to the property line of said parcel of land, the Applicant's drainage plan for properly distributing surface water, and additional information as required by this UDO. The Zoning Administrator may require any other information which he deems necessary for the consideration for the application. If the proposed building or use is in conformity with the provisions of this UDO, a permit shall be issued to the Applicant by the Zoning Administrator. One copy of the drawing shall be returned to the Applicant with the permit.
- B. Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to Aug. 10, 2004. However, such construction shall commence within six months after Aug. 10, 2004 and be completed within a period of one year after construction is initiated. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this UDO for the district in which the operation is located.
- C. Payment of delinquent taxes shall be a prerequisite to a decision upon any application required by this section or any other section of this UDO.

2.36 Zoning Permit Certificate of Occupancy

2.36.1 Required

- A. No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected, reconstructed, altered, or enlarged shall be occupied or used until a Certificate of Occupancy shall have been approved by the County Zoning Administrator and the Town Zoning Administrator.

- B. A Certificate of Occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building and the use thereof or of such land is in full conformity with the provisions of this UDO and any requirements made pursuant thereto. On the serving of notice of any violation of any of such provisions or requirements with respect to any building, or the use thereof or of land, the Certificate of Occupancy for such use shall thereupon become null and void and a new certificate shall be required for any further use of such building or land.
- C. If a proposed use is in conformity with the provisions of this UDO, a Certificate of Occupancy shall be issued by the Zoning Administrator. Pending the issuance of this certificate, a temporary Certificate of Occupancy may be issued. Such a temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owner or the Town relating to the use or occupancy of the land or building or any other matter covered by this UDO.
- D. A Certificate of Occupancy shall be obtained for any of the following:
 - 1. Occupancy and use of a building hereafter erected;
 - 2. Change in the use of an existing building;
 - 3. Occupancy and use of vacant land, except for any agricultural use;
 - 4. Change in the use of land, except for any agricultural use;
 - 5. Any change in the use of a nonconforming use; and
 - 6. Enlargement of any use with respect to the unit of measurement specified in this UDO as the basis for determining the amount of required automobile parking space, whether the same is specified in terms of floor area, dwelling units, seats, or any other element of size of the use.

2.36.2 Coordination with Shenandoah County

The County Zoning Administrator shall review applications for Certificates of Occupancy to determine if the development complies with applicable regulations. The Zoning Administrator may coordinate the review of Certificates of Occupancy with County staff, and may coordinate, review and delegate approvals with County staff.

2.36.3 Enforcement

These regulations shall be enforced by the County Zoning Administrator and the Town Zoning Administrator. It shall be a violation of these regulations for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a Zoning Permit has been obtained. Certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of this UDO. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

2.37 Public Works Permit

2.37.1 Application Required

- A. A Public Works Permit shall be required for water and sewer improvements, land disturbance activity and driveway access, and shall be submitted to the Director of Public Works for review.

- B. Prior to any work being done falling within the purview of this UDO, a Public Works Permit shall first be obtained. Should the Public Works Director be unable to determine the impact of the requested work in the application, such application shall be referred to the Town Manager for a final determination. The application required hereunder shall contain such information as the Town shall deem to be necessary, so as to enable the Town to evaluate the effect of the proposed work. Upon request, the Applicant shall submit such engineering work and/or certificates as the Town may require in order to issue its permit.

2.37.2 Compliance required; exception

No commercial or industrial zoned property, nor property used nor proposed to be used for commercial or industrial purposes within the Town will be allowed to be filled, graded, cleared or contoured, nor shall any other action be taken thereon whereby the surface drainage from the property shall be created, increased, redirected, rerouted, funneled, dispersed, or otherwise affected unless and until all requirements and provisions of this UDO are fully complied with. However, if the property in question is less than two thousand five hundred (2,500) square feet in size or the amount of fill or grading involved is in total less than five (5) cubic yards, the provisions of this UDO shall not apply unless such area will affect any natural drain. Any runoff reduction method shall be identified to the Public Works Director for approval.

2.37.3 Application contents

If requested by the Town, the application for a Public Works Permit shall show the following information:

- A. Site plan showing the existing and proposed elevation of all property corners;
- B. The building finish floor elevations and invert elevations of the culvert pipe, curb inlet(s), catch basin(s), ditch or natural drainage ways the property is to drain its storm water into;
- C. The property's grading and its slope around the building;
- D. A cross-section of the existing ditch or natural drainage way;
- E. If the property is to be improved with a storm drain system consisting of any ditches or culvert, the following shall apply:
 1. The proposed finish invert elevations shall be shown at the inlets, outlets and at any changes in slopes.
 2. Catch basin or curb inlet elevations shall be shown.
 3. Calculations shall be provided for the amount of rainwater runoff based on the rational method, based on a twenty-five-year flood storm frequency, and required sizes, slopes and actual capacity for all culverts and ditches to handle this runoff.
 4. Any storm drain system installed within the Town's right-of-way shall consist of reinforced concrete pipe.
 5. Proposed ditch cross-sections shall be provided.

2.38 Floodplain Permit

2.38.1 Designation of Flood Damage Prevention Administrator

The Zoning Administrator shall serve as the Floodplain Administrator to administer and implement these provisions of this UDO and all other applicable floodplain regulations, and shall coordinate with County floodplain management.

2.38.2 When Required

A Floodplain Permit is required for any development activity or improvement occurring within a 100-year flood area, as designated by the Federal Insurance Administration or within the Floodplain Protection Overlay District pursuant to this UDO. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the Town will review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur, or identify the need to adopt a floodway if adequate information is available.

2.38.3 Permit Procedures

Application for a Floodplain Permit shall be made to the Zoning Administrator prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Application stage
 1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 2. Elevation in relation to mean sea level to which any nonresidential building shall be flood proofed;
 3. Certificate from a registered professional engineer or architect that the nonresidential flood-proofed building shall meet the flood proofing criteria establish in this UDO; and
 4. Description of the extent to which any watercourse shall be altered or relocated as result of proposed development.
- B. Construction stage: Upon placement of the lowest floor, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the NGVD elevation of the lowest floor or flood proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- C. Liability: Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Zoning Administrator shall review the lowest floor and flood proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

2.38.4 Powers, Duties and Responsibilities of the Zoning Administrator Regarding Floodplains

The Zoning Administrator is hereby authorized and directed to enforce the provisions of this UDO, and is further authorized to render interpretations of this UDO which are consistent with its spirit and purpose.

- A. Duties of the Zoning Administrator shall include, but not be limited to:
 1. Review all Floodplain Permits to assure that the permit requirements of this UDO have been satisfied.
 2. Advise Applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the Floodplain Permit.
 3. Review certified plans and specifications for compliance.

4. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this UDO.
5. When base flood elevation data or floodway data have not been provided, then the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of division 3.
6. Provide information, testimony, or other evidence, as needed during variance request hearings.
7. When damage occurs to a building or buildings, the following actions shall be conducted:
 - (a) Determine whether damaged structures are located within the special flood hazard area;
 - (b) Conduct damage assessments for those damaged structures located in the SFHA; and
 - (c) Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a Building Permit or Floodplain Permit prior to repair, rehabilitation, or reconstruction.

2.38.5 Floodplain Variances: Factors to be Considered

- A. In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the UDO and consider the following additional factors:
 1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the 100-year flood elevation.
 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 5. The importance of the services provided by the proposed facility to the community.
 6. The requirements of the facility for a waterfront location.
 7. The availability of alternative locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
 11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

12. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation shall not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 13. Such other factors which are relevant to the purposes of this UDO.
- B. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.
 - C. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in:
 1. Unacceptable or prohibited increases in flood heights;
 2. Additional threats to public safety;
 3. Unnecessary public expense;
 4. Nuisances;
 5. Fraud or victimization of the public, or
 6. Conflict with local laws, rules, ordinances, standards or Town policy.
 - D. Variances shall be issued only after the Board of Zoning Appeals has determined that variance shall be the minimum required to provide relief from any hardship to the Applicant.
 - E. 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 100-year flood elevation
 1. Increases the risks to life and property, and
 2. Will result in increased premium rates for flood insurance.
 - F. 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 issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

2.39 Sign Permit

2.39.1 Applicability

Except as otherwise provided in this UDO, it shall be unlawful for any person to erect a sign in the Town, or cause the same to be done, without first obtaining a sign permit for each such sign from the Zoning Administrator as required in this UDO. This shall not be construed to require a permit for change of copy on a sign, nor for the repairing, cleaning, and other normal maintenance of a lawful sign or sign structure so long as the sign or sign structure is not modified.

2.39.2 Submittal

An application for a sign permit shall be filed with the Zoning Administrator on a form provided by him which shall contain the following information along with any other relevant information required by the Zoning Administrator:

- A. Name and address of the owner of the sign.
- B. Name and address of the owner of the site where the sign is to be located.
- C. A sketch showing the position of the sign in relation to other buildings, structures, and signs on the site.
- D. A drawing of the sign showing dimensions, type of construction, attachment method to the ground or building, and any related information asked for.
- E. Name of the person erecting the sign.
- F. Such other information as the Zoning Administrator may require to ensure compliance of said sign with this UDO and any other law of the Town.
- G. If deemed necessary by the Zoning Administrator, the following signs may require certification by a registered engineer. The following signs shall be designed, signed and certified by a Virginia registered structural engineer or architect, certifying to the structural integrity of the structure and foundation meeting all wind loads as set forth by the building code, and who shall submit sufficient data to enable the Zoning Administrator to determine whether the sign complies with this UDO:
 1. Signs over twelve (12) feet high, including billboards on-site or off-site.
 2. Signs with unusual structural features.

2.39.3 Approval

The Zoning Administrator shall issue a permit for the erection of a sign when the application is properly prepared and filed if the Applicant for the sign meets the requirements of this UDO and any other applicable ordinance of the Town, and when all required fees have been paid. If the application is for an electrical sign a separate electrical permit shall be required plus the fee therefore.

2.39.4 Timing

The work under a sign permit shall be begun within three (3) months of its issue date and shall be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

2.39.5 Revocation

The Zoning Administrator may, in writing, revoke a sign permit if it was issued on the basis of a misrepresentation of fact, fraud, or for failure to comply with the terms of the permit, or for a violation of this UDO. If a sign permit is denied or revoked by the Zoning Administrator, written notice thereof shall be given to the Applicant or Authorized Agent, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the Zoning Administrator; written notice thereof shall be given to the Applicant or Authorized Agent, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the Zoning Administrator which may be appealed as other decisions.

2.39.6 Inspection

All billboards and freestanding, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a final inspection to ensure that they comply with the sign permit and this UDO. If the Zoning Administrator determines that the sign as erected does not comply with the terms of the permit and this UDO, the Applicant shall bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.

2.39.7 Process

- A. **Pre-Application Conference Recommended.** A pre-application conference with the Zoning Administrator is strongly recommended to determine sign appropriateness prior to submitting a Sign Permit Application.
- B. **Sign Permit Required.** A sign permit shall be required before a sign is erected, altered or relocated, except as otherwise provided in this Section.
- C. **Sign Plan**
 - 1. A Sign Plan shall be required for all projects which are required to file an application for discretionary approval by the Town, including any multifamily dwelling project, any business park or industrial park in any commercial, industrial or mixed use district, any Planned Development project and any mixed-use development project in a mixed use district.
 - 2. The Sign Plan is intended to promote consistency among signs within a development and enhance the compatibility of signs with the architectural and site design features within a development.
 - 3. A Sign Plan shall be filed and approved prior to the erection, location or placement of any sign for such project or development.
 - 4. A Sign Plan is encouraged to be submitted by an owner for any other project or development not listed in this subsection but which shall include signage.
 - 5. **Contents of Sign Plan.** A Sign Plan, which may be a written document or drawings adequate to depict the proposed signs, shall include:
 - (a) **General Location of Signs:** The Sign Plan shall provide the proposed general locations for freestanding signs on a lot as well as the proposed location(s) for building signs on a building façade.
 - (b) **Types of Signs:** The Sign Plan shall include an indication of the types of signs proposed.
 - (c) **Materials:** The Sign Plan shall include a listing of the materials proposed for all sign structures and sign surfaces.
 - (d) **Size and Number of Signs:** The Sign Plan shall indicate the maximum number and maximum size of proposed signs using calculations consistent with the calculation of sign surface area in this Section,
 - (e) **Style and Color:** The Sign Plan shall indicate the proposed style and color pallet for all signs.
 - (f) **Illumination:** The Sign Plan shall indicate the type of illumination, if any, proposed for all signs, including whether internally illuminated or external illuminated and describing the type of light fixture proposed.
 - (g) **Ornamental Structures:** The Sign Plan shall include a description of any ornamental structure upon which a sign face is proposed to be placed.
 - 6. **Amendment.** A Sign Plan may be amended by submitting a Revised Sign Plan for consideration and determination. Upon approval of a Revised Sign Plan, the Revised Sign Plan shall have the same force and effect as an approved Sign Plan.

D. Individual Sign Approval

1. Prior to the issuance of a Sign Permit for the placement of a sign, all proposed sign plans shall be reviewed for conformity with the Sign Plan, if applicable, and the provisions of this Section.
2. If a proposed sign conforms to the regulations of this UDO and the guidelines of the approved Sign Plan, such sign shall be permitted.
3. No sign which does not conform to the guidelines of the approved Sign Plan and this UDO shall be erected, located or placed on a property. However, the Town Council may grant a waiver.

E. Sign Permit Exceptions.

1. A Sign Permit shall not be required for the following, provided, however, that such signs shall be subject to any and all applicable provisions of this UDO:
 - (a) Repainting without changing wording, composition, or color, or minor nonstructural repairs; and
 - (b) The changing of the advertising copy or message on any approved painted or printed sign or on a theater marquee and similarly approved signs which are specifically designed for the use of replaceable copy.

2.40 Building Permit

2.40.1 Required

No person shall construct or renovate, any structure or edifice until all codes and ordinances of the Town of Strasburg and Shenandoah County have been complied with and all inspections pertinent thereto have been made and recorded by the authorized inspectors of the Town and County.

2.40.2 Coordination with Shenandoah County

The County shall review applications for Building Permits, including the plans and specifications for the proposed construction, and will review all Building Permit applications to determine if the proposed construction is consistent with applicable regulations.

2.40.3 Enforcement

Building Permits shall be enforced by the County. It shall be a violation of this UDO for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a Building Permit has been obtained.

2.41 Temporary Use Permit

2.41.1 Applicability

Except as otherwise provided in this UDO, it shall be unlawful for any person to conduct or operate a temporary use, without first obtaining a Temporary Use Permit.

2.41.2 Submittal

An application for a Temporary Use Permit shall be filed with the Zoning Administrator and shall contain the following information along with any other relevant information required by the Zoning Administrator: location, duration (starting and ending dates and hours of operation), description of use or activities to occur on site, and whether other applications,

permits or approvals are required by the Town or other jurisdictions or agencies (copies to be provided to Zoning Administrator).

2.42 Home Occupation Permit

2.42.1 Applicability

Except as otherwise provided in this UDO, it shall be unlawful for any person to operate a home occupation, as defined and regulated pursuant to this UDO, without first obtaining a Home Occupation Permit.

2.42.2 Submittal

An application for a Home Occupation Permit shall be filed with the Zoning Administrator on a form provided which shall contain the following information along with any other relevant information required by the Zoning Administrator: description of business and related activities to occur on site, including services to be provided and/or goods to be sold, hours of operation, whether the activity will be within or outside of the structure, number of employees, description of equipment, goods and materials to be stored and used on site and an estimate of activity on site, measured by number of visitors, including but not limited to customers and deliveries.

2.43 Exception

2.43.1 Applicability

- A. The Town of Strasburg hereby finds and determines that some standards of the UDO may be impracticable in some situations due to exceptional circumstances, such as difficult terrain and unique topographical conditions.
- B. The Town of Strasburg finds and determines that the granting of such Exceptions is in the public interest, but that administrative review is needed in order to ensure that the spirit and intent of the UDO is preserved. Accordingly, these procedures permit administrative exceptions to be granted without the need for a variance. Applicants who are denied an administrative exception may then seek a variance in accordance with this UDO.
- C. The exception shall be specifically labeled in the application with a specific reference to this section of the ordinance, along with any supporting documentation justifying the need for an exception.

2.43.2 Notice

Prior to the granting of an Exception, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for an exception, and an opportunity to respond to the request within 21 days of the date of the notice.

2.43.3 Decision

The Zoning Administrator shall issue a written decision with a copy provided to the applicant and any adjoining landowner.

2.43.4 Approval Criteria

The Zoning Administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that:

- A. The strict application of the ordinance would produce undue hardship;
- B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

- C. The authorization of the exception will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

2.44 Improvement Guarantee

2.44.1 Applicability

- A. The Zoning Administrator may waive the requirement for the completion of required improvements if the Applicant enters into an improvement guarantee by which the Applicant covenants and agrees to complete all required on- and off-site public improvements no later than one year following the date upon which the Final Plat is recorded and a bond is submitted and approved by the Town Council.
- B. Such period may be extended for up to an additional six months upon its expiration at the discretion of the Zoning Administrator. The Zoning Administrator may require the Applicant to complete and dedicate some required public improvements prior to approval of the Final Plat and to enter into a subdivision improvement guarantee for completion of the remainder of the required improvements during such one-year period. The Applicant shall bear the responsibility to prepare a subdivision improvement guarantee. The Town Attorney shall approve any subdivision improvement guarantee as to form.

2.44.2 Covenants to Run with the Land

The subdivision improvement guarantee shall provide that the covenants contained therein shall run with the land and bind all successors, heirs, and assignees of the Applicant. The subdivision improvement guarantee shall be recorded with the Clerk of the Court for Shenandoah County. All existing lien holders shall be required to subordinate their liens to the covenants contained in the subdivision improvement guarantee.

2.44.3 Base Course to Be Installed

In order to provide for emergency access, no subdivision improvement guarantee shall be approved, and no performance guarantee shall be accepted, until the base course for the streets within the applicable phase for which a Final Plat is proposed has been installed.

2.44.4 Performance Security

Whenever the Zoning Administrator permits an Applicant to enter into a subdivision improvement guarantee, the Applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The performance security shall be in an amount approved by the Public Works Director as reflecting 125% of the cost of the improvements in the approved construction plan, and shall be sufficient to cover all promises and conditions contained in the subdivision improvement guarantee. In addition to all other security, when the Town of Strasburg participates in the cost of an improvement, the Applicant shall provide a performance bond from the contractor, with the Town of Strasburg as a co-obligee. The issuer of any surety bond shall be subject to the approval of the Town Council, with the recommendation of the Town Attorney.

2.44.5 Type of Security

The security shall be in the form of a performance bond, a trust agreement, a letter of credit, cash escrow, or a surety bond in an amount equal to 125% of the cost estimate or an amount as otherwise as agreed.

- A. **Performance Bond.** A performance bond shall be executed by a surety company licensed to do business in the state in an amount equal to 125% of the cost estimate, as approved by the Public Works Director, of all uncompleted and unaccepted improvements required by these regulations (other than gas and electric lines), with the condition that the Applicant shall complete such improvements and have them accepted by the Town

of Strasburg within three years from the date of plat approval. The Public Works Director may sign the bond instrument on behalf of the Town of Strasburg, and the Town Attorney shall approve same as to form.

- B. **Trust Agreement.** The Applicant shall cause to be placed in a trust account on deposit in a bank or trust company or with a qualified escrow agent selected by the Applicant and approved by the Public Works Director a sum of money equal to the cost estimate, as approved by the Public Works Director, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The Public Works Director is authorized to sign the agreement on behalf of the Town of Strasburg, and the Town Attorney shall approve same as to form.
- C. **Letter of Credit.** The Applicant shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the Public Works Director, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations. The Public Works Director is authorized to sign the agreement on behalf of the Town of Strasburg, and the Town Attorney shall approve same as to form.
- D. **Cash or Cashier's Check.** The Applicant shall provide to the Town of Strasburg cash or a cashier's check in an amount equal to the cost estimate as approved by the Public Works Director of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the Public Works Director, the amount will be refunded to the Applicant by the Town.
- E. **Cash Escrow or Surety Bond.** If security is provided in the form of a cash escrow, the Applicant shall deposit with the Zoning Administrator a cash amount or certified check endorsed to the escrow agent for a face value in an amount of at least the amount specified by the Public Works Director. A surety bond or cash escrow account shall accrue to the Town of Strasburg for administering the construction, operation, and maintenance of the improvements.

2.44.6 **Guarantees**

- A. When an Applicant has given security in any of the forms provided herein, and when 50% of the required site improvements has been completed and accepted by the Public Works Director, or whenever any segment or segments of the required site improvements have been completed and accepted by the Public Works Director, the Applicant may substitute for the original guarantee a new guarantee in an amount equal to 125% of the cost estimate of the remaining site improvements. The cost estimate shall be approved by the Public Works Director. Such new guarantee need not be in the same form as the original guarantee so long as such guarantee is one that is listed herein. However, in no event shall the substitution of one security for another in any way change or modify the terms and conditions of the performance agreement or the obligation of the Applicant as specified in the performance agreement.
- B. The Applicant shall guarantee the improvements against defects in workmanship and materials for a period of five years from the date of acceptance of such improvements.

2.44.7 **Reimbursement**

Where oversized facilities are required, the Zoning Administrator and Applicant shall establish a reimbursement procedure in the subdivision improvement guarantee.

2.44.8 **Temporary Improvements**

The Applicant shall construct and pay for all costs of temporary improvements required by the Zoning Administrator and shall maintain said temporary improvements for the period specified.

2.45 Construction Plans

2.45.1 Applicability

Following approval of the Preliminary Plat, the Applicant shall have prepared, by a professional engineer registered in the Commonwealth of Virginia, construction plans consisting of complete construction drawings and specifications of all easements, streets, traffic control devices, street lights, sanitary sewers, stormwater facilities, water system facilities, sidewalks, and other improvements required by this UDO. Construction plans shall be submitted to the Zoning Administrator for review and approval as a ministerial development approval. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements herein and, where applicable, the requirements and authorization of the appropriate government agency, service provider, utility company or local franchisee.

2.45.2 Requirements for Construction Plans

- A. Plan sheets are to be prepared for printing on 24"x36" paper. Seal and dated signature of the Professional Engineer or Surveyor who prepared the plan shall appear on each sheet. For designs of pressurized pipelines, certification must be by a Professional Engineer registered in the Commonwealth.
- B. Construction plans should include the components listed below.
- C. Cover Sheet. Provide a Cover Sheet that includes the project name; a sheet index; a vicinity map; and a revision block. Cover Sheet shall bear the name, address, and phone number of the Applicant and developer, and of the engineering firm that prepared the plans. List the national telephone number for the Miss Utility System, 811. For the Town of Strasburg Operations and Maintenance list telephone 540-465-3025
- D. Vicinity Map
 1. Typical scale is 1"=1000'.
 2. Show and label the Virginia State Plane North Coordinate grid at suitable intervals.
 3. Show and label the adjacent streets and roads
 4. Show the limits of the site.
- E. Revision Block. Each sheet pertaining to water and sewer construction shall have a table titled "Town of Strasburg", in which to log revisions to the design requiring the Town of Strasburg approval. The initial entry is to be at the time of initial plan approval, with the date of the signature set. Then entries are to be made for each subsequent revision (approved or not).
- F. Zoning Tabulations. Provide table including number of dwelling units and/or building square footages with respective proposed uses.
- G. Scale
 1. Computer generated scales that cannot be read with a standard engineers box scale will not be accepted.
 2. The following is required on all applicable sheets:
 - (a) Bar scale; and
 - (b) Numeric conversion; and

3. All plan sheets (showing design detail) will be no more than a scale of 1=60' unless depicting offsite features.
- H. North Arrow and Coordinates. A north arrow and a minimum of four coordinate grid references (tic marks) must appear on each plan view used to establish the placement of water and sewer lines.
- I. Horizontal Control. Horizontal control is to be based on the Virginia State Plane North Coordinate System, North American Datum of 1983, and High Accuracy Reference Network (NAD83HARN). Linear units shall be US Survey Feet (not International Feet). Projects that were started prior to September 1, 2008 may use the previous NAD27 datum standard. All new projects started after September 1, 2008 must use the NAD83 HARN horizontal datum. Plans shall clearly note the horizontal datum used.
- J. Vertical Control. Vertical measurements, including elevations, shall be based on the North American Vertical Datum of 1988 (NAVD 88), with feet as the measurement unit. Projects that were started prior to February 18, 2009 may use the previously required National Geodetic Vertical Datum of 1929 (NGVD 29). Plans shall clearly note the vertical datum used.
- K. Property Identification. Show Property Identification Numbers (PIN) of all parcels that are part of the application, and where proposed water and sewer lines are to be installed. Show the name of each property's owner. Show property lines, owners' names and PIN numbers of properties adjacent to the proposed work.
- L. Easements. On the water and sewer plan sheet, show all existing and proposed easements conveyed to the Town of Strasburg. Also, show all existing and proposed easements benefiting the County of Shenandoah or the Town of Strasburg, other public entities, and purveyors of electricity, gas, and communications services.
- M. Topography. Provide contours at maximum 2 foot interval. Provide spot shots where necessary in order to show change of grade.
- N. Natural Features. Show limits of Wetlands and Waters of the United States, intermittent streams, ponds, limits of tree canopy, and other features that may impact location or installation of proposed facilities.
- O. Soils. Evaluation of soils, using USGS information and/or a soil study shall be indicated on the plans. A soils map, at no larger than 1"= 2,400' shall be provided. The developed property should also include soil name and classification data shall be included in the plans.
- P. Manmade Features. Show all buildings, above and below ground structures, roads, bridges, trails and sidewalks, fences and walls, wells and potable springs, and wastewater disposal systems.
- Q. Existing Utilities. Show and label all overhead and underground utility lines and associated facilities. Test pits may be required as basis of design to determine depth and nature of facilities. The Town may require that the contractor provide test pits at their expense to verify the vertical location of utilities prior to plan approval.
- R. Proposed Utilities. Within work area, show all utility lines currently proposed by the project's owner and by others, to the greatest extent that information can be obtained. Coordination between designs must be effectively maintained throughout the entire design period, and continue through actual installation.
- S. Plan and Profile of Proposed Roads. Provide plan and profile of all proposed streets (public and private) with complete stationing, consistent among all views. The profile shall begin a minimum of 300 feet prior to new construction and extend 300 feet beyond the end of construction.
- T. Plan and Profiles for ONLY Water and Sewer Plans.

1. Provide plan and profile of all proposed water and sanitary sewer mains with complete stationing, consistent among all views. Show all existing water and sanitary sewer facilities within and immediately adjacent to proposed limits of construction. Include profile of existing pipelines if their cover is to be increased or decreased.
2. Waterline design shall include complete call outs of fittings and appurtenances. Sewer design shall include specification of pipe inverts at each manhole, distance between manholes, and slopes of lines.
3. Show location of water and sewer service lines to each proposed structure and/or to each proposed lot. For water services, line size and meter size must be specified. For sewer service line, provide profile or tabulation to establish length, slope, and invert elevations throughout each service.
4. All crossings of storm sewers and other utilities must be accurately depicted on profiles of water and sanitary sewer, with minimum clearances specified.

U. Drainage

1. Provide plan and profile of all proposed storm sewer with complete stationing, consistent among all views. Drainage maps of the existing and proposed improvements shall be provided. All drainage structures shall be detailed in a manner to be constructible by a contractor. All drainage structures within a private and/or community open space shall have drainage easements for the 10 year storm water surface elevation. Drainage Structures that detain or retain water will have drainage easements that cover the 100-year storm water surface elevation, structures and outfalls. Plans shall show overland flow paths (and easements) and water surface elevations for the 2-year and 10-year storm.
2. Computations shall be provided in compliance with the latest Edition of the Storm Water Management Handbook and the Virginia Erosion and Sediment Control Handbook. Drainage must be provided in accordance with the Town of Strasburg Hazard Mitigation Plan.

V. Landscape & Lighting

1. Provide a plan that shows proposed landscaping and lighting, including identifying trees that will be preserved. The plan shall also indicate the location, species, quantity and other information on planting and maintenance of the places.
2. Trees that pose impact to utilities shall not be installed. Furthermore, large shade trees shall not be permitted within the right of way, and recommendations on sizes of trees shall be in accordance with Section 5.

W. Erosion and Sediment Control. The latest edition of the Virginia Erosion and Sediment Control Handbook shall be used to determine erosion measures necessary for the development of the project. The Erosion and Sediment Control should be completed in 2 Phases. Notes, computations, details and plan views shall be provided.

X. Phased Work

1. Where utility lines are to be temporarily terminated between mobilizations, design must include clear phase lines in plan and profile views. Sufficient lines and appurtenances shall be specified to enable the full operation of the initial portion of piping, before and during the subsequent extension.
2. For work that is intended to be accomplished in two or more mobilizations, the Applicant should consider the desired extent of initial bonding of the work. Construction plans should be structured

accordingly. It is preferred, but not required, that a set of plans contain only the work to be done under a single bond to the Town of Strasburg.

3. Any waivers shall be applied for the entire portion of the project. A copy of the waiver and all supporting documentation shall be incorporated with each submission of the Phased Work.
- Y. Standard Notes. Include current Town of Strasburg standard notes. These are as listed on in Appendix #2 - STANDARD CONSTRUCTION NOTES. Ensure that the notes are at a scale that will make the text readily legible.
 - Z. Standard Details. Include all applicable Town of Strasburg Standard Details. Select those that pertain to the proposed scope. Do not include figures that apply to installations that are not within the scope of the project.
 - AA. Maintenance Notes. Include in the plan all future maintenance descriptions, and indicate the responsible party who will be taking care of the maintenance for the property. The plan should have a schedule on routine tasks (mowing, cleaning) and a way to generate funding (an escrow account, other means) to pay for upgrades for non-routine maintenance tasks.
 - BB. Specifications. Specifications will be included as an attached document and/or on the plan sheet. If the specifications are a separate document, the plan set must reference the specifications in the General Notes on the Cover Sheet. Only include the notes that pertain to the plan. Specifications must be submitted at every submission for review. When changes are made, the revisions are to be highlighted immediately after the table of contents in their own revision box.
 - CC. Waiver of Standard Construction Plans. The Director of Public Works and/or their designee may waive certain requirements of the Construction Plan details. A waiver may only be requested prior to beginning (at rezoning and/or 1st submission) any project. The Town Manager will have the final decision on any waivers granted. Fees may be associated with the waiver.

2.45.3 Construction Plans for Single Lot Subdivisions

- A. Plan sheets are to be prepared for printing on 8.5" x 11.5" paper. Seal and dated signature of the Professional Engineer or Surveyor who prepared the plan shall appear on each sheet. For designs of pressurized pipelines, certification must be by a Professional Engineer registered in the Commonwealth of Virginia.
- B. The plans shall reflect all of the items listed in Section 2.2, Requirements for Construction Plans, unless otherwise waived by the Town Manager, Public Works Director and/or their selected representative.

2.45.4 Construction Plan Review

- A. The Zoning Administrator and Public Works Director shall review and act on all construction plan applications in consultation with the Technical Review Committee.
- B. The Town has 30 days to review the plans after receipt. Additional time may be required if outside agencies fail to provide comments within this time period.
- C. Any Federal, State or local permits that were not directly applied for to the Town, must be included in the submission package.
- D. In reviewing the application, the Town reserves the right to require such changes, as it may consider necessary to (a) meet the requirements of its standards, and (b) permit future extensions.

- E. Any changes will be marked on two (2) sets of submitted drawings and detailed on a comment sheet. One set will be returned (for correction) to the person or firm submitting the plans. The second set will be retained by the Town. Re-submittal will again require two (2) sets of drawings and a new comment/response sheet.
- F. When the plans are approved, they will be so stamped and returned. After completion of the project, one paper copy along with a digital data as set forth in Section 2.5
- G. Plans and specifications are valid for a period of two years from date of approval. If construction is not in progress at the end of this period, Town approval shall be void. Plans and specifications will then have to be submitted as a new project (if deemed necessary by the Town) and conform to the most current specifications.

2.45.5 Timing of Improvements

Except upon the written approval of the Zoning Administrator, no grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the Applicant has:

- A. Received the approval of the construction plans and all necessary development approvals from the Zoning Administrator, or
- B. Entered into a subdivision improvement guarantee with the Town of Strasburg or otherwise arranged for completion of all required improvements.

2.45.6 Modification of Construction Plans

All installations of improvements and all construction shall conform to the approved construction plans. If the Applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the Applicant's own risk, but only with the written approval of the Zoning Administrator or Director of Public Works. It shall be the responsibility of the Applicant to notify the Zoning Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, and such deviation was not approved in advance by the Zoning Administrator the Applicant may be required to correct the installed improvements to conform to the approved construction plans. In addition, the Zoning Administrator may take such other actions as may be deemed appropriate, including, but not limited to, revocation of development approvals already issued and/or withholding of future approvals and development approvals.

2.45.7 As-Built Drawings

- A. Submittal. Prior to final inspection of the required improvements, the Applicant shall submit to the Public Works Director one reproducible copy and two prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be recertified by the Applicant's professional engineer, indicating the date when the as-built survey was made.
- B. Sewer and Storm Drainage. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins, and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. No work shall be initiated relative to the preparation of land or the installation of general improvements until such time as all aspects of the Applicant's engineering plans and sedimentation control proposals have received approval.
- C. Water. As-built drawings shall depict water lines, valves, fire hydrants, and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and the location and description of valves with dimensional ties.

- D. Sidewalks. As-built drawings shall depict the location with respect to the street right-of-way, width, and vertical elevation.
- E. Control Points. As-built drawings shall show all control points and monumentation.

2.45.8 Inspection and Acceptance of Improvements

- A. Inspection Required. During the preparation of land and the installation of general improvements, periodic inspections shall be made to ensure conformity with the approved plans, specifications, and standards. Appropriate agencies of the Town of Strasburg may make inspections at any time during the progress of work. All improvements required by these regulations shall be inspected prior to acceptance by the Town of Strasburg. Where inspections are made by individuals or agencies, other than the Zoning Administrator, the Applicant shall provide the Zoning Administrator with written reports of each final inspection.
- B. Compliance with Standards. The Applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.
- C. Acceptance. Approval of the installation and construction of improvements by the Public Works Director shall not constitute acceptance by the Town of Strasburg of the improvement for dedication purposes. The installation of improvements in any subdivision shall in no case serve to bind the Town of Strasburg to accept such improvements for maintenance, repair, or operation thereof. Such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.
 - 1. The Town of Strasburg shall not have any responsibility with respect to any street or other improvement, notwithstanding the use of same by the public, unless the street or other improvements have been accepted.
 - 2. When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this UDO, and the Applicant has submitted as-built reproducible plans to the Public Works Director, the Public Works Director shall accept the improvements for maintenance by the Town of Strasburg, except that this shall not apply to improvements maintained by another entity.
 - 3. The provisions shall not relieve the Applicant or the Applicant's agent or contractor of any responsibility in notifying any agency for the Town of Strasburg of completed work and formal request for inspection of same. The approving authorities having jurisdiction shall inspect and approve all completed work prior to the release of any applied performance sureties.
- D. Site Cleanup. During and post-construction, the Applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way, or property therein or adjacent thereto within 30 days of receiving a Certificate of Occupancy, unless otherwise approved by the Zoning Administrator. Dumping of such debris into sewers, onto adjacent property, or onto other land in the Town of Strasburg is prohibited.
- E. Failure to Complete Improvements. If a subdivision improvement guarantee has been executed, and security has been posted and required public improvements are not installed pursuant to the terms of the agreement, the Zoning Administrator or Public Works Director may:
 - 1. Declare the agreement to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

2. Obtain funds pursuant to the surety and complete the public improvements by themselves or through a third party;
3. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's agreement to complete the required public improvements; and/or
4. Exercise any other rights available under the law.

2.46 Additional Public Works Submittals

Additional information may be required by the Public Works Director, dependent upon the intensity and location of a proposed development project.

2.46.1 Soils Report

A. Generally

1. Soils and geotechnical reviews as defined in this document are evaluations of local soil conditions, the potential effects those soil characteristics may have on the proposed development or land use, and the potential effect the proposed development activity and land use changes may have on the soils and associated landforms.
 2. The scope of a Soils Review is to provide detailed soil mapping for the subject study / review area. It is intended to verify and augment the detail of the most recent USGS Soil Survey and determine the general constraints related to the suitability of an area for some use or combination of uses.
 3. The Preliminary Soils Review must address the areas proposed for development and/or land disturbance. A separate Preliminary Soils Review shall be required prior to development and/or land disturbance of any areas of a given parcel or lot of record that were not included within a prior Preliminary Soils Review. Descriptions of soils and landscapes are appropriate for this review, which will rely heavily on a soils map and literature review, with site specific fieldwork to confirm published mapping or actual mapping of a tract of land.
 4. Field verification of the USGS soils map, or identification of required changes, must be conducted in accordance with the National Cooperative Soil Survey standards as set forth in the "National Soil Survey Handbook".
 5. The review report shall identify the mapping units as set forth in the Interpretative Guide to Soils Maps, discuss characteristics of the mapping unit, potential problems with proposed uses, and potential remedial actions, if available.
 6. The source of descriptions and their use potential ratings shall be documented, whether from a published report or actual field borings.
- B. Soils Map Certification. The purpose of the soils map certification is to serve as a screening mechanism to identify those tracts of land or building sites, or parts thereof, where Class III and/or Class IV soil classifications exist. To provide a soils map certification, the following criteria shall be followed:
1. The Applicant shall review the latest adopted USGS soils map for the subject tract to determine the existing soil conditions.

2. A note stating whether or not Class III and/or Class IV soils exist on the development site per the following:
The subject development site does (or does not) contain Class III and/or Class IV soils, per the latest USGS soils or per the approved Soils Review Investigation and Report.
 3. The Soils Review is to be prepared by or under the direction of a Virginia Certified Professional Soil Scientist (C.P.S.S.), Licensed Professional Engineer (P.E.) or Certified Professional Geologist (C.P.G.).
- C. Contents. The Soils Report must include the following:
1. Background of the site, location terrain, bedrock geology and associated surface materials
 2. Description of field methods and procedures
 3. Description of laboratory methods and procedures, if used.
 4. Scope of Project and Objectives
 5. Narrative of Standard Terminology
 6. A soils map of no smaller than 1:2400 scale (1inch = 200 feet)
 7. Topography with contours at 5 foot intervals
 8. Planimetric detail, including swamps, marshes, pond areas, buildings, roads, fences, utility structures, etc.
 9. General location of soil mapping units
 10. All supporting information, log books, field data and laboratory data
 11. General location of all borings and backhoe pits
 12. Descriptions of mapping units, including range in characteristics, slope, texture, color, structure, permeability, drainage, landscape position, parent material, presence of perched or ground water table, depth to rock and other site characteristics such as karst features, identified as Karst Sensitive Environmental Features.
- D. Recommendations/Conclusions. The following should be placed on the map and report, signed by the registered professional, and stating that:
- The field work verifying this soils map has been completed by a Virginia Certified Professional Soil Scientist, Engineer or Geologist. This report has been written by a Virginia Certified Professional Soil Scientist Engineer or Geologist. This report was developed for submission to the Town of Strasburg which shall be notified, in writing, of any changes (amendments) to this report.
- Signed _____ Date _____
 Certified Professional Soil Scientist/Geologist/Engineer
 Certification # _____
- E. Additional Soil Testing. The Town Manager, Director of Public Works and/or the designated representative may ask for additional soil testing, borings and reporting in areas known for geotechnical abnormalities and/or where public infrastructure is to be placed.

2.46.2 Environmental & Cultural Resource Existing Conditions Report

- A. An Environmental and Cultural Resource Existing Conditions Plat (“Existing Conditions Plat”) may be required. A preliminary sketch plan and narrative to provide an overview of the proposed development layout and plan shall accompany this Existing Conditions Plat. Both the preliminary sketch plan and Existing Conditions Plat shall be drawn at the same scale, preferably 1” equals 200’.
- B. The purpose of this Existing Conditions Plat is to determine the limits of environmentally sensitive and cultural resource areas within any properties prior to development of the property to promote conservation of the resources and the incorporation of the features into the development design. The Existing Conditions Plat shall be prepared using literature, data, Town and/or County generated maps to illustrate the existing environmental and cultural resources identified herein. This requirement does not release the Applicant from obtaining permits from the Army Corps of Engineers and the Virginia Department of Environmental Quality for disturbances in wetland areas.
- C. The Existing Conditions Plat shall identify and illustrate the location of environmental and cultural resources on the property and off-site 100 feet beyond the subject property boundary and shall be accompanied by a brief narrative description of the identified resources and the source of the information for each identified resource. The following are examples of such resources:
 - 1. A letter from the Virginia Department of Conservation and Recreation, Division of Natural Heritage identifying occurrences of natural heritage resources on the property such as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.
 - 2. Areas of forest or other vegetated cover as depicted in current aerial photographs.
 - 3. Floodplains, as depicted in National Flood Insurance Program (NFI), Shenandoah County mapping and/or an approved floodplain study.
 - 4. Archaeological sites, historic structures, cemeteries, historic districts, and historic landmarks as identified and specifically numbered in a letter from the Virginia Department of Historic Resources or as part of a Phase I archaeological survey.
 - 5. Known pollution sources (including without limitation dump sites, drainfields, buried fuel tanks, hazardous material storage facilities, solid and liquid disposal sites, etc.), wells and springs.
 - 6. Topography using 5 foot or lower contours, structures, foundations, and features such as sink holes, karst features, drainage channels, and water bodies.
 - 7. Soils and geologic information.
- D. A waiver may be granted if the property is undisturbed and records dating back to 1940 show no development or dumping and/or other pollution sources on the site. The Town Manager, Zoning Administrator and/or Director of Public Works have the right not to provide the wavier.

2.46.3 Erosion and Sediment Control Report

- A. The Town of Strasburg reserves the right to review all Erosion and Sediment Control Practices as proposed by the Applicant. The County of Shenandoah administers the plan and the construction activities of Erosion and Sediment Control.

- B. The plans shall follow the latest edition of the Virginia Erosion and Sediment Control Handbook.

2.46.4 Hydrology and Storm Water Management Report

- A. The Town of Strasburg reserves the right to review all Storm Water Management Practices as proposed by the Applicant. The County of Shenandoah will administer the plan and the construction activities of Storm Water Management after July 1, 2014.
- B. All hydrologic parameters shall be based on the current zoning or adopted planned land use for the watershed, whichever represents the most intense use. Adopted planned land use is defined as approved comprehensive plans, as amended, and/or zoning map, as amended.
- C. When a proposed residential, commercial, or industrial subdivisions shall apply storm water management criteria to the development project as a whole. Individual lots or parcels shall not be considered a single development project. Hydrologic parameters shall reflect the ultimate development and shall be used in all engineering calculations

2.46.5 Traffic Studies

- A. Daily Volume for traffic shall be computed using the latest edition of the Institute of Transportation Engineers Trip Generation Manual and VDOT Trip Generation Information. Calculations and worksheets from the calculated traffic shall be provided as part of the submission package prior to approval.
- B. Traffic studies shall be provided when the Average Daily Traffic (ADT) volume becomes greater than 50 trips per day. The traffic study must include the following information:
 - 1. Traffic counts are required on the adjacent roads and in the adjacent intersections beyond the project's frontage on adjacent roads in the study area. The AM/PM peak period traffic counts shall not be more than twelve (12) months old at the time of the application submission. Twenty-four hour weekday traffic counts or estimates are also required for roadway segments.
 - 2. Traffic Volume Projections. The traffic study shall include a build out year and provide existing and projected traffic volumes, with and without the subject project, for Average Daily Traffic, as well as AM and PM peak hours. The peak hour of the project/ individual land use(s) (as given in the ITE Trip Generation Report) should be added to the corresponding AM/PM existing peak hour of the adjacent roadway traffic volumes (to show the worst case scenario), if the peak hour of the project/individual land use(s) for the generator is greater than the peak hour of the adjacent roadway (per ITE Trip Generation Report). The existing peak hour of traffic on the roads adjacent to the subject project site shall be identified. These traffic volumes shall be provided at roadway intersections and commercial or private access-ways/entrances.
 - 3. LOS Analyses. Level of Service (LOS) calculations for existing and projected conditions, with and without the subject project, for highway segments, intersection legs, and entrances shall be provided. Calculations shall be in accordance with the Highway Capacity Manual (HCM) and/or the Highway Capacity Software (HCS), or as may be agreed at the scoping meeting. Traffic volumes and level of service information shall be provided for each phase of development, to include conditions at date of project completion. Projections shall also be made for date of completion plus ten (10) years or to an agreed upon forecast year if phasing of a project is to occur.
 - 4. Minimum Roadway/Intersection LOS Standards. Recommendations for phased improvements to the road network links in order to maintain an acceptable level of service (minimum LOS "D") shall be

provided. For each phase up to and including build-out, a minimum approach and overall LOS "D" at intersections shall apply.

5. Background Traffic Assumptions. Assumptions which determine projected background traffic, including through traffic growth rate to be applied on roadway links, shall be confirmed at the scoping meeting. The sources for determining future traffic projections will include one or more of the following:
 - (a) The Town of Strasburg Comprehensive Plan and the Community Plan or similar documents from the Town of Strasburg.
 - (b) Approved developments in the vicinity of the proposed development.
 - (c) Specific other approved development names and respective development square footage or residential units used in the study shall be provided.
 - (d) Traffic/Trip Distribution: Directional trip distribution information shall be provided for project entrances and collector and arterial intersections within the study area for the phases and categories (e.g., residential, office, retail, industrial and institutional) of development.
 - (e) LOS Calculation Assumptions: Traffic counts and level of service (LOS) worksheets and projected traffic volume level of service (LOS) analyses, using agreed upon analysis techniques, including existing AM/PM peak hour signal timing, shall be included as a part of the traffic study.
 - (f) Bicycle and pedestrian accommodations will not be accepted to reduce the anticipated traffic volume. A waiver may be requested, if it is shown that these facilities are accessible within 1/8th of a mile of a bicycle/pedestrian trail, shopping center and/or industrial/commercial center.
 - (g) VDOT connectivity requirements and location of stub out streets.

2.46.6 Extension of Public Facilities

- A. The Applicant, as referred to in this UDO, is the project's Applicant, owner or developer, with whom the Town of Strasburg will enter into agreement for the construction of public facilities. The term Applicant shall also be understood to include engineers, employees, agents, contractors, subcontractors, and vendors providing support to the project's owner. It is the prime responsibility of the Applicant to execute the project per the approved construction plans and specifications, and within the current guidelines and standards of federal, state, and local governing agencies.
- B. Applicants desiring public street access, water and/or sewerage service shall make application to the Town of Strasburg before starting construction of any facilities. The Applicant will be required to furnish, install and construct all proposed improvements. Upon completion of public improvements, the public improvements will be transferred to the Town of Strasburg, free of debts, liens and/or other legal encumbrances, for ownership, operation and maintenance. Facilities not complying with these standards will not be accepted and will not be supplied with water or sewer service until the deficiencies are corrected to the satisfaction of the Town of Strasburg.

2.46.7 Dedication of Utilities

- A. All utilities shall be dedicated to the Town. Said dedication shall be done in writing by:
 1. An Affidavit and Waiver of Lien declaring the cost of facilities installed, and

2. A Bill of Sale being duly recorded in the Shenandoah County Clerk's office.
- B. Acceptance of lines and appurtenances is subject to final inspection. Notice of Acceptance of facilities, as part of the Town's system, will be in writing to the Applicant by an authorized representative of the Town.
- C. A project will be accepted for ownership when:
1. All fees have been paid;
 2. The items on the Deficiency and Omissions list have been corrected;
 3. Any work that was accepted at substantial completion, but later damaged, has been repaired;
 4. The Town has received a copy of the recorded easements and/or pump station ownership plats;
 5. As-built information has been given to the Town's inspector;
 6. All fire hydrants have been painted their proper flow rating colors and flow data provided; and
 7. The Town signs the Applicant's *Affidavit and Waiver of Lien and Bill of Sale*.
- D. The Applicant will be responsible for any maintenance as a result of construction or material defects of said facilities for one year and one day from the date of final acceptance. This shall be provided as a written warranty, provided to the Town prior to final acceptance. Only upon the warranty and final acceptance of a project will a letter be generated for the Owner and Contractor.

2.46.8 Water Service Connection

- A. Applicant shall make a written request to the Director of Public Works for water service availability for a specific site within the Town of Strasburg. The written request for water availability shall include a detailed description of the proposed land use of the specific site and sketch, map or plat showing the specific site location. All communications and submissions by the Applicant and his Engineer shall be with and to the Town.
- B. The Town of Strasburg will make a written response to the Applicant.
- C. Applicant shall make a written application for a mainline extension from the Town. This written application shall include:
1. The legal name and address of the entity to execute the agreement;
 2. The name of the proposed subdivision or land development to be covered by the agreement;
 3. A site map showing the location of the proposed project;
 4. The estimated type and number of units to be served;
 5. The estimated average daily water demand for the proposed project; and
 6. The estimated length by size of water mains to be installed in the project.
- D. Applicant designs Project and submits construction documents with supporting data to the Director of Public Works for approval.
- E. The Director of Public Works reviews design of Project and construction documents and approves same for construction. The Town of Strasburg review comments will be transmitted to the Applicant.

- F. Applicant secures all needed permits based upon construction documents approved by the Director of Public Works. All permits must be in the possession of the Contractor before construction may begin.
- G. Applicant furnishes the Town with needed Vendor Certificate of Compliance or shop drawings, materials billings and materials certifications. Following the notice to construct from the Town, the Applicant constructs the project.
- H. Following construction, all mainline extensions shall be pressure tested, disinfected and flushed as stated in the Technical Design Manual, before connection to the Town's existing distribution system. Cross-connections in any form are prohibited.
- I. Applicant shall prepare and deliver the "Record Drawings" to the Director of Public Works. Record Drawings shall include, plat information of the property, survey location of all utility lines and the structure. The document shall be submitted to the Director of Public Works in an electronic and one (1) paper copy format as required by the Director of Public Works.
- J. Applicant shall deliver executed copies of all easements of the mainline extension to the Town.
- K. The Town will conduct a review of completed construction, and with all needed documentation in hand, will issue a Certificate of Substantial Completion for the mainline extension.

2.46.9 Sewer Service Connection

- A. Applicant shall make a written request to the Director of Public Works for sewer service availability for a specific site within the Town of Strasburg. The written request for water availability shall include a detailed description of the proposed land use of the specific site and sketch, map or plat showing the specific site location. All communications and submissions by the Applicant shall be with and to the Director of Public Works.
- B. The Director of Public Works will make a written response to the Applicant.
- C. Should the Applicant desire to pursue the proposed project further, Applicant shall purchase a copy of the Town's Technical Design Manual (TDM). The fee charged for the TDM will be the cost of printing and binding the document.
- D. Applicant shall make a written application for a mainline extension from the Director of Public Works. This written application shall include:
 - 1. The legal name and address of the entity to execute the agreement;
 - 2. The name of the proposed subdivision or land development to be covered by the agreement;
 - 3. A site map showing the location of the proposed project;
 - 4. The estimated type and number of units to be served;
 - 5. The estimated average daily water demand for the proposed project; and
 - 6. The estimated length by size of water mains to be installed in the project.
- E. Applicant designs Project and submits construction documents with supporting data to the Director of Public Works for approval.

- F. The Town reviews design of Project and construction documents and approves same for construction. The Town of Strasburg review comments will be transmitted to the Applicant.
- G. Applicant secures all needed permits based upon Town approved construction documents. All permits must be in the possession of the Contractor before construction may begin.
- H. Applicant furnishes the Director of Public Works with needed Vendor Certificate of Compliance or shop drawings, materials billings and materials certifications. Following the notice to construct from the Director of Public Works, the Applicant constructs the project.
- I. Following construction, all mainline extensions shall be video inspected, smoke tested disinfected as stated in these standards and specifications, before connection to the Town's existing distribution system.
- J. Applicant shall prepare and deliver the "Record Drawings" to the Director of Public Works. Record Drawings shall include, plat information of the property, survey location of all utility lines and the structure. The document shall be submitted to the Director of Public Works in an electronic and 1 paper copy format.
- K. Applicant shall deliver executed copies of all easements of the mainline extension to the Director of Public Works.
- L. The Director of Public Works will conduct a review of completed construction, and with all needed documentation in hand, will issue a Certificate of Substantial Completion for the mainline extension.

2.46.10 Drainage Plan

- A. If proposed land work significantly impacts drainage; cost for enlarging drains. Should the Public Works Director determine that the proposed land work significantly impacts the drainage and requires the Town drains be enlarged in any way, the Public Works Director shall estimate the total cost of same including a cost for engineering and prorated by percentage of increased drainage used by Applicant. Upon payment of such cost to the Town, the Public Works Director shall issue a Public Works Permit. Should Applicant disagree, these figures shall be submitted to the Town Council for their decision as to:
 1. If Applicant should be required to pay any fee;
 2. The amount of the fee that should be paid to the Town to offset the impact of such Town drainage;
 3. If additional drainage capacity is provided in enlarging the drainage system, that any other developers/builders in the area shall also pay a percentage based on the increased drainage used by them.
- B. Appeals to Circuit Court. Should Applicant be aggrieved by the decision of the Town Council, the Applicant may appeal such decision to the Circuit Court of the County in the time and manner provided by law.

2.47 Lot Split / Lot Consolidation/ Boundary Line Adjustment (BLA)

2.47.1 Standards

- A. Upon request of the property owner, a previously established or platted lot may be split, consolidated with other platted lots, or BLA by either metes and bounds description or by replat when, in the opinion of Zoning Administrator, such action is in keeping with the intent of these rules and regulations and size of the zoned property, and when approval of the action will provide for a development, the character of which will be conformable with the existing platting and development, in the general neighborhood of the proposed action.

- B. A property being considered for a lot split may only be divided one time, may have only one new dividing line, cannot involve more than one new lot division, the property cannot have been involved in a previous lot split allowed by these provisions, and only two parcels of land may be the result of this process.
- C. If such a division of land is approved, such lot split need not comply with procedures set forth in these subdivision regulations. The division of a parcel of land that does not meet the provisions for a lot split shall be considered a new subdivision and shall be subject to all procedures set forth in this UDO.
- D. In all cases, the lots proposed to be so produced by a lot split, lot consolidation, or BLA shall be reviewed by the Zoning Administrator and shall only be approved upon finding that the ensuing lots conform to all minimum standards of these regulations and all applicable municipal code of the Town of Strasburg, Virginia, are legal lots of record, substantially conform with any relevant recorded plat, and will not result in any increased expense or liability exposure to the Town.

2.48 Vacation of Street, Easements or Plats

2.48.1 Applicability

The provisions of this section establish a process for approving the elimination of a plat, in whole or in part. The record owners of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for in the original plat. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

2.48.2 Initiation

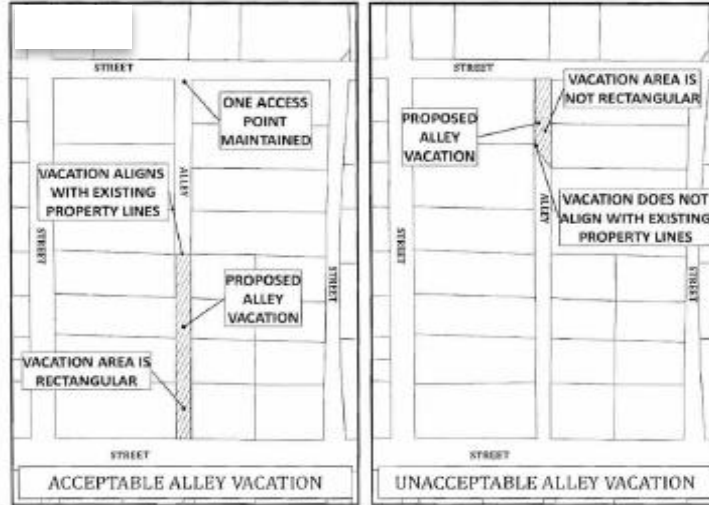
The Applicant shall initiate a plat vacation by filing a petition and declaration with the Zoning Administrator to vacate the plat with respect to their properties. If the Applicant so desires, the vacating declaration and an application requesting re-subdivision of the plat may be filed and processed simultaneously. The filing fee shall not be required if the vacating declaration is filed and processed simultaneously with a re-subdivision plat.

2.48.3 Vacation of Public Rights-Of-Way

- A. General. In accordance with the Code of Virginia, § 15.2-2006, public rights-of-way may be altered or vacated with the approval of the Town Council. Prior to making a motion to alter or vacate a public right-of-way, the Town Council shall hold a public hearing.
- B. Initiation. An alteration or vacation of a public right-of-way shall be initiated by the Town or by application submitted by any person. All applications for an alteration or vacation shall be submitted with the following:
 1. A title report from a licensed attorney that identifies current adjoining landowners; and
 2. A survey prepared by a licensed land surveyor identifying the land to be vacated or altered. The Applicant shall be responsible for the cost of the preparation of a title report and survey.
- C. Public alley. If the alteration or vacation involves a public alley and all adjacent owners do not sign a statement in support of the proposal, then a partial alley vacation shall be permitted provided that the following standards are met, as shown in Exhibit 2G:
 1. At least one access point is provided to the alley from a public street; and
 2. The area to be vacated is generally rectangular in shape with all sides aligning with existing property lines.

3. A deviation to this requirement may be granted if the distance the property lines are offset does not exceed ten percent of the width of the widest lot.

Exhibit 2G: Alley Vacations



- D. Notice required. The Town Council shall not make a motion to alter or vacate a public right-of-way unless notice of a public hearing has been provided in accordance with the Code of Virginia, § 15.2-2006. Notice shall be published twice in a newspaper of general circulation, with at least six days elapsing between each publication. The notice shall specify the time and place of the hearing at which persons affected may appear and be heard. If the alteration or vacation is initiated by application, the expense of providing notice of a public hearing shall be borne by the Applicant.
- E. Sale of right-of-way.
 1. As permitted in the Code of Virginia, § 15.2-2008, the Town may require that vacated right-of-way be purchased by the benefitting property owner. If the vacation involves a public alley, no payment shall be required from the owner(s) benefitting from the vacation. For purposes of this section, an alley shall be defined as a public right-of-way that generally runs parallel to the side or rear of a lot and provides secondary access to real property, or is designated as an alley on any plat of record. If the vacation does not involve a public alley, then payment for vacated right-of-way shall be calculated as follows:

Value of Proposed Vacation Based On Average Per Square-Foot Assessment of All Abutting Properties	Payment Required	Payment Amount
\$0 to \$999	No	N/A
\$1,000 to \$4,999	Yes	Based on average per square-foot assessment of all abutting properties
\$5,000 and greater	Yes	Based on value determined by a professional appraisal to be paid for by the Applicant

2. The proposed vacation shall not be completed until the agreed price has been paid in full.
3. Recording. A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the Town.
4. Appeal. Any appeal shall be filed with the circuit court within 60 days of adoption of the ordinance of alteration/vacation.

2.48.4 **Completeness Review**

The Zoning Administrator shall review an application for a vacation for completeness.

2.48.5 **Decision and Approval**

- A. The petition may be approved, conditionally approved, or disapproved by the Town Council.
- B. Approval Criteria. The Town Council shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare. The Zoning Administrator shall not approve a petition for vacation if:
 1. It will materially injure the rights of any non-consenting property owner or any public rights in public improvements, unless expressly agreed to by the agency with jurisdiction over the improvements; or
 2. The plat vacation would cause block lengths to exceed the maximum established herein.
- C. Scope of Approval. On the execution and recording of the vacating instrument, the vacated plat has no effect. A plat may be re-subdivided upon vacation of the original plat. The re-subdivision of the land covered by a plat that is vacated shall be platted in the same manner as is prescribed by this UDO for an original plat. In addition, a copy of the vacating declaration form shall be submitted with the re-subdivision plat.
- D. Recording Procedures. The Clerk of the Court for Shenandoah County shall write legibly on the vacated plat the word "vacated," and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

CHAPTER 3. ZONING DISTRICTS

3.1 Purpose and Findings

It is the intent and purpose of this Chapter to establish and adopt zoning districts to govern the Use of land in the Town.

3.2 Overview and Applicability

This Chapter of the UDO establishes base and overlay zoning districts; the official zoning map, as well as the rules for its maintenance, amendment, interpretation and replacement; the use matrix, which identifies the land uses and the types of approvals required for each authorized land use; and the rules for interpretation of the use matrix.

3.3 Use and District and Development Standards

- A. It is the Applicant's responsibility to comply with all regulatory requirements.
- B. The use of buildings and land within the Town of Strasburg is subject to all regulations contained within this UDO.
- C. References to regulations outside of the UDO or provisions within the UDO are for the convenience of the reader. Specific standards can be found as follows:
 1. Density, Intensity and Dimensional Standards are identified in this Chapter.
 2. Development and Design Standards are identified in Chapter 4;
 3. Regulations applicable to Specific Uses are identified in Chapter 6; and
 4. Technical design and construction standards are identified in the Technical Design Manual.
- D. The lack of a cross-reference in this UDO does not exempt a land, building, structure, or use from other regulations or provisions.

3.4 Establishment of Zoning Districts

The following zoning districts are declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Official Zoning Map. After adoption of the UDO, amendments to the Zoning Map shall be made by Plat, legal description or metes and bounds description, which shall be the best evidence of the boundaries, amended or created, and shall control unless a scrivener's or other error in such plat or description is manifestly contrary to the intent of the amending ordinance.

3.4.1 Base Districts

The following Base Districts are established.

- A. Residential
 1. Agriculture/Rural Residential (AG/RR)
 2. Estate Residential (ER)
 3. Low Density Residential (LDR)

- 4. Medium Density Residential (MDR)
- 5. Multi-Family Residential (MFR)
- B. Non-Residential or Mixed Use
 - 1. Community Commercial (CC)
 - 2. Highway Commercial (HC)
 - 3. Business Park/Limited Industrial (BP/LI)
- C. Planned Development (PD)

3.4.2 **Overlay Districts**

The following overlay districts are established. The uses allowable by the underlying zoning district shall apply, except as limited by the use requirements of the overlay district.

- A. Historic District (HD) Overlay District
- B. Entrance Corridor (EC) Overlay District
- C. Floodplain Protection (FP) Overlay District

3.4.3 **Floating District**

A floating Medical and Institutional Care District is established. This floating district is available through rezoning to any parcel of property which satisfies the requirements of this UDO and is compatible with adjacent uses and zoning districts.

- A. Medical and Institutional Care District (MICD)

3.5 **Zoning Map**

3.5.1 **Establishment, Amendment and Maintenance of the Official Zoning Map**

- A. There shall be a map designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's Planning Jurisdiction. This map shall be stored on the Town's geographic information system (GIS) and printed on durable material. Prints shall be dated and kept in the Planning and Zoning Department office.
- B. The Official Zoning Map is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with the provisions of Chapter 2 of this UDO.
- C. The Zoning Administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendment on the map, the Zoning Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued. The Planning and Zoning Department shall keep copies of superseded prints of the zoning map for historical reference.
- D. No unauthorized person may alter or modify the Official Zoning Map.
- E. GIS records shall indicate the zoning designation, the number and date of the ordinance creating the designation and, where a conditional zoning district is established, the conditions of that rezoning. GIS records shall maintain the zoning history.

- F. Should the Official Zoning Map be lost, destroyed or damaged, the Zoning Administrator may have a new map generated from the most reliable available data. No further Council authorization or action is required so long as no district boundaries are changed in this process.

3.5.2 Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of districts shown on the Zoning Map or any other map incorporated in or referenced by the UDO, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the Town Council, the boundary shall be construed to follow the centerline of the vacated right-of-way.
- B. Boundaries indicated as approximately following platted Lot lines, Section lines or Tract lines shall be construed to follow such lines.
- C. Boundaries indicated as approximately following Town limit lines shall be construed to follow such Town limit lines.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to features described in paragraphs (A) through (F) above shall be construed as parallel to such features at the distance from the feature indicated on the Zoning Map. If a distance is not indicated on the Zoning Map, the distance shall be determined by the scale of the map.
- G. Where interpretation is needed as to the exact location of boundaries of any mapped area, the Zoning Administrator shall make the necessary interpretation.

3.5.3 Parcels Divided by District Lines

- A. Whenever a single Parcel of two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire Lot.
- B. Whenever a single Lot greater than two (2) acres in size is located within two (2) or more different zoning districts, then:
 - 1. If each portion of the Lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the Lot shall be subject to all regulations applicable to the district in which it is located.
 - 2. If any portion of the Lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

3.6 Zoning District Use Matrices and Interpretation

3.6.1 Table of Authorized Uses Established

The zoning district use matrices, as shown in this Chapter, list the uses allowed within zoning. Function codes based on the Land Based Classification Standards (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDO. A copy of the most current LBCS Report is maintained in the Planning and Zoning Department.

- A. **LBCS Hierarchy.** The LBCS function codes establish a four-digit hierarchy of uses with digits to the right expressing greater specificity. Where no entry appears in the zoning district columns (for example 1000, 1100 and 1110), the uses described more specifically in the rows below (1111 and 1112 in the above example) indicate whether or not a specific use is authorized. Where an entry appears in the zoning district columns for a general use (for example 2520) and also for a more specific use (for example 2521) within the same classification, the more specific code and its entry shall govern.
- B. **Permitted Uses.** A “P” indicates the listed use is allowed by right within the respective zoning district, but may be subject to issuance of an Administrative Permit, to be provided by the Zoning administrator, in accordance with the procedures and/or additional conditions established in this UDO.
- C. **Uses Permitted by Special Use Permit.** An “SUP” indicates the listed use is allowed within the respective zoning district only after approval of a Special Use Permit by the Town Council in accordance with the procedures established in Chapter 2.
- D. **Accessory Uses.** An “A” indicates that the use is allowed as an accessory use.
- E. A composite use matrix is provided in **Appendix A**. It is provided for advisory purposes only. Individual zoning district use matrices are the controlling lists of uses.

3.6.2 Interpretation of Use Matrices

- A. ***Uses Not Specifically Listed.*** In the case where a use is not listed in the use matrix, either as a specific LBCS classification or as an example, and such use is not otherwise prohibited by law, the Zoning Administrator shall determine whether a substantially similar use exists in the use matrix. If the Zoning Administrator determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the determination, the Zoning Administrator shall endeavor to maintain the national standardization of the LBCS while addressing the Town’s particular needs for zoning and land use classification, and shall refer to the following rules of construction:
 1. If a use is listed for a general classification while a more specific classification within the same industry classification is also listed, the specific classification shall govern.
 2. The presumption established by this Chapter is that most uses of land are permissible within at least one zoning district in the Town's planning jurisdiction. Therefore, because the list of permissible uses set forth in the Use Matrix cannot be all-inclusive; those uses that are listed may be interpreted liberally by the Zoning Administrator to include other uses that have similar impacts to the listed uses.
 3. If a use cannot be interpreted by the Zoning Administrator for inclusion in the Use Matrix that use shall be prohibited. The Use Matrix shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

4. If the Zoning Administrator determines that the LBCS Tables do not address the use at the appropriate level of specificity, then the North American Industry Classification System (NAICS), 2007 or latest edition, should be used for additional guidance.
5. If, when seeking periodic ratification of interpretations through text amendment to this UDO, the Zoning Administrator’s interpretation is reversed by action of the BZA, then decisions regarding a development application made in reliance on the Zoning Administrator’s interpretation shall be valid, except that nonconforming use regulations of this UDO shall apply.

3.7 Agriculture (AG) / Rural Residential (RR)

3.7.1 Purpose

This district is composed of areas which are used predominantly for agriculture or forestry, rural residential uses or are open space areas. The regulations for this district are designed to protect and conserve the essential characteristics of agricultural and rural lifestyles; to conserve water and other natural resources; protect watersheds; to reduce soil erosion; prevent flood and fire hazards; and to facilitate existing and future agricultural and forestal operations. Intense usage is usually premature and, at times, undesirable in these districts due to a lack of adequate utility services or transportation. It is possible that some lots within this district will be changed to more intense uses as utility services are extended or undeveloped areas in districts zoned for more intense uses become in short supply. Uses within this district are mostly related to farming or semi-urban functions and are not necessarily compatible with higher density development. This district also provides for the reasonable and orderly interim regulation of use and development of land annexed into the Town, and having County zoning, and for which the AG/RR zoning is considered a holding zone until a development proposal application is submitted by an Applicant.

3.7.2 Density, Intensity and Dimensional Standards

A. AG/RR District Lot Development Standards

Development Element	Standard
Lot Size (minimum)	3 ac.
Front Yard Setback (minimum, from right-of-way if ROW is 50’ or more)	75’
Front Yard Setback (minimum, from centerline if ROW is less than 50’)	95’
Side Yard Setback (minimum, from lot line)	12’
Side Yard Setback (minimum, from right-of-way if ROW is 50’ or more)	25’
Side Yard Setback (minimum, from centerline if ROW is less than 50’)	45’
Rear Yard Setback (minimum, from lot line)	25’
Frontage (minimum)	200’
Lot Depth Ratio	3.5
Building Height (maximum)	35’
Lot Coverage (maximum)	30%

B. Other District Standards

1. There are no height restrictions for buildings used exclusively for agricultural purposes.

- C. Newly Annexed Territory. All annexation of land to the Town shall be zoned as Agriculture unless otherwise classified by the Town Council, for a period of time not to exceed one year from the effective date of the ordinance annexing said property. Within this one year period of time, the Town Council shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexed area to promote the general welfare, and upon receipt of such recommendations the Town Council shall establish the district classification of said property; provided, however, that this shall not be construed as preventing said Board from establishing the district classification at the time of said annexation.

3.7.3 AG/RR Use Matrix

Land Use	LBCS Code	AG/RR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Single-family detached dwelling	1110	P
Type A single-family manufactured home	1113	P
Type B single-family manufactured home	1114	P
Type C single-family manufactured home	1115	SUP
Manufactured home park	1116	SUP
Accessory dwelling	1130	SUP
Assisted-living board and care and adult care group homes	1230	P
Continuing care retirement center (PD zoning required)	1240	SUP
Nursing or convalescent home	1250	SUP
Bed and breakfast home	1311	P
Bed and breakfast inn	1312	P
GENERAL SALES OR SERVICES	2000	
Markets for farm produce or crafts	2199	P
Animal and pet services and kennels	2720	SUP
Animal services	2720	SUP
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Towers and antennas	4233	SUP
Telephone and other wired telecommunications	4234	P
Service distribution lines	4300	P
Natural gas service	4329	P
Drinking water	4331	SUP
Water service	4339	P
Wastewater treatment plants	4348	SUP
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Public golf course	5351	P
Private golf course	5352	P
Golf course resort	5353	SUP
Public recreation facilities	5370	P

Land Use	LBCS Code	AG/RR
Horse riding stables	5373	P
Camps, camping, and related establishments such as trailer parks	5400	SUP
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	P
Grade school	6120	P
Elementary	6121	P
Middle or junior	6122	P
Senior or high	6123	P
Special needs education services	6125	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Nursing, supervision and other rehabilitative services, except	6520	SUP
Child daycare	6562	SUP
Small religious institution	6600	P
Large religious institution	6600	P
Civic, social, or fraternal organization	6830	SUP
MINING AND EXTRACTION ESTABLISHMENTS	8000	
Oil and natural gas	8100	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Crop production	9100	P
Outdoor production	9110	P
Greenhouse production	9140	P
Greenhouse - no on-premises sales	9141	P
Greenhouse - sales of products grown on premises	9142	P
Greenhouse - sales of products and related accessory products	9143	P
Support functions for agriculture	9200	P
Animal production	9300	P
Cattle ranch	9310	P
Dairy cattle	9320	P
Hog farm	9330	P
Poultry and egg production	9340	P
Sheep and goats	9350	P
Fish	9360	P
All other animals	9370	P
Bees	9371	P
Horses	9372	P

Land Use	LBCS Code	AG/RR
Fur-bearing	9373	P
Support functions	9380	P
Forestry and logging	9400	P
Fishing, hunting and trapping	9500	P
Special events	9910	P
Temporary uses	9920	P
Home occupations	9950	P
Cemetery accessory to religious institution		SUP
Free-standing cemetery		SUP

3.8 Estate Residential (ER) District

3.8.1 Purpose

This district is composed of areas which are used predominantly for large lot single family dwellings or open space plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to protect and conserve the essential characteristics of a rural lifestyle; to conserve water and other natural resources; protect watersheds; to reduce soil erosion; prevent flood and fire hazards. The ER District allows some agricultural uses as primary uses and most agricultural uses are permissible as accessory uses. This district should generally be compatible with agricultural operations.

3.8.2 Density, Intensity and Dimensional Standards

A. ER District Lot Development Standards

Development Element	Standard
Lot Size (minimum)	60,000 sf
Front Yard Setback (minimum, from right-of-way)	50'
Side Yard Setback (minimum, from lot line)	40'
Side Yard Setback (minimum, from right-of-way)	45'
Rear Yard Setback (minimum, from lot line)	60'
Frontage (minimum)	200'
Building Height (maximum)	35'
Lot Coverage (maximum)	30%

B. Other District Standards

1. No accessory structure shall be located closer than 20 feet to a residential district for a side yard.
2. No accessory structure shall be located closer than 25 feet to a residential district for a rear yard.

3.8.3 ER Use Matrix

Land Use	LBCS Code	ER
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Single-family detached dwelling	1110	P
Type A single-family manufactured home	1113	P
Type B single-family manufactured home	1114	P
Manufactured home park	1116	SUP
Accessory dwelling	1130	SUP
Assisted-living board and care and adult care group homes	1230	P
Continuing care retirement center (PD zoning required)	1240	SUP
Nursing or convalescent home	1250	SUP
Bed and breakfast home	1311	SUP
Bed and breakfast inn	1312	SUP
GENERAL SALES OR SERVICES	2000	
Markets for farm produce or crafts	2199	P
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Towers and antennas	4233	SUP
Telephone and other wired telecommunications	4234	P
Service distribution lines	4300	P
Natural gas service	4329	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Public golf course	5351	P
Private golf course	5352	P
Golf course resort	5353	SUP
Public recreation facilities	5370	P
Horse riding stables	5373	P
Camps, camping, and related establishments such as trailer parks	5400	SUP
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	P
Grade school	6120	P
Elementary	6121	P
Middle or junior	6122	P
Senior or high	6123	P
Special needs education services	6125	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P

Land Use	LBCS Code	ER
Nursing, supervision and other rehabilitative services, except	6520	SUP
Child daycare	6562	SUP
Small religious institution	6600	P
Large religious institution	6600	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Outdoor production	9110	P
Greenhouse - no on-premises sales	9141	P
Greenhouse - sales of products grown on premises	9142	P
Bees	9371	P
Special events	9910	P
Temporary uses	9920	P
Home occupations	9950	P
Cemetery accessory to religious institution		SUP
Free-standing cemetery		SUP

3.9 Low Density Residential (LDR) District

3.9.1 Purpose

This district is composed of low-density residential uses which are interspersed with undeveloped open areas. The regulations of this district are intended to preserve the existing scale, design and character of neighborhood development in the Town, and discourage traditional urban-scale development that requires major utility and street improvements. The regulations for this district are designed to stabilize and protect the Town’s essential characteristics and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for community life. To these ends, this district is protected against encroachment of high-density residential or commercial or industrial uses.

3.9.2 Density, Intensity and Dimensional Standards

A. LDR District Lot Development Standards

Development Element	Standard
Lot Size (minimum, water and sewer available)	12,500 sf
Lot Size (minimum, water or sewer not available)	30,000 sf
Front Yard Setback (minimum, from right-of-way)	35’
Side Yard Setback (minimum, from lot line)	10’
Side Yard Setback (minimum, from right-of-way)	25’
Rear Yard Setback (minimum, from lot line)	25’
Frontage (minimum)	100’
Building Height (maximum)	35’
Lot Coverage (maximum)	25%

B. Other District Standards

1. No building need be set back more than the average of the setbacks of other immediately adjacent structures on either side. A vacant lot 50 feet or more in width shall be assumed to be occupied by a building housing a minimum front yard setback.
2. When ten or more single-family lots are to be created, the Planning Commission may approve a variation in the frontage requirements and lot size requirements for individual lots of up to 15% to account for difficult topography, provided that the average of the frontages and lot sizes meets the minimum requirements, and that the total square footage of all lots equals the total minimum required for the number of lots proposed.

3.9.3 LDR Use Matrix

Land Use	LBCS Code	LDR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Single-family detached dwelling	1110	P
Type A single-family manufactured home	1113	P
Accessory dwelling	1130	SUP
Assisted-living board and care and adult care group homes	1230	P
Continuing care retirement center (PD zoning required)	1240	SUP
Nursing or convalescent home	1250	SUP
Bed and breakfast home	1311	SUP
Bed and breakfast inn	1312	SUP
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Towers and antennas	4233	SUP
Telephone and other wired telecommunications	4234	P
Service distribution lines	4300	P
Natural gas service	4329	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Public golf course	5351	P
Private golf course	5352	P
Golf course resort	5353	SUP
Public recreation facilities	5370	P
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	P
Grade school	6120	P
Elementary	6121	P
Middle or junior	6122	P
Senior or high	6123	P
Special needs education services	6125	P
Public safety	6400	P
Fire and rescue	6410	P

Land Use	LBCS Code	LDR
Police	6420	P
Emergency response	6430	P
Child daycare	6562	SUP
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Bees	9371	P
Special events	9910	P
Temporary uses	9920	P
Home occupations	9950	P

3.10 Medium Density Residential (MDR) District

3.10.1 Purpose

This district is composed of certain moderate density residential uses, and is established as a district in which to allow medium density single-family detached and attached dwellings. Multi-family dwellings and apartments may be permitted if designed to be compatible with single-family neighborhoods. The regulations of this district are intended to: preserve existing single-family residential neighborhoods that have developed at a medium-density and encourage new residential development that is compatible with existing neighborhoods.

3.10.2 Density, Intensity and Dimensional Standards

A. MDR District Lot Development Standards

	Single-Family Detached	Duplex	Townhouse
Lot Size (minimum)	6,250 sf	10,890 sf	21,780 sf
Density	7 DU/ac	8 DU/ac	12 DU/ac
Front Yard Setback (minimum, from right-of-way)	25'	25'	30'
Side Yard Setback (minimum, from lot line)	10'	10'	20' (may be reduced to 10' for interior lot lines)
Side Yard Setback (minimum, from right-of-way)	25'	25'	30'
Rear Yard Setback (minimum, from lot line)	25'	25'	30'
Frontage, at Setback (minimum)	50'	75'	150'
Frontage, at ROW (minimum)	25'		
Building Height (maximum)	35'		
Lot Coverage (maximum)	30%		

B. Other District Standards

1. Townhouses shall comply with Townhouse standards identified in Chapter 6.
2. No building need be set back more than the average of the setbacks of other immediately adjacent structures on either side. A vacant lot 50 feet or more in width shall be assumed to be occupied by a building housing a minimum front yard setback.
3. No accessory building may be closer than five feet to any property line.
4. Building height.
 - (a) The height limit for structures may be increased up to 45 feet and up to three stories, provided each side yard is ten feet plus one foot of side yard for each additional foot of building height over 35 feet.
 - (b) A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that front, side, and rear yards are increased one foot for each foot in height over 35 feet.
 - (c) No accessory building shall exceed the main building in height.
5. Special Lot Frontage and Area Provisions. When ten or more single-family lots are to be created, the Planning Commission may approve a variation in the frontage requirements and lot size requirements for individual lots of 15% to account for difficult topography, if:
 - (a) The average of the frontages and lot sizes meets the minimum requirements; and
 - (b) The total square footage of all lots equals the total minimum required for the number of lots proposed.
6. Before a Zoning Permit shall be issued or construction commenced on any permitted uses except for single-family dwellings, or a permit issued for a new use, detailed Site Plans shall be submitted in conformance with this UDO.

3.10.3 MDR Use Matrix

Land Use	LBCS Code	MDR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Single-family detached dwelling	1110	P
Single-family attached dwelling	1112	P
Type A single-family manufactured home	1113	P
Two-family	1120	P
Accessory dwelling	1130	SUP
Townhouses	1140	P
Multi-family	1200	SUP
Retirement housing services	1210	P
Congregate living services	1220	P
Assisted-living board and care and adult care group homes	1230	P
Continuing care retirement center (PD zoning required)	1240	SUP
Nursing or convalescent home	1250	SUP
Bed and breakfast home	1311	SUP

Land Use	LBCS Code	MDR
Bed and breakfast inn	1312	SUP
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Towers and antennas	4233	SUP
Telephone and other wired telecommunications	4234	P
Service distribution lines	4300	P
Natural gas service	4329	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Public golf course	5351	P
Private golf course	5352	P
Golf course resort	5353	SUP
Public recreation facilities	5370	P
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	P
Grade school	6120	P
Elementary	6121	P
Middle or junior	6122	P
Senior or high	6123	P
Special needs education services	6125	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Child daycare	6562	SUP
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Bees	9371	P
Special events	9910	P
Temporary uses	9920	P
Home occupations	9950	P

3.11 Multi-Family Residential (MFR) District

3.11.1 Purpose

This district is intended to accommodate single-family attached dwellings and multi-family dwellings in proximity to principal areas of commercial activity and with available and adequate access to major thoroughfares. These neighborhoods also serve as transitions between lower density residential uses and higher density residential uses or non-residential development.

3.11.2 Density, Intensity and Dimensional Standards

A. MFR Lot Development Standards

	Single-Family Detached	Duplex	Townhouse	Multi-Family
Lot Size (minimum)	6,250 sf	10,890 sf	21,780 sf	21,780 sf
Density	7 DU/ac	8 DU/ac	12 DU/ac	12 DU/ac
Front Yard Setback (minimum, from right-of-way)	25'	25'	30'	30'
Side Yard Setback (minimum, from lot line / internal)	10'	10'	20' (may be reduced to 10' for interior lot lines)	20' (may be reduced to 10' for interior lot lines)
Side Yard Setback (minimum, from right-of-way)	25'	25'	25'	25'
Rear Yard Setback (minimum, from lot line)	25'	25'	35'	35'
Frontage, at Setback (minimum)	50'	75'	150'	100'
Frontage, at ROW (minimum)	25'			
Building Height (maximum)	35'			
Lot Coverage (maximum)	30%			

B. Other District Standards

1. Townhouses and multi-family structures shall comply with development-specific standards identified in Chapter 6.
2. No building need be set back more than the average of the setbacks of other immediately adjacent structures on either side. A vacant lot 50 feet or more in width shall be assumed to be occupied by a building housing a minimum front yard setback.
3. Building height.
 - (a) The height limit for structures may be increased up to 45 feet and up to three stories, provided each side yard is ten feet plus one foot of side yard for each additional foot of building height over 35 feet.
 - (b) A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that front, side, and rear yards are increased one foot for each foot in height over 35 feet.
 - (c) No accessory building shall exceed the main building in height.
4. No accessory building may be closer than five feet to any property line.

5. Special Lot Frontage and Area Provisions. When ten or more single-family lots are to be created, the Planning Commission may approve a variation in the frontage requirements and lot size requirements for individual lots of 15% to account for difficult topography, if:
 - (a) The average of the frontages and lot sizes meets the minimum requirements; and
 - (b) The total square footage of all lots equals the total minimum required for the number of lots proposed.

6. Before Zoning Permit shall be issued or construction commenced on any permitted uses except for single-family dwellings, or a permit issued for a new use, detailed Site Plans shall be submitted in conformance with this UDO.

3.11.3 MFR Use Matrix

Land Use	LBCS Code	MFR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Single-family detached dwelling	1110	P
Single-family attached dwelling	1112	P
Type A single-family manufactured home	1113	P
Two-family	1120	P
Accessory dwelling	1130	SUP
Townhouses	1140	P
Multi-family	1200	P
Retirement housing services	1210	P
Congregate living services	1220	P
Assisted-living board and care and adult care group homes	1230	P
Continuing care retirement center (PD zoning required)	1240	SUP
Nursing or convalescent home	1250	SUP
Bed and breakfast home	1311	SUP
Bed and breakfast inn	1312	SUP
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Towers and antennas	4233	SUP
Telephone and other wired telecommunications	4234	P
Service distribution lines	4300	P
Natural gas service	4329	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Public golf course	5351	P
Private golf course	5352	P
Golf course resort	5353	SUP
Public recreation facilities	5370	P
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	

Land Use	LBCS Code	MFR
Nursery or preschool	6110	P
Grade school	6120	P
Elementary	6121	P
Middle or junior	6122	P
Senior or high	6123	P
Special needs education services	6125	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Child daycare	6562	SUP
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Bees	9371	P
Special events	9910	P
Temporary uses	9920	P
Home occupations	9950	P

3.12 Community Commercial (CC) District

3.12.1 Purpose

Generally, this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of or congregation of people and passenger vehicles. It is intended for retail trade and convenience services providing neighborhood shopping accommodations. Businesses which generate traffic in volumes beyond local traffic capacity are generally not included in this district. Lots within this district are generally located on major streets near intersections. Residential uses are generally not included in this district, but may be if designed as a coordinated mixed use development.

3.12.2 Density, Intensity and Dimensional Standards

A. CC District Lot Development Standards

Development Element	Standard
Lot Size, Commercial Use (minimum)	none
Front Yard Setback (minimum, from right-of-way)	none
Side Yard Setback (minimum, from lot line, if adjacent to residential district)	25'
Side Yard Setback (minimum, from right-of-way)	none
Rear Yard Setback (minimum, from lot line, if adjacent to residential district)	25'
Frontage (minimum)	none
Building Height (maximum)	45'
Lot Coverage (maximum)	none

B. Other District Standards

1. All accessory buildings shall be less than the main building in height.
2. Before a Zoning Permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed Site Plans shall be submitted in conformance with this UDO.
3. Sufficient area shall be provided to adequately screen permitted uses from adjacent residential districts, as provided in this UDO.
4. Apartments over first-floor commercial may be permitted.

3.12.3 CC Use Matrix

Land Use	LBCS Code	CC
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Two-family	1120	P
Accessory dwelling	1130	SUP
Assisted-living board and care and adult care group homes	1230	P
Hotel, motel, or tourist court	1330	SUP
GENERAL SALES OR SERVICES	2000	
Retail sales or service and repair	2100	P
Furniture or home furnishings	2121	P
Hardware	2122	P
Durable consumer goods sales and service	2130	P
Computer and software	2131	P
Camera and photographic supplies	2132	P
Clothing, jewelry, luggage, shoes, clocks, sewing	2133	P
Sporting goods, toy and hobby, and musical instruments	2134	P
Books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc.,	2135	P
Consumer goods, other	2140	P
Florist	2141	P
Art dealer, supplies, sales and service	2142	P
Tobacco or tobacconist establishment	2143	P
Antique shop, flea market, thrift stores	2145	P
Grocery, food, beverage, dairy	2150	P
Grocery store, supermarket, or bakery	2151	P
Convenience store	2152	P
Specialty food store	2153	P
Fruit and vegetable store	2154	P
Beer, wine, and liquor store	2155	P
Health and personal care	2160	P
Pharmacy or drug store	2161	P
Cosmetic and beauty supplies and personal grooming products	2162	P
Optical and contact lenses	2163	P

Land Use	LBCS Code	CC
Markets for farm produce or crafts	2199	P
Finance and insurance	2200	P
Bank, credit union, or savings institution	2210	P
Credit and finance establishment	2220	P
Investment banking, securities, and brokerages	2230	P
Insurance-related establishment	2240	P
Fund, trust, or other financial establishment	2250	P
Real estate, and rental and leasing	2300	P
Real estate services	2310	P
Property management services	2320	P
Commercial property-related, mini- or self-storage	2321	SUP
Rental housing-related	2322	P
Rental and leasing	2330	P
Recreational goods rental	2333	P
Consumer goods rental	2335	P
Business, professional, scientific, and technical	2400	P
Professional services	2410	P
Legal services	2411	P
Accounting, tax, bookkeeping, payroll services	2412	P
Architectural, engineering, surveying and related services	2413	P
Graphic, industrial, interior design services	2414	P
Consulting services (management, environmental technical)	2415	P
Advertising, media, and photography services	2417	P
Administrative services	2420	P
Office administrative services	2421	P
Facilities support services	2422	P
Employment agency	2423	P
Copy center, private mail center, other business support services	2424	P
Collection agency	2425	P
Travel arrangement and reservation services	2430	P
Food services	2500	P
Full-service restaurant	2510	P
Snack or nonalcoholic bar	2530	P
Bar or drinking place	2540	SUP
Mobile food services	2550	P
Caterer	2560	P
Personal services	2600	P
Personal care	2610	P
Hair, nail, and cosmetic skin care	2611	P
Dieting and weight reducing	2612	P
Tanning salon	2614	P

Land Use	LBCS Code	CC
Electrolysis, ear piercing, and other personal care services	2616	P
Dry cleaning and laundry	2620	P
Coin-operated laundromat	2621	P
Dry cleaning and laundry	2622	P
Massage therapist	2651	P
Pet and animal sales or service (except veterinary)	2700	P
Pet or pet supply store	2710	P
Animal services	2720	P
MANUFACTURING AND WHOLESALE TRADE	3000	
Food and beverages	3110	SUP
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
National post office	4171	P
Publishing	4210	P
Newspapers, books, periodicals, etc.	4211	P
Software publisher	4212	P
Motion picture and video production, publishing, and distribution	4221	P
Motion picture viewing and exhibition services	4222	P
Sound recording, production, publishing, and	4223	SUP
Towers and antennas	4233	SUP
Telephone and other wired telecommunications	4234	P
Information services and data processing industries	4240	P
Online information services	4241	P
Library or archive	4242	P
News syndicate	4243	P
Service distribution lines	4300	P
Natural gas service	4329	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Performing arts or supporting establishments	5100	P
Theater, dance or music establishment	5110	P
Independent artist, writer, or performer	5160	P
Museums and other special purpose recreational institutions	5200	P
Museum	5210	P
Historical or archeological institution	5220	P
Games arcade establishment	5320	P
Public recreation facilities	5370	P
Bowling, billiards, pool	5380	P
Natural and other recreational parks	5500	P

Land Use	LBCS Code	CC
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	P
Computer training	6143	P
Fine and performing arts education	6145	P
Sports and recreation education	6147	P
Public administration	6200	P
Legislative and executive functions	6210	P
Judicial functions	6220	P
Court	6221	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Ambulatory or outpatient care services	6510	P
Clinic	6511	P
Family planning or outpatient care clinic	6512	P
Child and youth services	6561	P
Child daycare	6562	P
Community food services	6563	P
Emergency and relief services	6564	P
Other family services	6565	P
Services for elderly and disabled	6566	P
Veterans affairs	6567	P
Vocational rehabilitation	6568	P
Small religious institution	6600	P
Funeral home and services	6710	P
Labor or political organization	6810	P
Business association or professional membership	6820	P
Civic, social, or fraternal organization	6830	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Greenhouse - sales of products grown on premises	9142	P
Greenhouse - sales of products and related accessory products	9143	P
Bees	9371	P
Special events	9910	P
Temporary uses	9920	P
Bicycle sales and repair	2113b	P
Cemetery accessory to religious institution		P

3.13 Highway Commercial (HC) District

3.13.1 Purpose

The HC district is intended to accommodate general business areas, highway-oriented commercial uses, wholesale operations, and similar uses that generate a large volume of traffic. This district is intended for general trades and commercial services located on major thoroughfares outside of central or local business districts. This district is particularly appropriate alongside major highway. This district draws highway uses, such as restaurants, service stations, and motels which are not totally compatible with shopping centers but which may be grouped together as highway service centers.

3.13.2 Density, Intensity and Dimensional Standards

A. HC District Lot Development Standards

Development Element	Standard
Lot Size (minimum; shopping center / non-shopping center)	3 ac. / 1 ac.
Front Yard Setback (minimum, from right-of-way)	40'
Side Yard Setback (minimum, from lot line)	20'
Side Yard Setback (minimum, from right-of-way)	40'
Rear Yard Setback (minimum, from lot line)	25'
Rear Yard Setback (minimum, from lot line, if adjacent to residential district)	50'
Frontage (minimum)	75'
Building Height (maximum)	60'
Lot Coverage (maximum)	75%

B. Other District Standards

1. Buildings may be no more than 60 feet in height from the average grade.
2. All accessory buildings shall be less than the main building in height.
3. Before a Zoning Permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed Site Plans shall be submitted in conformance with this UDO.
4. Sufficient area shall be provided to adequately screen permitted uses from adjacent residential districts, as provided in this UDO.

3.13.3 HC Use Matrix

Land Use	LBCS Code	HC
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Accessory dwelling	1130	SUP
Assisted-living board and care and adult care group homes	1230	P
Hotel, motel, or tourist court	1330	P
GENERAL SALES OR SERVICES	2000	
Retail sales or service and repair	2100	P

Land Use	LBCS Code	HC
Automobile sales or service establishment	2110	P
Car dealer	2111	P
Bus, truck, mobile homes, or large vehicles	2112	P
Boat or marine craft dealer	2114	P
Parts, accessories, or tires	2115	P
Gasoline service	2116	P
Automotive repair and maintenance	2117	P
Heavy consumer goods sales or service	2120	P
Furniture or home furnishings	2121	P
Hardware	2122	P
Hardware, home center	2122	P
Lawn and garden supplies	2123	P
Department store, warehouse club, or superstore	2124	P
Electronics and appliances	2125	P
Lumber yard and building materials	2126	P
Heating and plumbing equipment	2127	P
Durable consumer goods sales and service	2130	P
Computer and software	2131	P
Camera and photographic supplies	2132	P
Clothing, jewelry, luggage, shoes, clocks, sewing	2133	P
Sporting goods, toy and hobby, and musical instruments	2134	P
Books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc.,	2135	P
Consumer goods, other	2140	P
Florist	2141	P
Art dealer, supplies, sales and service	2142	P
Tobacco or tobacconist establishment	2143	P
Mail order or direct selling establishment	2144	P
Antique shop, flea market, thrift stores	2145	P
Grocery, food, beverage, dairy	2150	P
Grocery store, supermarket, or bakery	2151	P
Convenience store	2152	P
Specialty food store	2153	P
Fruit and vegetable store	2154	P
Beer, wine, and liquor store	2155	P
Health and personal care	2160	P
Pharmacy or drug store	2161	P
Cosmetic and beauty supplies and personal grooming products	2162	P
Optical and contact lenses	2163	P
Markets for farm produce or crafts	2199	P
Finance and insurance	2200	P

Land Use	LBCS Code	HC
Bank, credit union, or savings institution	2210	P
Credit and finance establishment	2220	P
Investment banking, securities, and brokerages	2230	P
Insurance-related establishment	2240	P
Fund, trust, or other financial establishment	2250	P
Pawn shop	2260	P
Real estate, and rental and leasing	2300	P
Real estate services	2310	P
Property management services	2320	P
Commercial property-related, mini- or self-storage	2321	SUP
Rental housing-related	2322	P
Rental and leasing	2330	P
Cars	2331	P
Leasing trucks, trailers, RVs, buses, aircraft, tugboats, etc.	2332	P
Recreational goods rental	2333	P
Leasing commercial, industrial machinery and equipment	2334	P
Consumer goods rental	2335	P
Business, professional, scientific, and technical	2400	P
Professional services	2410	P
Legal services	2411	P
Accounting, tax, bookkeeping, payroll services	2412	P
Architectural, engineering, surveying and related services	2413	P
Graphic, industrial, interior design services	2414	P
Consulting services (management, environmental technical)	2415	P
Scientific research and development services	2416	P
Advertising, media, and photography services	2417	P
Veterinary services	2418	P
Administrative services	2420	P
Office administrative services	2421	P
Facilities support services	2422	P
Employment agency	2423	P
Copy center, private mail center, other business support services	2424	P
Collection agency	2425	P
Travel arrangement and reservation services	2430	P
Landscaping	2453	P
Carpet and upholstery cleaning	2454	P
Food services	2500	P
Full-service restaurant	2510	P
Cafeteria or limited service restaurant	2520	P
Drive-through restaurants	2521	P
Snack or nonalcoholic bar	2530	P

Land Use	LBCS Code	HC
Bar or drinking place	2540	P
Mobile food services	2550	P
Caterer	2560	P
Food service contractor	2570	P
Vending machine operator	2580	P
Personal services	2600	P
Personal care	2610	P
Hair, nail, and cosmetic skin care	2611	P
Dieting and weight reducing	2612	P
Tanning salon	2614	P
Electrolysis, ear piercing, and other personal care services	2616	P
Dry cleaning and laundry	2620	P
Coin-operated laundromat	2621	P
Dry cleaning and laundry	2622	P
Linen and uniform supply	2623	P
Photofinishing	2630	P
Massage therapist	2651	P
Tattoo parlor	2652	P
Pet and animal sales or service (except veterinary)	2700	P
Pet or pet supply store	2710	P
Animal and pet services and kennels	2720	P
Animal services	2720	P
MANUFACTURING AND WHOLESALE TRADE	3000	
Food and beverages	3110	SUP
Printing and related support activities	3221	SUP
Jewelry and silverware	3410	SUP
Dolls, toys, games, and musical instruments	3420	SUP
Office supplies, inks, etc.	3430	SUP
Signs	3440	P
Wholesale trade establishment	3500	SUP
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Local transit systems--bus, special needs, and other motor vehicles	4133	P
Non-local and charter bus	4134	P
Sightseeing	4136	P
Taxi and limousine service	4137	P
Towing and other road and ground services	4138	P
Courier and messenger services	4160	P
Postal services	4170	P
National post office	4171	
Communications and information	4200	P
Publishing	4210	P

Land Use	LBCS Code	HC
Newspapers, books, periodicals, etc.	4211	P
Software publisher	4212	P
Motion picture and video production, publishing, and distribution	4221	P
Motion picture viewing and exhibition services	4222	P
Sound recording, production, publishing, and	4223	P
Tele-communications and broadcasting	4230	P
Radio and television broadcasting	4231	P
Cable networks and distribution	4232	P
Wireless telecommunications	4233	P
Towers and antennas	4233	P
Telephone and other wired telecommunications	4234	P
Information services and data processing industries	4240	P
Online information services	4241	P
Library or archive	4242	P
News syndicate	4243	P
Utilities and utility services	4300	P
Service distribution lines	4300	P
Electric substations	4300	P
Electric power	4310	P
Natural gas service	4329	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Performing arts or supporting establishments	5100	P
Theater, dance or music establishment	5110	P
Sports team or club	5120	P
Independent artist, writer, or performer	5160	P
Museums and other special purpose recreational institutions	5200	P
Museum	5210	P
Historical or archeological institution	5220	P
Amusement, sports, or recreation establishment	5300	P
Games arcade establishment	5320	P
Miniature golf establishment	5340	P
Public recreation facilities	5370	P
Private recreation facilities	5372	P
Bowling, billiards, pool	5380	P
Skating rink, roller skating	5390	P
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	P

Land Use	LBCS Code	HC
Elementary	6121	P
Middle or junior	6122	P
Senior or high	6123	P
Special needs education services	6125	P
Adult education services	6126	P
College or university	6130	P
Technical, trade, or other specialty school	6140	P
Beauty schools	6141	P
Business management	6142	P
Computer training	6143	P
Driving education	6144	P
Fine and performing arts education	6145	P
Sports and recreation education	6147	P
Public administration	6200	P
Legislative and executive functions	6210	P
Judicial functions	6220	P
Court	6221	P
Other government functions	6300	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Health and human services	6500	P
Ambulatory or outpatient care services	6510	P
Clinic	6511	P
Family planning or outpatient care clinic	6512	P
Medical or diagnostic laboratory	6513	P
Blood or organ bank	6514	P
Nursing, supervision and other rehabilitative services, except	6520	P
Hospital	6530	SUP
Health care facility	6540	P
Child and youth services	6561	P
Child daycare	6562	P
Community food services	6563	P
Emergency and relief services	6564	P
Other family services	6565	P
Services for elderly and disabled	6566	P
Veterans affairs	6567	P
Vocational rehabilitation	6568	P
Small religious institution	6600	P
Large religious institution	6600	P
Funeral home and services	6710	P

Land Use	LBCS Code	HC
Cemetery or cremation services	6720	P
Labor or political organization	6810	P
Business association or professional membership	6820	P
Civic, social, or fraternal organization	6830	P
CONSTRUCTION-RELATED BUSINESSES	7000	
Building, developing, and general contracting	7100	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Greenhouse - sales of products grown on premises	9142	P
Greenhouse - sales of products and related accessory products	9143	P
Bees	9371	P
Special events	9910	P
Temporary uses	9920	P
Motorcycle, ATV	2113a	P
Bicycle sales and repair	2113b	P
Cemetery accessory to religious institution		P
Crematorium		SUP

3.14 Business Park / Limited Industrial (BP/LI) District

3.14.1 Purpose

The primary purpose of this district is to permit certain industries which do not unduly detract from residential desirability, to locate in areas which may be adjacent to residential districts. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids, or explosives, controlling emission of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. It is intended for those manufacturing industries and related activities in which the production performance of the manufacturing industries characteristically produces a finished product from semi-finished materials, but requires little or no outside material storage. Commercial uses in this district are generally those which serve the convenience of industrial establishments and their employees. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended light industrial purpose.

3.14.2 Density, Intensity and Dimensional Standards

A. BP/LI District Lot Development Standards

Development Element	Standard
Lot Size (minimum)	1 ac.
Front Yard Setback (minimum, from right-of-way)	10'
Side Yard Setback (minimum, from lot line)	20'
Side Yard Setback (minimum, from right-of-way)	20'
Rear Yard Setback (minimum, from lot line)	25'

Development Element	Standard
Rear Yard Setback (minimum, from lot line, if adjacent to residential district)	50'
Frontage (minimum)	200'
Building Height (maximum)	45'
Lot Coverage (maximum)	70%

B. Additional District Standards

1. Before a Zoning Permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed Site Plans shall be submitted in conformance with this UDO.
2. Sufficient area shall be provided to adequately screen permitted uses from adjacent residential districts, as provided in this UDO.
3. Accessory buildings shall not be taller than the primary building or structure. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or other accessory structures not normally occupied by workers are excluded from this limitation, may be subject to a special use permit and shall be located no closer to the property line than the height of the structure.
4. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
5. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or evergreen hedge six feet tall.
 - (a) Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for property operation may be exempt from this provision.
 - (b) This exception does not include storing of any material.
6. Fumes, odor, noise, heat, vibration, electronic or radio frequency interference, glare, toxic substances, or other deleterious materials or effects from any use within this district shall be limited so that adjacent uses shall not be unreasonably disturbed. All conditions and activities shall comply with existing environmental laws and regulations. Sufficient detail regarding proposed use shall accompany the Site Plan, to enable the Zoning Administrator to determine if all requirements of this UDO are met.
7. Landscaping may be required within an established or required front setback, side or rear yard. The plans and execution of landscaping shall be done so as to avoid any traffic hazards.
8. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts, and for off-street parking of vehicles incidental to the industry, its employees and its clients.

3.14.3 BP/LI Use Matrix

Land Use	LBCS Code	BP/LI
GENERAL SALES OR SERVICES	2000	
Lumber yard and building materials	2126	P
Mail order or direct selling establishment	2144	P
Bank, credit union, or savings institution	2210	P
Credit and finance establishment	2220	P
Commercial property-related, mini- or self-storage	2321	SUP
Leasing commercial, industrial machinery and equipment	2334	P
Business, professional, scientific, and technical	2400	P
Professional services	2410	P
Legal services	2411	P
Accounting, tax, bookkeeping, payroll services	2412	P
Architectural, engineering, surveying and related services	2413	P
Graphic, industrial, interior design services	2414	P
Consulting services (management, environmental technical)	2415	P
Scientific research and development services	2416	P
Advertising, media, and photography services	2417	P
Veterinary services	2418	P
Administrative services	2420	P
Office administrative services	2421	P
Facilities support services	2422	P
Employment agency	2423	P
Copy center, private mail center, other business support services	2424	P
Collection agency	2425	P
Travel arrangement and reservation services	2430	P
Services to buildings and dwellings	2450	P
Extermination and pest control	2451	P
Janitorial	2452	P
Landscaping	2453	P
Carpet and upholstery cleaning	2454	P
Food services	2500	P
Full-service restaurant	2510	A
Cafeteria or limited service restaurant	2520	A
Mobile food services	2550	P
Caterer	2560	P
Food service contractor	2570	P
Vending machine operator	2580	P
Linen and uniform supply	2623	P
Photofinishing	2630	P
MANUFACTURING AND WHOLESALE TRADE	3000	
Foods, textiles, and related products	3100	P

Land Use	LBCS Code	BP/LI
Food and beverages	3110	P
Tobacco manufacturing	3120	P
Textiles	3130	P
Leather and leather substitute products	3140	SUP
Wood, paper, and printing products	3200	P
Wood products	3210	P
Paper and printing materials	3220	SUP
Printing and related support activities	3221	P
Furniture and related products	3230	P
Chemicals, and metals, machinery, and electronics manufacturing	3300	SUP
Petroleum products	3310	SUP
Chemicals, plastics, and rubber products	3320	SUP
Nonmetallic mineral products	3330	SUP
Primary metal manufacturing	3340	SUP
Machinery manufacturing	3350	P
Electrical equipment, appliance, and components manufacturing	3360	P
Transportation equipment	3370	P
Miscellaneous manufacturing	3400	P
Jewelry and silverware	3410	P
Dolls, toys, games, and musical instruments	3420	P
Office supplies, inks, etc.	3430	P
Signs	3440	P
Wholesale trade establishment	3500	P
Warehousing and storage services	3600	P
Office and warehousing	3610	P
Warehousing	3620	P
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Road, ground passenger, and transit transportation	4130	P
Local transit systems--bus, special needs, and other motor vehicles	4133	P
Non-local and charter bus	4134	P
School and employee bus transportation	4135	P
Taxi and limousine service	4137	P
Towing and other road and ground services	4138	P
Truck and freight transportation services	4140	P
General freight trucking, local	4141	P
General freight trucking, long-distance	4142	P
Courier and messenger services	4160	P
Postal services	4170	P
National post office	4171	

Land Use	LBCS Code	BP/LI
Pipeline transportation	4180	P
Communications and information	4200	P
Publishing	4210	P
Newspapers, books, periodicals, etc.	4211	P
Software publisher	4212	P
Motion picture and video production, publishing, and distribution	4221	P
Sound recording, production, publishing, and	4223	P
Tele-communications and broadcasting	4230	P
Radio and television broadcasting	4231	P
Cable networks and distribution	4232	P
Wireless telecommunications	4233	P
Towers and antennas	4233	P
Telephone and other wired telecommunications	4234	P
Information services and data processing industries	4240	P
Online information services	4241	P
Library or archive	4242	P
News syndicate	4243	P
Utilities and utility services	4300	P
Service distribution lines	4300	P
Electric substations	4300	P
Electric power	4310	P
Natural gas, petroleum, fuels	4320	P
Natural gas service	4329	P
Drinking water	4331	SUP
Water service	4339	P
Wastewater treatment plants	4348	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Independent artist, writer, or performer	5160	P
Amusement, sports, or recreation establishment	5300	P
Public recreation facilities	5370	P
Private recreation facilities	5372	P
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	SUP
Adult education services	6126	P
College or university	6130	P
Technical, trade, or other specialty school	6140	P
Beauty schools	6141	P
Business management	6142	P
Other government functions	6300	P

Land Use	LBCS Code	BP/LI
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Child daycare	6562	P
CONSTRUCTION-RELATED BUSINESSES	7000	
Building, developing, and general contracting	7100	P
Machinery related	7200	P
Special trade contractor	7300	P
Carpentry, floor, and tile contractor	7310	P
Concrete contractor	7320	P
Electrical contractor	7330	P
Glass and glazing contractor	7340	P
Masonry and drywall contractor	7350	P
Painting and wall covering	7360	P
Plumbing, heating, and air conditioning	7370	P
Roofing, siding, or sheet metal contractor	7380	P
Heavy construction	7400	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Support functions for agriculture	9200	P
Special events	9910	P
Temporary uses	9920	P
Crematorium		SUP

3.15 Planned Development (PD) District

3.15.1 Purpose

The purpose of this section is to allow flexibility for land, held in single ownership or under unified control, to be planned and developed as a whole, either as one development or in a definitely programmed series of development phases. This district requires a mixture of housing types and other uses within an area that is based upon a carefully considered plan for the development of the whole area that protects the environment, provides for a variety of compatible uses, incorporates necessary community facilities, roadways and improvements, and avoids adverse impacts on the surrounding neighborhoods and community. Innovative design is encouraged, and the layout, density, and phasing of the development will be considered and agreed upon during the approval process. Planned development districts shall only be approved in conformance with the policies in the comprehensive plan. The Planned Development district seeks to meet the following objectives:

- A. Preserve and protect natural and historical resources such as waterways, wetlands, floodplains, woodlands and historic and archaeological significant sites.
- B. Provide for flexibility within a carefully designed overall planned concept for a mixed-use development.
- C. Ensure that development is constructed to adequate standards and with consideration for compatible design.
- D. Ensure that planned growth does not exceed the resources available to sustain it.

- E. Encourage the establishment of residential areas that provide for varying densities and housing types in a safe, attractive and healthful environment.
- F. Provide for a level of commercial business activities that shall serve present and future residents of the Town within compatible sites.
- G. Ensure a high level of quality and variety of community facilities.
- H. Implement an adequate street system that connects with existing major and connector roadways and provides for expansion to future development in accordance with the comprehensive plan.
- I. Provide for alternative means of transportation such as pedestrian walkways, bike paths and trails within and between various uses in the Planned Development and connected to other areas of the Town.

3.15.2 Rezoning to Planned Development District

In order to develop under the provisions of this section, a suitable area of land shall be rezoned as a Planned Development district (PD). In order to approve a PD district, the Town shall determine that the following conditions, including other conditions it deems reasonable and appropriate, are met by the Applicant:

- A. The Planned Development is consistent with the Comprehensive Plan;
- B. The Planned Development is coordinated rather than an aggregation of individual and unrelated buildings and uses;
- C. The Planned Development incorporates a compatible mix of residential and nonresidential uses;
- D. The Applicant is providing sufficient public benefit to allow the Applicant to deviate from development and design regulations that would otherwise be required; and
- E. The Planned Development is compatible with existing development abutting the proposed "PD" district as demonstrated by the following factors, considered from the point of view of the abutting development:
 1. Existing development patterns;
 2. Scale, mass, height and dimensions of existing buildings;
 3. Total density and density transitions;
 4. Intensity, as measured by floor area ratio and transitions;
 5. Extent and location of parking, access points and points of connectivity to surrounding neighborhoods;
 6. Amount, location and direction of outdoor lighting;
 7. Extent and location of open space;
 8. The location of accessory structures such as dumpsters, recreational equipment, swimming pools or other structures likely to generate negative impacts such as noise, lights or odors;
 9. Sufficiency of setbacks to mitigated potential nuisances; and
 10. Proximity and use of all areas that will be utilized for any purpose other than landscaping.

3.15.3 Density, Intensity and Dimensional Standards

A. Area Regulations

1. Minimum. The minimum area for any PD District shall be ten contiguous acres.
2. Additional Area. Additional land area may be added to an existing PD if it is adjacent thereto, forms a logical addition to the existing Planned Development, and is under the same ownership or control.
3. Waiver. In cases where an Applicant for a waiver shows that strict adherence to the ten acre minimum would produce unnecessary hardship and preclude development that is more compatible with the adopted comprehensive plan than that permitted use, the Planning Commission may recommend a waiver of the ten acre minimum and the Town Council may approve such waiver.

B. Design regulations. The Planned Development shall provide a mix of uses compatible with adjacent properties and Town character.

1. Common Open Space: There shall be a minimum of 30% gross acres set aside for open space.
2. Uses. Dwelling types and configurations may be considered and approved as part of the Concept and Development Plans for a Planned Development.
3. Commercial Uses. The lot size for commercial uses shall be in accordance with the approved Concept and Development Plans and shall provide sufficient area for the proposed use(s), and adequate area so that the impervious surface does not exceed 70% of the lot area. Side and rear lot dimensions shall be doubled and screened or buffered if a commercial use is located adjacent to a residential use.

C. Minimum Dimensional Requirement

1. Concept and Development Plans. Areas within a Planned Development shall be specifically designated for each use on the master plan. Within those areas, the uses shall meet the applicable dimensional requirements set forth for those uses consistent with the base zoning district standards.
2. Waiver. In cases where the Applicant may show that strict adherence to these requirements would produce unnecessary hardship and preclude development which is more compatible with the adopted comprehensive plan than those stated in the dimensional requirements, the Planning Commission may recommend a limited waiver from the requirements of the master plan, and the Town Council may approve such limited waiver.
3. Commercial Uses
 - (a) The areas used for commercial uses shall not exceed 30% of the developable area of the Planned Development.
 - (b) A minimum of ten percent of the gross project area shall be used for commercial uses.
 - (c) Sufficient commercial and industrial areas shall be provided to meet the needs of the Planned Development, to provide an appropriate balance of uses, and to mitigate the impact of the Planned Development of the Strasburg area.

D. Residential Density and Nonresidential Intensity In General. Permitted gross residential density and maximum nonresidential development intensity within a Planned Development shall be determined by applying the respective limits for each to the land area involved on a pro-rata basis.

E. Planned Development Residential Density Limits

1. **Densities Not to Exceed Comprehensive Plan.** Residential density limits shall be as expressed in the Comprehensive Plan. The lesser of the residential density range numbers established for land use designations in the Comprehensive Plan represents “base density” allowed within a Planned Development. The greater of the residential density range numbers established for land use designations in the Comprehensive Plan represents the “maximum residential density” allowed within a Planned Development through the provision of additional public benefits. Residential density shall not exceed the base density allowed, unless the Town Council finds that the proposed development offers “additional development (public) benefits.” No Planned Development shall be approved which permits a higher density of dwelling units than indicated in the Comprehensive Plan.
2. **Additional Development Density.** If the Town Council finds that “additional development benefits” shall be provided, additional “bonus” density may be approved (above the base density) up to the maximum of the density range allowed by the underlying Comprehensive Plan land use designation. In order to approve the additional bonus density, the Town Council, in its sole discretion, shall find that the proposed Site Plan or development plan offers additional development benefits to the public health, safety and welfare by providing additional community benefit.
3. **Calculation of Density.** The maximum number of dwellings permitted in a Planned Development shall be calculated by multiplying the applicable Comprehensive Plan density limit (expressed in dwellings per acre) by the net acreage of the Planned Development. The net acreage of a Planned Development shall be calculated by subtracting all of the following from the tract’s gross acreage:
 - (a) Acreage devoted to commercial and employment uses.
 - (b) Acreage devoted to public rights-of-way (including interchanges and major and minor arterials, but not including rights-of-way dedicated as part of the subject development).
 - (c) Acreage shown as floodplain in the National Flood Insurance Program Flood Insurance Rate Maps.

F. Planned Development Nonresidential Intensity Limits

1. **Intensities Not to Exceed Comprehensive Plan.** Nonresidential intensity limits (Floor Area Ratios) shall be as expressed in the Comprehensive Plan. The lesser of the floor area ratio range numbers established for land use designations in the Comprehensive Plan represents “base nonresidential intensity” allowed within a Planned Development. The greater of the nonresidential intensity range numbers established for land use designations in the Comprehensive Plan represents the “maximum nonresidential intensity” allowed within a Planned Development through the provision of additional benefit. Nonresidential intensity shall not exceed the base intensity allowed, unless the Town Council finds that the proposed development offers “additional development benefits.” No Planned Development shall be approved which permits a higher floor area ratio than indicated in the Comprehensive Plan.
2. **Additional Development Intensity.** If the Town Council finds that “additional development (public) benefits” shall be provided, additional “bonus” floor area may be approved (above the base floor area ratio) up to the maximum of the intensity range allowed by the underlying land use designation. In order to approve the additional bonus floor area, the Town Council, in its sole discretion, shall find that the proposed Site Plan or development plan offers additional development benefits to the public health, safety and welfare by providing one or more of the additional Community benefits.

- G. Criteria for Additional Residential Density or Non-Residential Intensity. Upon the Town Council's finding of additional development benefit, the permitted number of residential dwellings and/or in a Planned Development may be increased, as determined by the Town Council, above the base density up to the maximum residential density of the Comprehensive Plan and/or the permitted floor area in a Planned Development may be increased, as determined by the Town Council, above the base floor area up to the maximum floor area allowed for the underlying land use designation by the Comprehensive Plan. In acting on requests to exceed the base density of the Comprehensive Plan, the Town Council shall consider whether the proposed development offers the following public benefits:
1. Public Facilities. A net positive impact on the availability of public facilities and services in the Town.
 2. Open Space. An increase in the supply of usable public open space in the Town.
 3. Traditional Design. Design that makes a substantial contribution to the traditional character of the Town. Examples include: compact, pedestrian-oriented development patterns; mixed uses; grid street patterns; use of side loading garages; front porches with reduced front building setbacks; and shop-top housing (residential dwelling units above retail and office uses, and sustainable or traditional architecture and building materials).
 4. Innovative Design. A substantial contribution to the character of the Town. Examples of innovative design include: siting for solar access, development reflecting character of surrounding area, superior provision of open space and landscaping, and superior use of building materials and design.
 5. Environmental Protection and Community Appearance. Protection of natural resources at a much higher level than otherwise required under existing regulations.
 6. Historic Preservation. Appropriate use of a Comprehensive Plan designated historic structure or site, or any other site deemed worthy of preservation due to its historic value.
 7. Mixed-Use. Substantial employment opportunities in close proximity to residential areas and guarantee development of nonresidential portions prior to or concurrently with the residential portions.

3.15.4 Development and Design Standards

- A. Recreational Facilities
1. One recreational unit, or equivalent recreational facilities, shall be provided for each 30 dwelling units.
 2. Recreational units may be broken into smaller units or added together to meet the needs of the Planned Development.
 3. The facilities shall be installed in a configuration and location that is easily accessible to the dwelling units they are designed to serve.
 4. The design and number of facilities shall be approved by the Planning Commission in conjunction with the Zoning Administrator.
- B. Road Access. Direct access to the Planned Development shall be provided from an arterial or connector road, or from a roadway that is designed and constructed to arterial or connector standards. The Planned Development shall be provided with a complete system of public streets dedicated to the Town of Strasburg. All streets shall be provided with sidewalks, street landscaping, curbing and gutter. The road system shall conform with the comprehensive plan and with any road improvement plan adopted by the Town.

- C. **Pedestrian Access.** A system of pedestrian access shall be incorporated in the development's design. Such access shall be provided in the form of paved sidewalks or paved interior walkways between every use, structure, and recreational facility. Such walkway shall be connected to existing or planned walkways adjacent to the Planned Development. Other access ways such as bike paths and trails are encouraged as transportation alternatives to the use of motor vehicles.
- D. **Water and Sewer Facilities.** All Planned Developments shall be served by public water and sewer in accordance with the Town of Strasburg Capital Improvement Program.
- E. **Stormwater Management.** The stormwater management requirements of the Town shall apply to the total Planned Development.
- F. **Buffers and Screening.** Buffers and screening shall be provided between the various uses and housing types within the Planned Development.
- G. **Landscaping.** Landscaping shall be provided in conformance with an overall landscaping plan or unifying concept for the entire development.
- H. **Phasing.** A schedule of phases shall be submitted and approved by the Town Council with each proposed Planned Development which shall specify the year in which each phase shall be completely developed. No subdivision, Site Plan or development plan shall be approved in the Planned Development unless they are in accordance with the approved schedule.
 - 1. **Common Open Space.** If a Planned Development is proposed for development in phases, common open space shall be provided in proportion to the fraction of the total area of the development in each phase. Recreational facilities shall be provided with each phase in proportion to the fraction of the total dwelling units in each phase.
 - 2. **Road Access.** Essential street entrances to the Planned Development shall be provided in the initial phase.
 - 3. **Land Uses.** A reasonable balance shall be maintained in each phase between residential and nonresidential uses.
- I. **Property Owners Association.** All phases of a Planned Development shall be included under a single property owners association according to the requirements of this section.
- J. **Other regulations.** The Planned Development shall conform with all regulations of this section and the Code of the Town of Strasburg.

3.15.5 Variations, Revisions and Additions of Land

- A. The Town Council, after receiving a recommendation from the Planning Commission, may approve major revisions to an approved and adopted Planned Development through the procedures set forth for original approval of a the Planned Development.
- B. Minor variations to a Development Plan may be administratively approved by staff. Such minor changes may not result in increased vehicular traffic or alter the intent of the approved Development Plan.

3.15.6 PD Use Matrix

Land Use	LBCS Code	PD
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Single-family detached dwelling	1110	SUP
Single-family attached dwelling	1112	SUP
Two-family	1120	SUP
Accessory dwelling	1130	SUP
Townhouses	1140	SUP
Multi-family	1200	SUP
Housing services	1200	
Retirement housing services	1210	SUP
Congregate living services	1220	SUP
Assisted-living board and care and adult care group homes	1230	SUP
Continuing care retirement center (PD zoning required)	1240	SUP
GENERAL SALES OR SERVICES	2000	
Retail sales or service and repair	2100	SUP
Furniture or home furnishings	2121	P
Hardware, home center	2122	P
Lawn and garden supplies	2123	P
Department store, warehouse club, or superstore	2124	P
Electronics and appliances	2125	P
Durable consumer goods sales and service	2130	P
Computer and software	2131	P
Camera and photographic supplies	2132	P
Clothing, jewelry, luggage, shoes, clocks, sewing	2133	P
Sporting goods, toy and hobby, and musical instruments	2134	P
Books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc.,	2135	P
Consumer goods, other	2140	P
Florist	2141	P
Art dealer, supplies, sales and service	2142	P
Tobacco or tobacconist establishment	2143	P
Mail order or direct selling establishment	2144	P
Antique shop, flea market, thrift stores	2145	P
Grocery, food, beverage, dairy	2150	P
Grocery store, supermarket, or bakery	2151	P
Convenience store	2152	P
Specialty food store	2153	P
Fruit and vegetable store	2154	P
Beer, wine, and liquor store	2155	P
Health and personal care	2160	P
Pharmacy or drug store	2161	P

Land Use	LBCS Code	PD
Cosmetic and beauty supplies and personal grooming products	2162	P
Optical and contact lenses	2163	P
Markets for farm produce or crafts	2199	P
Finance and insurance	2200	P
Bank, credit union, or savings institution	2210	P
Credit and finance establishment	2220	P
Investment banking, securities, and brokerages	2230	P
Insurance-related establishment	2240	P
Fund, trust, or other financial establishment	2250	P
Pawn shop	2260	P
Real estate, and rental and leasing	2300	P
Real estate services	2310	P
Property management services	2320	P
Commercial property-related, mini- or self-storage	2321	SUP
Rental housing-related	2322	P
Business, professional, scientific, and technical	2400	P
Professional services	2410	P
Legal services	2411	P
Accounting, tax, bookkeeping, payroll services	2412	P
Architectural, engineering, surveying and related services	2413	P
Graphic, industrial, interior design services	2414	P
Consulting services (management, environmental technical)	2415	P
Scientific research and development services	2416	P
Advertising, media, and photography services	2417	P
Veterinary services	2418	P
Administrative services	2420	P
Office administrative services	2421	P
Facilities support services	2422	P
Employment agency	2423	P
Travel arrangement and reservation services	2430	P
Full-service restaurant	2510	SUP
Cafeteria or limited service restaurant	2520	SUP
Personal care	2610	P
Hair, nail, and cosmetic skin care	2611	P
Dieting and weight reducing	2612	P
Tanning salon	2614	P
Electrolysis, ear piercing, and other personal care services	2616	P
Dry cleaning and laundry	2620	P
Coin-operated laundromat	2621	P
Dry cleaning and laundry	2622	P
Pet and animal sales or service (except veterinary)	2700	SUP

Land Use	LBCS Code	PD
Pet or pet supply store	2710	SUP
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Towers and antennas	4233	SUP
Telephone and other wired telecommunications	4234	P
Service distribution lines	4300	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Performing arts or supporting establishments	5100	SUP
Theater, dance or music establishment	5110	SUP
Independent artist, writer, or performer	5160	SUP
Museums and other special purpose recreational institutions	5200	SUP
Museum	5210	SUP
Historical or archeological institution	5220	SUP
Public golf course	5351	SUP
Private golf course	5352	SUP
Golf course resort	5353	SUP
Public recreation facilities	5370	P
Private recreation facilities	5372	P
Natural and other recreational parks	5500	P
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	SUP
Grade school	6120	SUP
Elementary	6121	SUP
Middle or junior	6122	SUP
Senior or high	6123	SUP
Special needs education services	6125	SUP
Adult education services	6126	P
College or university	6130	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Clinic	6511	P
Family planning or outpatient care clinic	6512	P
Child daycare	6562	SUP
Small religious institution	6600	SUP
Large religious institution	6600	SUP
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Greenhouse - sales of products grown on premises	9142	SUP

Land Use	LBCS Code	PD
Bees	9371	SUP
Special events	9910	P
Temporary uses	9920	P
Home occupations	9950	P

3.16 Medical and Institutional Care (MIC) District

3.16.1 Purpose

The MIC, medical and institutional care district, is intended to permit the location, development, and growth of uses related to the medical industry including hospitals, offices, laboratories, and other related uses. In addition, it is the intent of this district to provide a residential environment within the Town for age-restricted and institutional care developments that may include independent and/or assisted living facilities. Land designated within the MIC district shall be master planned as a single comprehensive development to assess the impact on the character of the surrounding area and ensure adequate delivery of public services.

3.16.2 Requirements for Permitted Uses

Before a Zoning Permit is issued or construction is commenced on any permitted or special use in this district, a detailed Site Plan shall be submitted and approved in accordance with this UDO.

3.16.3 Density, Intensity and Dimensional Standards

A. MIC District Lot Development Standards

Development Element	Standard
Front Yard Setback (minimum, from right-of-way)	40'
Side Yard Setback (minimum, from lot line)	30'
Side Yard Setback (minimum, from right-of-way)	50'
Rear Yard Setback (minimum, from lot line)	30'
Rear Yard Setback (minimum, from lot line, if adjacent to residential district)	50'
Frontage (minimum)	75'
Building Height (maximum)	40'
Lot Coverage (maximum)	60%

B. Other District Standards

1. An appropriate minimum lot size shall be determined by the Planning Commission and Town Council at the time of rezoning or Site Plan review. In determining the minimum lot size, the Planning Commission and Town Council shall consider the parking, landscaping, Site Plan, and other applicable standards in this UDO.
2. The Town Council may waive the 40-foot height limitation provided that it shall not negatively impact adjacent uses. In no case shall any building exceed 60 feet in height. No waiver shall be approved

unless the Town Council considers and determines that approval of such a waiver would be consistent with the standards applicable to Special Use Permits as set forth in this UDO.

3.16.4 MIC Use Matrix

Land Use	LBCS Code	MIC
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	
Housing services	1200	P
Retirement housing services	1210	P
Congregate living services	1220	P
Assisted-living board and care and adult care group homes	1230	P
Continuing care retirement center (PD zoning required)	1240	P
Nursing or convalescent home	1250	P
GENERAL SALES OR SERVICES	2000	
Health and personal care	2160	P
Pharmacy or drug store	2161	P
Cosmetic and beauty supplies and personal grooming products	2162	P
Optical and contact lenses	2163	P
Business, professional, scientific, and technical	2400	P
Professional services	2410	P
Administrative services	2420	P
Office administrative services	2421	P
Facilities support services	2422	P
Employment agency	2423	P
Full-service restaurant	2510	P
Cafeteria or limited service restaurant	2520	P
Massage therapist	2651	P
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000	
Towers and antennas	4233	P
Telephone and other wired telecommunications	4234	P
Service distribution lines	4300	P
Electric power	4310	P
Water service	4339	P
Wastewater service	4349	P
ARTS, ENTERTAINMENT, AND RECREATION	5000	
Museums and other special purpose recreational institutions	5200	P
Museum	5210	P
Historical or archeological institution	5220	P
Public recreation facilities	5370	P
Private recreation facilities	5372	P
Natural and other recreational parks	5500	P

Land Use	LBCS Code	MIC
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000	
Nursery or preschool	6110	SUP
Adult education services	6126	P
Public safety	6400	P
Fire and rescue	6410	P
Police	6420	P
Emergency response	6430	P
Health and human services	6500	P
Ambulatory or outpatient care services	6510	P
Clinic	6511	P
Family planning or outpatient care clinic	6512	P
Medical or diagnostic laboratory	6513	P
Blood or organ bank	6514	P
Nursing, supervision and other rehabilitative services, except	6520	P
Hospital	6530	P
Health care facility	6540	P
Social assistance, welfare, and charitable services	6560	P
Child and youth services	6561	P
Child daycare	6562	P
Community food services	6563	P
Emergency and relief services	6564	P
Other family services	6565	P
Services for elderly and disabled	6566	P
Veterans affairs	6567	P
Vocational rehabilitation	6568	P
Small religious institution	6600	P
Large religious institution	6600	P
Business association or professional membership	6820	P
Civic, social, or fraternal organization	6830	P
AGRICULTURE, FORESTRY, FISHING, AND HUNTING	9000	
Special events	9910	P
Temporary uses	9920	P

3.17 Historic District (HD) Overlay District

3.17.1 Purpose

The intent of these districts is to protect and preserve the old and historic districts of the Town and individual landmarks located within those districts. Historic preservation is an evolving process that seeks to balance the public mission of historic preservation with the private property rights of individual owners. As a result, some modification decisions are left to the wisdom of property owners while others merit regulation. It is the purpose of this UDO to retain the distinct and treasured physical imprint of Strasburg's unique architectural styles, building types and forms, streetscapes and

neighborhoods in the historic districts as they survive subsequent generations of development. The purpose and intent of this UDO is to serve the public interest and to promote the public welfare by:

- A. Carrying out the goals of the Comprehensive Plan to preserve the historic districts and individual landmarks, not only for their own value as community resources, but also because of their contributions to the Town's unique character;
- B. Promoting the identification, recognition, preservation, and enhancement of buildings, structures, and neighborhoods that have special historical, cultural, social, economic, political, artistic, architectural, or archaeological significance as provided by Code of Virginia, § 15.2-2306, as amended;
- C. Retaining the basis of our heritage and foster pride in the Town's past by educating residents and visitors on local cultural and historic heritage;
- D. Increasing property values by encouraging the preservation and rehabilitation of significant historic buildings and structures, and by maintaining the historic integrity of streetscapes and neighborhoods;
- E. Maintaining an archival record of properties within the historic districts;
- F. Preserving and enhancing the Town's historic attractions for tourists and visitors, thereby supporting and stimulating business and industry, and strengthening the Town's economy; and
- G. Enacting the regulations required to establish conditions for public and private grants and other similar funding opportunities which assist with the preservation of structures within the historic districts.

3.17.2 **Applicability**

This UDO shall apply to the areas designated under this UDO and to other areas or places that may be designated by the Town Council as historic districts or landmarks.

3.17.3 **District boundaries**

- A. Historic District boundaries shall be designated on the official zoning map of the Town of Strasburg.
- B. The district boundaries shall be designated as the full depth of all parcels of land as shown in the Historic District Overlay Map shown in Exhibit 3A.
- C. Any property or project partially located within the Historic District shall be considered to be fully located within the Historic District and subject to the regulations herein.

3.17.4 **Modifications**

- A. Expansion. Historic Districts may be enlarged and new historic districts and individual landmarks may be established pursuant to Code of Virginia, § 15.2-2306, as amended, upon the recommendation of the ARB and adoption by the Town Council. The Council may include property into new or existing historic districts with or without the consent of the property owner. In modifying existing or creating new Historic Districts, the boundaries of such shall be clearly delineated using the services of a professional land surveyor or identification by tax parcel number(s).
- B. Application for Designation. Applications for designation shall be considered by the Town Council upon recommendation of the ARB. Application shall be made to the Board by the owner of the property to be designated or by any organization with a recognized interest in historic preservation. The Town Council may institute a voluntary plaque program for designated historic properties.

- C. Existing zoning not affected. The regulation of a Historic District shall be in addition to the regulations of the underlying zoning, and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by the provisions of this UDO and shown on the official zoning map. Any property lying within a Historic District shall also lie within one or more of such other zoning district which shall be known as underlying districts.
- D. If the Architectural Review Board has voted to recommend designation of an area as an Historic Overlay District, the demolition or destruction of any building, site, or structure located in the proposed district or on the property of the proposed historic landmark may be delayed by the Board for a period of up to 180 days or until the Town Council takes final action on the designation, whichever occurs first. Should the Council approve the designation prior to the expiration of the 180-day delay period, an application for a certificate of appropriateness for demolition shall then be requested.

3.17.5 Maintenance of Historic Properties

- A. Ordinary Maintenance Exclusion: Normal Repair and Routine Maintenance. Normal repair and routine maintenance as defined by this UDO shall be exempt from review by the Architectural Review Board. Repair and maintenance should retain existing materials and features while employing as little new material as possible. Such repair begins with the least degree of intervention possible by strengthening fragile materials through consolidation, patching, limited splicing in kind or otherwise reinforcing using recognized preservation methods. All work should be physically and visually compatible. The replacement material should match the old both physically and visually, i.e., wood for wood, slate for slate. The following constitute normal repair and/or routine maintenance:
 - 1. Painting or repainting the same or a different color. Original painting of masonry surfaces is considered a major modification and is not exempted from review.
 - 2. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof.
 - 3. Landscaping activities including planting of grass, trees or shrubs, grading, walks, retaining walls, fencing, and the like.
- B. Minimum Maintenance Requirement: Demolition by Neglect.
 - 1. No building or structure within any Historic District shall be allowed to deteriorate from purposeful neglect or action to the extent that decay or deterioration may, in the opinion of the ARB, result in its significant loss of character or integrity, create a serious life safety or structural stability situation, or have an adverse effect upon the character and integrity of the district. If the Board should make such a finding, it shall request a report of the Zoning Administrator who shall report to the ARB on the following matters which may exist:
 - (a) Deterioration of exterior walls or other vertical supports;
 - (b) Deterioration of roofs or other horizontal members;
 - (c) Deterioration of any part of the structure due to missing windows, doors, or other openings;
 - (d) Deterioration of chimneys;
 - (e) Deterioration or crumbling of exterior stucco or mortar;

- (f) Prolonged water penetration, rotting, and other forms of decay;
 - (g) The lack of maintenance of the surrounding environment causing deterioration to the building or structure through poorly maintained landscaping or plant overgrowth including overhanging trees, limbs or roots allowed to beat against or grow into the resource; or invasive vines such as climbing ivy with tendrils that attach to and cause loss of mortar and structural soundness in masonry walls and pull out corner boards, weatherboard and other wooden elements causing an unsafe condition;
 - (h) Deterioration of any building or structure so as to create, or permit the creation of any hazardous or unsafe condition; and
 - (i) Determination by the Zoning Administrator or designee that a structure is unsafe or not in compliance with any safety provisions of the statewide building code.
2. The ARB shall hold a public hearing on the report prior to making a determination about any violation of this section. The Zoning Administrator shall notify the owner of the subject property of the hearing and provide the owner with a copy of the report. The owner shall have 30 days from the decision to appeal to the Town Council a determination by the ARB of a violation of this section.
 3. The owner shall have 60 days from the date of the ARB's determination to present to the ARB a plan to remedy the neglect and six months from the ARB's approval of the plan to complete the necessary remedial work. If the owner appeals the determination of the ARB within the time period prescribed above, the deadlines to present a plan and complete the remedial work shall not begin until the Town Council takes action. If appropriate action is not taken by the owner, the Zoning Administrator shall initiate appropriate legal action for a violation of the UDO.
- C. Public Safety Exclusion. Nothing in this UDO shall prevent the razing or demolition of any building or structure without consideration of the ARB, which is in such an unsafe condition that it would imminently endanger life or property, and protection from such condition is provided for in the statewide building code and/or other applicable ordinances. However, such razing or demolition shall not be commenced without written approval of the Zoning Administrator and Zoning Administrator verifying the conditions necessitating such action.

3.17.6 Types of Improvements

- A. Minor Modifications. Minor modifications do not require ARB review and recommendation. For minor modifications, no application for a Certificate of Appropriateness is required. The following constitute a minor modification:
1. Replacement or reconstruction of architectural features (shutters, trim, gutters, siding, roofing, porches, windows, etc.) using similar materials;
 2. Addition or deletion of storm doors or storm windows and window gardens, or similar appurtenances;
 3. Addition or deletion of television and radio antennas; or skylights and solar collectors, except on the primary façade;
 4. Construction of off-street loading or parking areas containing three spaces or less;
 5. Replacement of missing or broken window panes, roofing slates, tiles, or shingles, and outside doors, window frames, or shutters where no substantial change in design or material is proposed; and

6. Any similar action which in the written determination of the Zoning Administrator will have no more effect on the character of the district than those activities listed above.
- B. Major Modification. Major modifications do require ARB review and recommendation. Application for a Certificate of Appropriateness is not required for a major modification. Major modifications are deemed to have a permanent effect upon the character of the Historic District, and include, but are not limited to, the following:
1. Application of a substitute siding material over wood siding;
 2. Installation of replacement windows of a substitute material;
 3. Addition or deletion of a window or door opening;
 4. Original painting of a masonry surface;
 5. Any change or alteration of the exterior architectural style of a structure, including removal or rebuilding of porches, opening, dormers, window sash, chimneys, columns, structural elements, stairways, terraces, and the like;
 6. Addition or removal of one or more stories or alteration of a roof line;
 7. All signs;
 8. Addition or deletion of awnings, canopies, and similar appurtenances;
 9. Any other major actions not specifically covered by the terms of this section but which, in the written determination of the Zoning Administrator, would have a substantial effect on the character of the historic district.
- C. Tax Credit Requires Certificate of Appropriateness. If the owner is seeking a real estate tax exemption, the ARB shall take action on the application and either approve, disapprove, or approve with conditions. If the proposal is approved, the Board shall issue a Certificate of Appropriateness which indicates the approved modifications and any conditions of approval. If the application is disapproved, the Board shall indicate in writing, the reasons for such action and suggest conditions under which the application may be approved. Failure by the Board to issue a certificate of appropriateness shall disqualify an owner from receiving the tax exemption benefits. The ARB Board shall review the proposal for compliance with the review criteria provided in this UDO and shall make recommendations to the owner. If the proposal is approved, the Board shall issue a Certificate of Appropriateness which indicates the approved modifications and any conditions of approval. If the application is disapproved, the Board shall indicate in writing, the reasons for such action and suggest conditions under which the application may be approved. Failure by the Board to issue a certificate of appropriateness shall disqualify an owner from receiving the tax exemption benefits.
- D. Improvements that Require Certificate of Appropriateness. The following improvements also require ARB review and recommendation.
1. Demolition;
 2. New construction, addition, movement, or relocation. Construction of a new building, new accessory building, an addition which increases the square footage of the building, or the movement or relocation of an existing structure. This includes any addition to or alteration of a building which increases the square footage of the building or otherwise alters substantially its size, height, contour, or outline; and
 3. Reconstruction over 50%

Exhibit 3A: Historic District Overlay Map



3.18 Entrance Corridor (EC) Overlay District

3.18.1 Purpose

Pursuant to Code of Virginia §15.2-2306, as amended, the intent of this entrance corridor overlay district (EC) is to promote and protect the health, safety, comfort and general welfare of the community through establishing high quality design criteria. The implementation of these criteria will help to stabilize and improve property values; to protect and enhance the Town's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the Town from tourism; and to support and stimulate complimentary development appropriate to the historic and architectural character of the Town. Benefits attributed to the promotion of superior design and appearance of structures constructed along the arterial entrance corridor will ultimately promote the public health, safety and general welfare of the citizens of the Town of Strasburg.

3.18.2 Establishment of districts

The Entrance Corridor Overlay District (EC) will overlay all other zoning districts where it is applied so that any parcel of land lying in an EC shall also lie within one or more other land use districts. The regulations and requirements of both the underlying district(s) and the EC shall apply. However, when the regulations applicable to the EC conflict with the regulations of the underlying district, the more restrictive regulation shall apply.

3.18.3 District boundaries

- A. EC District boundaries shall be designated on the official zoning map of the Town of Strasburg.
- B. EC District boundaries shall be designated as the full depth of all parcels of land as shown in the Entrance Corridor Overlay District Map shown in Exhibit 3B.
- C. Any property or project partially located within the EC shall be considered to be fully located within the EC District and subject to the regulations herein.

3.18.4 Development and Design Standards

- A. Outside storage/display of goods. Outside storage or display of goods, except automotive and similar large item sales shall be completely screened from the view of the corridor roadway, as approved on the Site Plan.
- B. Utilities. Utility lines, including electric, cable and telephone, to serve the development project shall be installed underground. All junctions and access boxes shall be screened. All utility pad fixtures, meter boxes, etc. shall be shown on the Site Plan and integrated with the architectural elements of the site.
- C. Fences. Fences exceeding four feet in height shall be located in the side and rear yards only. Chain-link fences, including those with slats, are discouraged, particularly where visible from the public right-of-way. No chain-link fence shall be permitted in the front yard in the EC.
- D. Mechanical equipment. Mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building.
- E. Integrated development. All buildings within the property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically. Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) that are visible from the public right-of-way, shall consist of similar architectural treatment in terms of materials, quality, appearance and detail.

- F. Orientation. Building facades and entrances should be oriented in a manner toward the primary means of vehicular access.
- G. Building bulk and mass. All buildings and parking areas should be designed with treatments to break up the mass and bulk. The treatment of buildings shall include vertical architectural treatment at least every 25 to 30 feet to break down the scale of the building into smaller components. Architectural details shall continue on all facades visible from the public right-of-way. Large expanses of blank walls facing the street are inappropriate.
- H. Scale and proportion. New construction should relate to the dominant proportions of buildings in the immediate area. The ratio of height to width and the ratio of mass (building) to void (openings) should be balanced. The scale and mass of a proposed project should relate to nearby buildings or the streetscape.
- I. Materials. Building materials shall be typical of those prevalent in Strasburg/Shenandoah County, including, but not limited to, stucco, brick, architectural block, wood siding and standing seam metal roofs. Inappropriate materials include reflective glass and metal wall panels. No facade visible from the adjoining property or the roadway shall be constructed or unadorned cinder block, unadorned concrete, corrugated metal or sheet metal.
- J. Color. The permanent color of building materials (to be painted or unpainted) shall resemble the predominant tones, primarily earthen tones, prevalent in the historic areas of the community. Garish and striking colors shall be avoided.
- K. Adjoining historic properties. New construction on properties that adjoin designated historic properties should seek to incorporate the scale, massing and treatment of the historic property into the new construction. Efforts shall be made to relate to the building height, when in proximity to the principle historic structure. New construction shall not overshadow the adjoining historic property.
- L. Lighting. All island canopy ceiling fixtures shall be recessed. All outdoor lighting fixtures shall be down-directed, with light trespass not to exceed 0.5 foot candles at the property line, unless the Town Council approves a Special Use Permit for upward lighting with the following conditions:
 - 1. Any luminaire (defined as an individual lighting assembly including the lamp and any housings, reflectors, globes, lenses, shields or other components designed to block or distribute light) used for lighting shall have the necessary shielding and/or beam-angle control and/or shall be aimed to substantially confine the directed light to the object intending to be illuminated.
 - 2. Landscape lighting shall have a maximum inclination of 60 degrees and a maximum light output of 1,100 lumens (defined as a unit of measure of luminous flux. Lumens denotes initial lumens for HID lighting applications: a high-intensity discharge family of lighting that includes high-pressure sodium, fluorescent, mercury vapor, and metal halide type bulbs) up to 45 degrees or 800 lumens up to 60 degrees.
 - 3. Architectural lighting shall have a maximum inclination of 45 degrees, from the ground up, and a maximum light output of 1,100 lumens that shall not exceed the building eaves.
 - 4. A Letter of Inspection from a representative of the Illumination Engineering Society of North America or like professional will verify compliance with these conditions.
 - 5. The Town Council may impose such additional reasonable conditions on any such special use permit as deemed necessary or appropriate to meet the reasonable goals of this UDO.

Exhibit 3B: Entrance Corridor Overlay District Map



6. Signs. Freestanding signs advertising or identifying a business shall conform with the requirements of this UDO.

3.19 Floodplain Protection (FP) Overlay District

3.19.1 Purpose

The purpose of these provisions is 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 by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in floodplain districts to be protected and/or flood proofed against flooding and flood damage.
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

3.19.2 Applicability

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

3.19.3 Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this UDO and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.
- B. The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This UDO does not imply that districts outside the Floodplain Protection District or that land uses permitted within such district shall be free from flooding or flood damages.
- C. This section shall not create liability on the part of the Town of Strasburg or any officer or employee thereof for any flood damages that result from reliance on this UDO or any administrative decision lawfully made thereunder.

3.19.4 Abrogation and Greater Restrictions

This Section supersedes any ordinance currently in effect in floodplain districts; however, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this section.

3.19.5 Establishment of Floodplain Protection Districts

- A. Floodplain Protection District. Floodplain Protection Districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the flood insurance study (FIS) for the Town of Strasburg prepared by the Federal Emergency Management Agency, Federal Insurance

Administration, dated July 16, 2003, as amended. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers floodplain information reports, U.S. Geological Survey floodplain quadrangles, etc., then the Applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Town of Strasburg.

- B. Flood-Fringe Protection District. In the Flood-Fringe and Approximated Floodplain Protection Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
- C. Approximated Floodplain Protection District. An approximated Floodplain Protection District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Within the Approximated Floodplain district, all new subdivision proposals and other purposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data. The Applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the 100-year flood elevation more than one foot at any one point. The engineering principle--equal reduction of conveyance--shall be used to make the determination of increased flood heights.

3.19.6 Floodplain Protection District Overlay

- A. The Floodplain Protection District described above shall be overlays to the existing underlying districts as shown on the official zoning map, and as such, the provisions for the Floodplain Protection District 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 any provision concerning a Floodplain Protection District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain.

3.19.7 Official Zoning Map

The boundaries of the Floodplain Protection Districts are established as shown on the flood boundary and floodway map and/or flood insurance rate map, which is incorporated into this section by reference. Said maps shall be kept on file at the Town of Strasburg office.

3.19.8 District Boundary Changes

The delineation of any of the Floodplain Protection Districts may be revised by the Town of Strasburg where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval shall be obtained from the Federal Insurance Administration.

3.19.9 Interpretation of District Boundaries

- A. Initial interpretations of the boundaries of the Floodplain Protection Districts shall be made by the Zoning Administrator.
- B. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination.
- C. 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.

3.19.10 Permitted Uses in Floodplain Protection Districts

The following uses and activities are permitted provided that they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

- A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
- B. Passive and low impact public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas;
- C. Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas; and
- D. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas and airport landing strips.

3.20 Density/Intensity Bonus

3.20.1 Purpose and Findings

There are instances where it is in the best interests of the Applicant and the Town to exceed the minimum requirements of this UDO. The density/intensity bonus system provides incentives to desirable development that provides meaningful community benefits that ensure to the Town, preserves Town character and is compatible with the overall integrity of the Comprehensive Plan by providing uniform rules of general application for density increases. In such instances, the Town's interests in restricting density or imposing certain regulatory requirements may be offset by increases in open space, preserving natural resources, providing and promoting certain sustainable development practices, providing affordable senior housing or other amenities important to the Town, or incorporating exemplary historic architectural or design features that define the character of the Town.

3.20.2 Guidelines

- A. Clustering shall be encouraged, not penalized. Applicants should have an economic incentive to use the program.
- B. High quality design shall be required of all development. Properties seeking a density bonus shall conform to the spirit and intent of community design and development standards identified in the Comprehensive Plan and established in this UDO and a form-based perspective applicable to the subject property's neighborhood.
- C. Additional density/intensity shall be allowed only where appropriate and compatible. Neighborhood character and design should be protected.

- D. Granting density/intensity bonuses should be focused on community benefit.
- E. This subsection applies to density of use on the parcel subject to an application for development approval. Density bonuses shall be granted as of right subject to compliance with bonus criteria in this UDO.
- F. In order to receive the incentive described in this Section, the Applicant shall submit a Density/Intensity Bonus Application to the Zoning Administrator which will be treated as part of the development application. The Zoning Administrator may request that Applicant provide additional information reasonably necessary to clarify and supplement the application or determining the consistency of the proposed Application with the requirements of this UDO, including but not be limited to, the following:
 - 1. A detailed description of the development project;
 - 2. The zoning and general plan designations and assessor's parcel number(s) of the project site;
 - 3. A vicinity map and preliminary Site Plan, drawn to scale, including building footprints, driveway and parking layout;
 - 4. A description of the incentives requested; and
 - 5. If an additional incentive(s) is requested, the application should describe why the additional incentive(s) is requested.
- G. Granting an incentive shall not require a Plan Amendment, zoning change, or other discretionary approval.
- H. The decision process for a development requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the development proposal.
- I. Granting density/intensity bonuses is at the discretion of the Town Council and is considered on a case-by-case basis. Nothing prevents the Town from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein if the development does not meet minimum thresholds.
- J. Applicant may request a deviation from additional applicable development regulations as a development incentive for senior housing if consistent with the purpose and guidelines of this Section.
- K. Nothing in this Section shall be construed to require the provision of direct financial incentives for the development project, including the provision of publicly owned land by the Town or the waiver of fees or dedication requirements.
- L. For the purposes of this Section, incentive may mean:
 - 1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building safety standards, resulting in identifiable, financially sufficient, and actual cost reductions; or
 - 2. A reduction in lot coverage, setback and square footage requirements; or
 - 3. A reduction in the ratio of vehicular parking spaces and/or configurations as set forth in this UDO;
 - 4. Reduced minimum building separation requirements;
 - 5. Reduced street standards, such as reduced minimum street widths; or

6. Approval of a mixed use development plan in conjunction with the development project if commercial, office, industrial, or other land uses will reduce the development cost of the development project and if the commercial, office, industrial, or other land uses are compatible with the development project and the existing or planned development in the area where the proposed housing project will be located.

3.20.3 Types of Incentives

The following types of bonus or intensity incentives may be allowed. Up to two incentives may be requested and received: one primary incentive shall be valued at 100% of the approved value; and a secondary incentive shall be valued at no more than 50% of the approved value.

- A. **Good Design.** A 10% density/intensity bonus may be available to help offset added architectural, design or development costs and encourage high-quality development to recognize unique and innovative developments and reward good design.
- B. **Open Space**
 1. **Active Open Space.** A 20% density/intensity bonus may be available if a development project establishes additional functional, active open space for 25% of the development project area in excess of the minimum acreage requirements of the parks and open space standards. The area dedicated to active open space shall comprise at least one (1) acre and shall comply with parks and recreation standards to receive bonus credit.
 2. **Passive Open Space.** A 10% density/intensity bonus may be available if a development project establishes additional functional, active open space for 25% of the development project area in excess of the minimum acreage requirements of the parks and open space standards. The area dedicated to passive open space shall comprise at least one (1) acre and shall comply with open space and landscaping standards to receive bonus credit.
- C. **Senior Housing.** A 20% density bonus may be available if 25% of project dwelling units are restricted to residents over 55 years old through a deed restriction or an enforceable contract with a public housing authority or community development corporation.
- D. **Sustainability**
 1. A 20% density/intensity bonus may be available if a development project establishes LEED Platinum certification for Building Design and Construction (BD+C) or Neighborhood Development (ND).
 2. A 15% density/intensity bonus may be available if a development project establishes LEED Gold certification for Building Design and Construction (BD+C) or Neighborhood Development (ND) or Platinum Certification for Building Operations and Maintenance (O+M) and Interior Design and Construction (ID+C).
 3. A 10% density/intensity bonus may be available if a development project establishes LEED Silver certification for Building Design and Construction (BD+C) or Neighborhood Development (ND) or Gold Certification for Building Operations and Maintenance (O+M) and Interior Design and Construction (ID+C).
 4. A 5% density/intensity bonus may be available if a development project establishes LEED Certified certification for Building Design and Construction (BD+C) or Neighborhood Development (ND) or Silver Certification for Building Operations and Maintenance (O+M) and Interior Design and Construction (ID+C).
 5. Alternative or additional sustainability features, comparable and equivalent to LEED certifications, also may be considered for density/intensity bonus.

3.20.4 Approval

The provisions of this Section shall apply to all agents, successors and assignees of an Applicant, developer, builder or property owner proposing a development project subject to a density/intensity bonus.

CHAPTER 4. DEVELOPMENT AND DESIGN STANDARDS

4.1 Administration

4.1.1 Generally

- A. The Design and Construction Standards presented in this UDO and the Technical Design Manual are the minimum standards to be followed by Applicants applicable to new development projects in the Town of Strasburg, and are not intended to be used as a substitute for actual construction specifications and design computations.
- B. Due to the wide variety of situations that arise, it is impossible to address all scenarios. Exceptional measures may be required to address project-specific conditions. Many criteria listed are minimums. The Town of Strasburg reserves the right to exercise engineering and judgment, and will make the final determination as to the acceptability of each design. Final design decisions will be based upon life-cycle costs.
- C. Where the designer believes that project-specific conditions warrant a variance to or waiver from the provisions of the Technical Design Manual (TDM), they should forward a request such consideration to the Director of Public Works and/or designated representative. In cases where the Applicant wishes to dispute the determination of the Director of Public Works and/or designated representative, a request for further consideration is to be made in writing. The Town Manager will have the final say in the matter and resolve to final decision.
- D. All designs must comply with the requirements of all applicable regulatory agencies including Virginia Department of Health (VDH), Virginia Department of Environmental Quality (DEQ), Virginia Department of Transportation (VDOT), Department of Recreation and Conservation (DCR) and Shenandoah County.
- E. The Town encourages innovative design proposals outside of the design standards as set forth in the TDM and all other applicable regulations. Prior to submission, the Applicant shall sit down with the Town staff prior to the first submission to discuss the proposal(s). Additional information should be provided, including test cases, research documentation and other applicable data.
- F. These design standards are intended to assist design engineers in the development of plans and specifications in general land disturbance activities for the Town of Strasburg. This UDO establishes minimum acceptable standards for quality, materials, and configurations expected with the design and construction.

4.1.2 Reference Standards

The design engineer shall comply with all relevant industry standards and federal, state and local regulations, including the following standards, which are incorporated into this document by reference. Additional approvals may be required by Federal, State and County agencies. These approvals and meetings will be the responsibility of the Applicant. The Applicant shall meet all Federal, State, County and Town laws.

4.1.3 Value Engineering

When a public project is proposed, the engineer and Town staff shall determine if the project should be considered for Value Engineering. This shall determine if the goods and/or services provided will be evaluated by function. The process

should not be reduced as reducing costs as a consequence of pursuing. Private projects are highly encouraged to go through the process to determine any cost savings and/or alternatives.

4.1.4 Disclaimer of Liability

The UDO and TDM establish reasonable development and design standards and guidelines for the protection and promotion of the general health, safety, and welfare of the Town of Strasburg's residents. Approval of plans and plats by the Town of Strasburg or its agencies pursuant to this UDO, is not intended and shall not be deemed as a guarantee or warranty for any individual, landowner, or Applicant that any improvements will be designed, planned, constructed, or operated in any particular manner or be free from defects. Such approval shall create no duty or result in any liability on the part of the Town of Strasburg, its officials, or employees for any claim, demand, suit, or damages alleged to have resulted from the development, construction, existence, or operation of improvements constructed pursuant to such approved plans or plats. Further, no such approval shall operate as or be deemed as a waiver of any provision or requirement of this UDO, unless such waiver has been specifically granted in writing by the Zoning Administrator. In the event that any aspect of any such approved plan or plat fails to comply with any provision or requirement of this UDO, or the TDM, in effect at the time of such approval, such provision or requirement of this UDO, shall take precedence over the approved plans, and development shall be in accordance with the this UDO.

4.1.5 Responsibilities, Generally

- A. The Town is hereby charged with the responsibility to enforce these standards and regulations and to revise, update, and enforce any and all revisions deemed necessary the Town.
- B. The Applicant is hereby charged with the responsibility for submission of the correct number of plans and specifications and employing reliable contractors with sufficient skills and experience to perform all work in an acceptable manner with the safe and proper construction of the facilities proposed. Failure to do so may result in work stoppage and/or refusal by the Town to accept the project as part of its system.
- C. After plans and specifications have been approved, the Town reserves the right to make adjustments in types of materials and methods of construction required, should field inspection reveal unforeseen and/or unfavorable conditions. Any dispute resulting from the interpretation of the Town's construction standards herein described shall be governed by the final decision of the Town.
- D. The Town will supervise all water and sewer laterals that connect to existing lines and tap all existing water lines. All related costs for this work shall be the responsibility of the Contractor and/or Applicant.
- E. The Contractor shall contact the Town's assigned inspector at least 72 hours before beginning work.
- F. It is the Contractor's responsibility to obtain the required permits. No work will be accepted by the Town that has not been accepted by all regulatory agencies.

4.2 General Standards

- A. The standards and requirements contained in this UDO are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Planning Commission, Board of Zoning Appeals and Town Council in reviewing all applications for development review.
- B. Additional technical standards and specifications are identified in the Technical Design Manual, attached to this UDO, in Appendix B, supplemental to but not a component of this UDO. It is the responsibility of the Applicant to confirm compliance with this UDO and the TDM.
- C. All required on-site improvements shall be installed by the Applicant at their cost.

- D. Before any subdivision plat or development plan will be finally approved, the Applicant may install the required improvements to the satisfaction and approval of the appropriate engineer (Town, highway and/or other) or in lieu of construction shall furnish bond with corporate surety or cash in an amount calculated by the Planning Commission with the necessary assistance of appropriate engineers designated by the Planning Commission at the expense of the Applicant, to secure the required improvements for the subdivision which the Applicant has submitted for final approval. Such bond shall be payable to and held by the Town Council. The form of such bond shall be approved by the Town Attorney. The Applicant's bond shall not be reduced by Town Council until construction has been inspected and approved. Increase in prices due to inflation and the passage of time shall be given consideration in the determination of the amount of said bond.

4.3 Lots

4.3.1 Generally

- A. All lots shall be designed to provide a satisfactory and desirable building site and shall abut on a street and a utility easement. The size of the lot shall conform to the minimum requirements for the type of zoning district in which the lot is located.
- B. All side lot lines shall run perpendicular to a straight street or the tangent of a curved street when possible.
- C. Corner lots in residential districts shall be of sufficient size to observe the same setback on both streets.
- D. When possible, principal frontage should be located on local roads. Principal frontage upon a state-maintained road should be avoided when possible.
- E. Lots shall be grouped in blocks composed of one or more lots. In residential districts, blocks shall be consistent with adjacent lot and block configurations.
- F. The Planning Commission shall require the construction of concrete sidewalks in subdivisions having more than five (5) lots to the acre. Sidewalks shall be five (5) feet wide with four (4) inches of concrete. Sidewalks shall be reinforced with wire mesh at driveway crossings.
- G. The Applicant shall install road name signs at all intersections.
- H. Numbered house markers are required at all driveway entrances. Such house markers shall be clearly visible at all times, including nighttime.
- I. The Applicant shall seed and plant in an appropriate manner to reduce erosion all landscaped strips, parkways, buffer screened areas, and open drainage areas dedicated to the public.

4.3.2 Flag Lots

Lots not having frontage on a street as required by this UDO but having access to such street by means of fee title access strips, though not encouraged by the Town, may be approved by the Zoning Administrator, provided that there are no other reasonable layout and development alternatives available to the property owner as determined by the Zoning Administrator. Flag lots, if approved, shall comply with all reasonable requirements and conditions established by the Zoning Administrator or Planning Commission to ensure safety, accessibility, privacy, to maintain or improve the general welfare of the immediate area and for the protection of property rights of adjacent properties.

4.3.3 Structural Features Included and Excluded from Dimension Requirements

- A. Permitted. In any district, the ordinary projection of skylights, parapets, window sills, belt courses, cornices, chimneys and chimney foundations, buttresses, eaves, and other architectural ornamental features may extend not more than two feet into any required yard area. In addition, steps to the principal entrance, walks, fences, walls, balustrades, landscape, or garden ornaments shall be permitted in the required yard area subject to any other controls affecting such features. Fire escapes may extend into any required yard area.
- B. Not Permitted. In order to protect light, air and safety, roofed or screened decks, porches and balconies shall be considered as part of the property and shall not be permitted to extend into required yard areas.

4.4 Blocks

4.4.1 Depth

Blocks shall be wide enough to allow two tiers of lots consistent with this UDO, unless prevented by topographical conditions or the size of the property, in which case the Town Council may approve a single tier of lots.

4.4.2 Shape

Lots shall not contain peculiarly shaped elongations which would be unusable for normal building purposes solely to provide necessary square footage. Generally, the depth of residential lots shall not be less than four times lot width.

4.4.3 Location

Each lot shall abut on a street dedicated by the subdivision plat, or on an existing public street which has been accepted by the Town Council or VDOT or on an existing public street eligible for such acceptance. If the existing streets are not constructed in accordance with the VDOT standards, the Applicant shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to such a required width. Municipal boundaries shall not cut through lots, but rather shall act as lot lines for those lots adjacent to either side of said municipal boundaries.

4.4.4 Sidelines

Sidelines of lots shall be approximately at right angles to straight street lines or radial to curved street lines.

4.4.5 Remnants

All remnants of lots below minimum size left over after subdividing of a tract shall be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

4.4.6 Lot size

- A. The minimum lot size of any lot within the corporate limits of the Town of Strasburg shall be in accordance with Chapter 3 of this UDO.
- B. The Planning Commission shall require that tentative approval by the health department be submitted as a basis for evaluating the lot sizes of subdivisions dependent upon individual on-site water and/or sewer systems. The Town shall not approve any subdivision unless tentative approval from the health department is given on a lot-by-lot basis stating that the proposed lots have satisfactory sites for the proposed water and sewer systems at the proposed lot size. The issuance of tentative approval does not guarantee the issuance of a permit when application is made for a septic system at time of construction. The health department reserves the right to reject an application for a septic system based on further testing.

- C. In any instance, greater lot area shall be required in accordance with health department findings where individual septic tanks or individual wells are used if the health officer determines that there are factors of drainage, soil conditions, or other conditions which are likely to cause potential health problems.

4.5 Public Facilities

4.5.1 Service Areas

- A. The Town of Strasburg owns and operates drinking water (potable), sanitary sewer systems inside and outside of the unincorporated Town limits of Shenandoah County. The Town of Strasburg also operates approximately 44 lane miles of streets within the Town limits. VDOT dictates control of Routes 11 and 55.
- B. In all situations involving the initiation of new service from one of these systems, or the modification of an existing service, the landowner is responsible for acquiring an application for connection to the Town.
- C. In addition to making service connections, it is necessary to extend the public main in all situations where the property in question does not have immediate access to the Town of Strasburg distribution or collection mains. Extensions of the public main entail design and installation of new pipeline, in accordance with the provisions of the TDM, and all applicable statutes of Shenandoah County, the Commonwealth of Virginia, and the United States of America.
- D. Prospective Applicants should consult with the TDM and or the Director of Public Works to determine whether the property in question can be served.
- E. The Town of Strasburg will not accept community systems and/or private systems for water and/or wastewater. These systems will further not be permitted in the Town of Strasburg.

4.6 Water

4.6.1 Generally

- A. Whenever an existing public or approved community water system is determined by the Town to be geographically and economically accessible to a proposed subdivision, the Applicant shall provide an approved distribution system which shall be designed to connect with such system in accordance with state health department standards.
- B. Such systems shall furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the ISO ratings. A copy of the approval of such system by the appropriate public agency or utility company shall be submitted with the Final Plat. Suitable agreements shall also be established for the ownership and maintenance of such distribution system. In accordance with these regulations, the Applicant may be required to provide his own community water system.
- C. The Applicant shall construct all water lines on the subdivision site that are located within the public right-of-way at his own cost. This shall also include water taps from the main water line to each front lot line within the subdivision in order to serve each lot with water facilities.

4.7 Sewer

4.7.1 Generally

- A. The Applicant shall provide the type of sanitary sewage disposal facility determined by the Planning Commission to be consistent with existing physical, geographical and geological conditions.
- B. The following types of sanitary sewage disposal facilities are listed in order of desirability:
 1. Public sanitary sewage collection and treatment system.
 2. Community sanitary sewerage system with a temporary sewage treatment plant is not permitted.
 3. Individual on-site sewage disposal system is not permitted.
- C. Sanitary sewers, shall be designed and constructed in strict accordance with department of health and/or state water control board standards, whichever is applicable.
- D. Should the use of on-site sewer systems be approved by the Town Council, the Town has no responsibility for the enforcement of health department regulations nor for investigating or repairing a malfunctioning septic system. The Town is responsible only for the public sewer system.
- E. Sanitary sewers shall not be used to carry stormwater.
- F. The Applicant shall construct all sewer lines on the subdivision site that are located within the public right-of-way at his own cost.
- G. This shall also include sewer taps from the main sewer line to each front lot line within the subdivision in order to serve each lot with sewer facilities.

4.8 Grading and Land Disturbance

The Applicant shall cause all grading, excavations, open cutting, and similar land surface disturbances to be mulched, seeded, sodded, or otherwise protected.

4.9 Storm Drainage

4.9.1 Generally

- A. Storm sewers and related installations shall be required only when the runoff of stormwater cannot be satisfactorily handled within the street pavement.
- B. Where existing storm sewers are located within 500 feet, the proposed subdivision shall be connected with said storm sewers.
- C. In the design of storm drainage facilities, steps shall be taken to avoid drainage problems which may arise from the concentration of stormwater running off onto adjacent developed or undeveloped properties or the collection of water at low points in the subdivision and along streets.
- D. Water shall be drained away from on-site sewage disposal facilities.

- E. Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the watershed is fully developed.
- F. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving, or protecting such drainage facilities.
- G. Any changes in the existing drainageway shall be subject to the approval of the state water control board.
- H. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- I. The Applicant shall provide for all such drainage improvements as required by this UDO together with a certified engineer's or surveyor's statement that such improvements will be adequate for proper development.

4.10 Erosion and Sediment Controls

4.10.1 Generally

Erosion and sedimentation control measures shall meet the standards and specifications of the Shenandoah County Sediment and Erosion Control Ordinance and additional requirements established by this UDO.

4.11 Floodplain Protection

4.11.1 Generally

- A. The Applicant shall consult all available engineering, soils studies, historical information and data, including anecdotal testimony and reports, and delineate the 100-year floodplain on the plat of his land.
- B. The Town shall not approve any plat in which a structure or street will be located within the area subject to flooding by a flood of 100-year frequency unless such structure is adequately flood proofed and approved under the appropriate building code or the street has been approved by VDOT.

4.11.2 Development and Design Standards

- A. Base Flood Elevation Data Required. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data. Code of Federal Regulations 44 CFR 60.3(b) section (3).
- B. In the Floodplain Protection Districts, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.
- C. Permit Requirement
 - 1. All uses, activities, and development occurring within any Floodplain Protection District shall be undertaken only upon the issuance of a Zoning Permit.

2. Development within a Floodplain Protection District shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances, including the Virginia Uniform Statewide Building Code and this UDO
 3. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include or verify compliance with all applicable state and federal laws.
 4. Under no circumstance shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- D. Alteration or Relocation of Watercourse
1. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission, for which a joint permit application is available from any of these organizations.
 2. The Applicant shall notify all affected adjacent jurisdictions, the Department of Environmental Quality, and FEMA of the proposal.
- E. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- F. Site Plans and Permit Applications. All applications for development in the Floodplain Protection District and all Zoning Permits issued within the Floodplain Protection District shall incorporate the following information:
1. For structures to be elevated, the elevation of the lowest floor (including basement) and its height above the floodplain.
 2. For structures to be flood proofed (nonresidential only), the elevation to which the structure will be flood proofed.
 3. The elevation of the 100-year flood.
 4. Topographic information showing existing and proposed ground elevations.
- G. Recreational Vehicles. Recreational vehicles placed on sites shall either meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building Code; or be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

4.11.3 Existing Structures in Floodplain Protection Districts

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

- A. Existing structures in the Floodplain Protection District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.

- B. Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50% of its market value, elevation and/or flood proofing should be considered to the greatest extent possible.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50% or more of its market value shall be undertaken only in full compliance with the provisions of this UDO and the Virginia Uniform Statewide Building Code.

4.12 Riparian Protection Areas

- A. Riparian Protection Areas (RPA) are measured from each defined edge of an identified watercourse or surface water body at bankfull flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. All Site Plans, plats and development plans shall reserve the following riparian protection areas:
 - 1. Along an ephemeral stream - 25’;
 - 2. Along an intermittent or perennial stream - 50’;
 - 3. Along the Shenandoah River - 100’.
- B. Boundary Expansion. While the buffer is considered the general standard, there are situations where the presence of an ecologically sensitive area shall require a modification to this buffer width. In order to ensure the protection of stream integrity, the Zoning Administrator may require buffer expansions to accommodate wetlands and areas of steep slope.
- C. Activity Within RPA.
 - 1. Development may occur within an RPA upon receiving Special Use Permit approval.
 - 2. Existing vegetation within the riparian protection area should be retained to the greatest extent possible.
 - 3. Best Management Practices should be incorporated into all development proposals.
- D. Boundary Interpretation and Appeals Procedure
 - 1. When an Applicant disputes the boundaries of the riparian buffer or the defined edge of a watercourse or surface water body, the Applicant shall submit evidence to the Zoning Administrator that describes the boundary, presents the Applicant's proposed boundary, and presents all justification for the proposed boundary change.
 - 2. The Zoning Administrator shall evaluate all material submitted and shall make a written determination within 30 days, a copy of which shall be submitted to the Town Council and Applicant.
 - 3. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Town Council under the provisions this UDO. The Applicant shall have the burden of proof in case of any such appeal.

4.13 Utility Easements

- A. Easements shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water mains and/or other utility lines intended to serve the abutting lots, in as directed .
- B. No structures or trees shall be placed within such easements.
- C. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- D. Easements shall be in accordance with requirements of appropriate utility companies and the Town of Strasburg Technical Design Manual.

4.14 Monuments

- A. Monuments are required in all subdivisions. Monuments shall be set permanently at the intersection of all lines forming angles in the boundaries of the subdivisions and at the intersection of road lines.
- B. Markers shall comply with all state regulations.
- C. Any monuments or markers that are removed shall be replaced by a surveyor at the expense of the individual removing them.
- D. As required by this UDO, all monuments shall be installed by the Applicant.
- E. Upon completion of subdivision streets, sewers, and other improvements, the Applicant shall make certain that all monuments required by the Town are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Town before any improvements are accepted by the Town Council.
- F. Location – Steel pins. Steel pins shall be used as monuments at all street corners and at all points where the street line intersects the exterior boundaries of the subdivision and at right angle points, and points of curve in each street. Such monuments shall meet the specifications of the VDOT.
- G. Location – Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

4.15 Landscaping

This Section shall be known as the Town of Strasburg Landscaping Code and may be referred to as the Landscaping Code throughout this UDO.

4.15.1 Purpose

This Landscaping Code is intended to regulate the planting and preservation of landscape materials; to promote the general health, safety and welfare of our citizens; to facilitate the creation of an attractive environment; to protect property values and to further the urban design and economic development objectives of the Comprehensive Plan. These landscaping regulations are intended to promote the planting and preservation of landscape materials which:

- A. Provide screening and buffering between incompatible land uses;
- B. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use;

- C. Provide shade and enhance the appearance of urban areas;
- D. Provide for the creation of safe, attractive landscaped areas adjacent to public streets by using landscape materials which separate vehicular and pedestrian areas;
- E. Provide for the protection of ground and surface water quality and air quality through the mitigating effects of tree and vegetated areas; and
- F. Provide for the useful and attractive open space areas.

4.15.2 **Applicability**

- A. The provisions of this Section shall apply to:
 - 1. All Site Development Plans and Subdivision Applications within the corporate limits approved after Aug. 10, 2004, including those which propose reconstruction and enlargement of existing structures;
 - 2. Enlargement of any parking lot;
 - 3. Construction of any parking lot with greater than five spaces; and
 - 4. Construction, extension or widening of any public or private street.
- B. The provisions of this Section shall not apply to the resurfacing of any existing parking lot.

4.15.3 **Modifications**

- A. The Zoning Administrator may modify buffer and landscape standards where:
 - 1. There are special considerations of site design and/or topography.
 - 2. There is existing healthy vegetation that is sufficient to meet the requirements of this Section in part or in whole.
 - 3. There exists a unique relationship to other properties.
 - 4. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon trees within the public right-of-way.
 - 5. Proposed street widening not provided by the Applicant shall consume the landscaping area.
- B. The Zoning Administrator may require alternative or additional planted buffers or landscaping when a modification of the requirements of this part is warranted in order to meet the intent of the stated standards.

4.15.4 **Landscape Plans**

- A. Required. A Landscape Plan, prepared by a registered Landscape Architect, meeting the requirements of this Section is required for all Subdivision Applications and Site Development Plans. Every Landscape Plan required by this Section shall be prepared by a landscape architect, landscape contractor or other individual with professional experience in landscape architecture.
- B. Review procedures. The Zoning Administrator shall be responsible for the review of all Landscape Plans. The Zoning Administrator shall forward an evaluation of any required Landscape Plan to the Planning Commission or Town Council, as appropriate, before final approval of any land development application.

C. Contents of Landscape Plan. All Landscape Plans shall meet the following criteria:

1. Scale. Plans shall be drawn to a scale of not less than 50 feet to the inch on paper not exceeding 24 by 36 inches.
2. Contents. Plans shall illustrate with sufficient detail the location of all proposed construction, including driveways, parking areas, curbs, sidewalks, utility lines, structures and landscape areas. Landscape areas shall indicate dimensions. All proposed trees and plants shall be illustrated.
3. Schedule. Plans shall be accompanied by a schedule of plants proposed, including the number proposed, their height, caliper or gallon size, and their common and botanical names.
4. Open space. All Plans shall include a table indicating the amount of open space, the number of plants and trees required by this UDO, and the number of plants and trees provided.
5. Existing vegetation
 - (a) Any existing vegetation proposed to be saved shall be identified by name, quantity and size in the Landscape Plan;
 - (b) Any existing vegetation proposed to be removed shall be generally identified in the Landscape Plan. A landscape architect shall clearly mark all vegetation to be saved prior to any clearing of lots larger than 10,000 square feet; and
 - (c) Any tree which has a diameter of six inches or more at three feet from the average tree base level shall be specifically identified and located on the Landscape Plan.

4.15.5 Landscaping Design Requirements

- A. Existing Vegetation. Buffers require provision of both physical separation and landscape elements to meet the intent of this UDO. Existing vegetation shall be used to meet all or part of the requirements of this Section wherever possible, if it provides the same level of opacity, as the required buffer. Vegetation to be saved shall be identified on Site Plans along with protection measures to be used during grading and construction.
- B. Planted Vegetation. Plan material allows for a mix of large hardwood and/or pine trees, small trees/large shrubs and smaller shrubs to provide variable height screening and a naturalized planting typical of the ecosystem of the site or surroundings. Evergreen trees, other than pine, should be added to the wider buffers to provide a more opaque screen, as well as a more natural appearance to the buffer. A plant mix shall be designed to create a buffer that will give a satisfactory screen within five years of planting, under normal maintenance, while allowing room for the various plants to grow. In calculating buffer planting requirements, areas of driveways and sight distance triangles shall be excluded.

4.15.6 Plantings

- A. Plantings selected for a subdivision should be a xeriscapic species and not an invasive species. It is recommended that a Landscape Architect or Arborist assist with the selection of plantings. The list of plantings (type and quantity), diameter size, planting instructions and details, and general maintenance shall be included with the plans.
- B. Plantings and/or decorative landscaping (including walls) shall not be placed within the clear zone and/or within ten feet of a driveway apron. Furthermore all plantings shall be planted per ANSI standards and will be

guaranteed by the Applicant for a minimum of 18 months after final occupancy of the last constructed residence and/or building.

4.15.7 Street Trees

- A. Intent. Street trees are an essential part of the Town streetscape. The Town seeks to maintain existing trees where possible and to encourage the planting and continuance of the established street tree patterns.
- B. Applicability. Street tree planting is required any time a public street is constructed, extended or widened. This requirement shall apply to all zoning districts. Where parking lots abut public rights-of-way, the requirements of this Landscaping Code shall apply.
- C. Responsibility and oversight. All street tree plantings shall be approved by the Zoning Administrator.
- D. Street tree standards
 1. Species. Tree species shall conform to those identified as street trees in the Plant List, identified in this Section. Substitutions may be made with the permission of the Zoning Administrator. In reviewing plans for street tree plantings the Zoning Administrator shall consider:
 - (a) The size, type and condition of existing street trees;
 - (b) The adopted design study, landscape plan or design theme for the street;
 - (c) That the trees are a type appropriate for purpose and use;
 - (d) The majority of street trees planted shall be medium or large scale canopy trees to provide shade and visual relief; and
 - (e) Flowering ornamental trees should be planted in groups.
 2. Number. Minimum of one tree for every 40 feet of street frontage.
 3. Location
 - (a) In general, trees shall be planted in the public right-of-way.
 - (b) In commercial zoned districts, all street trees shall be located in the required landscape area adjacent to the street.
 - (c) In residential zoned districts, street trees shall be located generally within 20 feet of the right-of-way.
 4. Intervals. Nothing in this section shall be construed as to require that tree plantings be planted at even intervals.
 5. All subdivisions, development subject to Site Plan approval, and Planned Developments shall provide street trees along their frontage with adjacent public streets.
 6. Street trees shall be selected from the list of large trees, or, where power lines are located, small trees included in this Section.
 7. Planting strips shall be a minimum of six (6) feet wide.

8. Planting location shall take into consideration planned roadway widening, public safety, standard drainage requirements and maintenance of sight distances for traffic safety. Street trees may be planted within the right-of-way, within planting strip abutting the right-of-way or other location approved by the Zoning Administrator.
 9. Street trees (unless subject to overhead power lines) shall be planted at the rate of one (1) three-inch caliper tree per thirty (30) feet of property line abutting a public street, excluding driveways and Traffic Visibility Zones. This rate may be varied based upon existing trees and the crowns of planted trees.
- E. Trees used to meet buffer, screening and parking lot landscaping requirements may be used to meet the street requirements to the extent that the trees are located within twenty-five (25) feet of a street.

4.15.8 Parking Lot Landscaping

- A. Applicability. All parking areas described below shall be landscaped as described in this Landscaping Code, unless explicitly exempted.
- B. Calculating parking lot area. The area of the parking lot shall be calculated to include all paved and unpaved areas used for ingress/egress. Paved storage areas may be subtracted from this figure for land use, such as lumberyards and warehouses.
- C. Perimeter Parking Lot Landscaping
 1. Perimeter parking lot landscaping shall include all landscape areas outside the perimeter of the paved or unpaved area of the lot, including any landscape area required adjacent to a public street.
 2. Applicability
 - (a) The requirements of this section shall apply to the construction or enlargement of any parking lot with five or more parking spaces.
 - (b) No perimeter parking lot landscaping shall be required if a Type B or Type C bufferyard, as defined in this Section, is necessary.
 3. Generally
 - (a) A continuous landscape area at least five feet wide shall be located between the property line and the parking lot.
 - (b) One tree and three shrubs for every 50 feet of frontage shall be planted in the landscape area. Screening shall be accomplished through the planting of shrubs, hedges or the creation of berms.
 - (c) No plant material or berm shall obstruct the sight distance of motorists entering or leaving the site.
- D. Interior Parking Lot Landscaping
 1. Purpose. To produce a shade canopy that balances form and function and creates an aesthetic appeal and incorporate applicable low impact design (LID) features.
 2. Applicability

- (a) Interior parking lot landscaping is required for any landscape area more than five feet from any principal structure, within the perimeter of the paved parking lot, in excess of 50 square feet.
 - (b) The requirements of this section shall apply to the construction or enlargement of any parking lot with ten or more parking spaces.
 - (c) The requirements of this section shall not apply to automobile sales centers.
3. Interior parking lot landscaping standards
- (a) Landscaping required under this section shall be in addition to perimeter parking lot landscaping, street tree planting and screening.
 - (b) Landscape islands. Landscape islands shall be installed at the ends of all parking bays abutting an aisle or accessway in the commercial and industrial zoned districts. All islands shall be at least nine feet wide, extend the length of the parking space or bay, and include borders that will be designed as to deter vehicle traffic incursion.
 - (c) Minimum landscape area. Interior landscape areas shall not be less than 50 square feet, and shall not constitute more than five percent of the gross area of the parking lot.
 - (d) Each landscape area shall have at least one canopy tree.
 - (e) For parking areas with fewer than 200 parking spaces:
 - (1) One canopy tree for every eight spaces, planted within landscape islands, reasonably dispersed within the parking area so that no more than 15 parking spaces exist between landscape islands.
 - (2) Three medium shrubs for every ten parking spaces shall be planted within landscape islands containing required trees.
 - (f) For parking areas with 200 or more parking spaces:
 - (1) One canopy tree for every eight parking spaces, planted within landscape islands, reasonably dispersed within the parking area so that no more than 15 parking spaces exist between landscape islands.
 - (2) Three medium shrubs for every ten parking spaces shall be planted within landscape islands containing required trees.
 - (3) One landscape median, six feet in width, for every three parking bays shall be installed. The landscape median shall be required to extend the full length of the parking bay and shall include 20% of the required parking area landscaping.
4. Species. At least three-fourths of the trees planted to meet the requirements of this section shall be canopy trees as identified in this Section.

E. Modification of Parking Lot Landscaping Requirements

- 1. Landscape area adjacent to a public street. The Zoning Administrator may waive or reduce the parking lot landscaping requirements for properties with structures built prior to April 11, 2000. The requirements may be waived or reduced when the Zoning Administrator finds that the required ten-

foot area would serve no useful purpose, would result in a hardship to the property owner and that a suitable screening alternative has been provided where necessary. Alternative screening such as architectural walls may be permitted when approved by the Zoning Administrator.

2. Perimeter parking lot landscaping. The Zoning Administrator may waive or reduce the requirements for perimeter parking lot landscaping when a suitable screening alternative has been provided, which is acceptable to the Zoning Administrator.
3. Relation of perimeter and interior parking lot landscaping. The Zoning Administrator may modify the numerical requirements for the amount of landscape space and amount of plant materials as required for parking lot landscaping. If additional landscape area or plant materials are provided that exceed the requirements of the interior of perimeter parking lot landscaping, the Zoning Administrator may apply this to the alternative perimeter or interior landscaping requirement.

4.15.9 Bufferyards

- A. Applicability. The requirements of this section shall apply to all new construction and all reconstruction or enlargement of existing structures constituting more than 50% of the floor area of the existing structure(s).
- B. Bufferyards
 1. Definition. Bufferyards are land areas provided to buffer adjoining land uses.
 2. Acceptable use of bufferyards
 - (a) Bufferyards shall be used for the planting of landscape materials. Driveways and entrances connecting adjacent parking lots or developments may interrupt the required bufferyard.
 - (b) Bufferyards shall not be used for buildings, for the storage of materials, or for parking or loading areas for motor vehicles, equipment or signs.
 3. Relation to setbacks
 - (a) Bufferyards may be provided in the area required for setbacks by the zoning district regulations, except in residential zoned districts.
 - (b) Bufferyards in residential zoned districts may be provided in any of the following ways:
 - (1) In common open space;
 - (2) In common use easements located outside of the required lot area; or
 - (3) By providing yard space in addition to the required minimum yard requirements listed in the residential zoned district regulations.
 4. Bufferyards exceeding setbacks. In any instance when the bufferyard required exceeds the setback required by the zoning district, the required bufferyard shall be provided.
 5. Credit for existing buffer. An existing bufferyard that complies with the standards established in this UDO that shall be preserved by a proposed Subdivision Application or a Site Development Plan may be deemed to satisfy these bufferyard requirements.
 6. Bufferyards adjacent to a vacant parcel. Site Development Plans and Subdivision Applications for property adjacent to vacant parcels shall be required to provide one-half of the required bufferyard.

7. Bufferyards adjacent to a developed site
 - (a) Existing development complying with buffer requirements. Whenever a development or subdivision is proposed adjacent to a developed property that has provided 100% of the required bufferyard, the adjacent proposed development or subdivision shall provide at least one-half of the width of the required bufferyard.
 - (b) Existing site development not complying with buffer requirements. Whenever a development plan or subdivision application is proposed adjacent to a developed property that has provided a portion or none of the required buffer, the adjacent proposed development shall provide the balance of the required bufferyard.

C. Bufferyard Screening

1. Plants used in bufferyard screens shall comply with the approved Plant List. Alternative varieties may be approved by the Zoning Administrator.
2. Number of plants. Plant materials are required per square foot of buffer area.
3. Alternative bufferyard screens. Alternative planting programs achieving the objective of the required screens are permitted to allow flexibility in landscape design. The Zoning Administrator may approve any of the alternatives in the application screens provided below or a combination of the alternatives if the Applicant may demonstrate that the objective of the screen has been met. The Zoning Administrator may reduce or eliminate the requirements for evergreen trees or shrubs if a landscape plan proposes the use of hedges, shrubs, walls, or berms that achieve the objective of the required screen.
4. Bufferyard Types. The following standards shall apply. Upon a determination of the required bufferyard types, Applicant has the option of selecting a preferred bufferyard type alternative, though the final bufferyard type alternative will be determined pursuant to the development review process.
 - (a) Bufferyard Type A – Open Space Screening. An open screen between relatively similar land uses. Open screening shall provide an attractive separation between the land uses.

Type of Plant	Alternative 1	Alternative 2	Alternative 3
Canopy trees	1/500	1/1,000	1/500
Ornamental trees	0	1/500	0
Evergreen trees	0	0	1/350
Shrubs	1/100	1/100	1/200

Note: All figures are for per square foot of required bufferyard.

- (b) Bufferyard Type B – Semi-Opaque Screening. A semi-opaque screen between land uses which are dissimilar in character. Semi-opaque screening should partially block views from the adjoining land uses and create a separation between the adjoining land uses.

Type of Plant	Alternative 1	Alternative 2	Alternative 3
Canopy trees	1/500	1/1,000	1/500
Ornamental trees	0	1/500	0
Evergreen trees	0	1/500	1/175
Shrubs	1/100	1/100	1/200

Note: All figures are for per square foot of required bufferyard.

- (c) Bufferyard Type C – Opaque Screening. An opaque screen between incompatible land uses. Opaque screening should block views between adjoining land uses and create a definite spatial separation.

Type of Plant	Alternative 1	Alternative 2	Alternative 3
Canopy trees	1/500	1/1,000	1/500
Ornamental trees	1/500	1/250	1/500
Evergreen trees	1/500	1/500	1/175
Shrubs	1/100	1/100	1/200

Note: All figures are for per square foot of required bufferyard.

- D. Bufferyard Requirements. The screening and bufferyard matrix in Exhibit 4A describes the requirements for screening and bufferyards between adjoining land uses.

Exhibit 4A: Required Bufferyards

Zoning District / Permitted Use	AG/RR	ER	LDSFR	MDSFR/ TH	MFR	CC	HC	LI
Agriculture/Rural Residential (AG/RR)	A25	B25	C50	C25	C25	C25	C50	C50
Estate Residential (ER)	B25	A25	C50	C25	C25	C25	C50	C50
Low Density Single-Family Residential	C50	C50	A25	C25	C25	C25	C50	C50
Medium Density Single-Family Residential and Townhouse	C25	C25	C25	A25	B25	B25	C50	C50
Multi-Family Residential Apartment/Condo	C25	C25	C25	B25	A25	B25	B25	C50
Community Commercial (CC)	C25	C25	C25	B25	B25	A10	B10	B25
Highway Commercial (HC)	C50	C50	C50	C50	B25	B10	A10	B10
Limited Industrial (LI)	C50	50	C50	C50	C50	B25	B10	A10

Letter = Bufferyard Types

Number = Minimum Depth of Bufferyard Area, measured in feet from lot boundary

- E. Modifications of screening and bufferyard requirements
 1. Bufferyard exceeding 15% of area. No bufferyard shall be required which comprises more than 15% of the subject property. In any case in which the required bufferyard would exceed 15% of the subject property, the bufferyard requirement shall be reduced to 15% of the gross area of the site.
 2. Construction of walls. Screening and bufferyard requirements shall be reduced by one-third where the Applicant constructs a six foot tall brick or architectural block wall.
 3. Temporary uses. Screening and bufferyard requirements may be reduced or eliminated by the Zoning Administrator for temporary uses of property.

4. Combined development plan. The Zoning Administrator may modify or reduce the requirements for screening and bufferyards when the adjoining land uses are developed under a combined development plan.

F. Plant Material Standards

1. Minimum specifications for plant materials

- (a) Condition. All plants shall be well branched and well formed, sound, vigorous, healthy and free from disease, sunscald, windburn, abrasion and harmful insects or insect eggs, and shall have healthy, normal and unbroken root systems. All plants shall comply with the American Association of Nurserymen's Standards and conform to the representative species.
- (b) Size. All plant materials installed to meet the requirements of this UDO shall comply with the minimum size requirements below at the time of planting:
 - (1) Street trees. Height: 15 feet; caliper: three inches.
 - (2) Canopy trees. Height: 12 feet; caliper: two and a half inches.
 - (3) Evergreen trees. Height: eight feet; full branching.
 - (4) Ornamental trees. Height: six feet.
 - (5) Shrubs. Height: two feet.
 - (6) Hedges. Planted and maintained to form a continuous, solid visual screen at least two feet in height within one year after planting.

2. Planting procedures. All trees and shrubs shall be installed in a sound manner following accepted professional planting procedures. At a minimum, all trees shall have rootballs adequate to enclose the entire root system, all trees shall be mulched and staked, and all plants shall be watered at time of installation.

- G. Plant list. Plant material in the following list may be used to satisfy the requirements of the Landscaping Code. The plant list is divided into the following categories: canopy trees, ornamental trees, evergreen trees, evergreen shrubs, deciduous and flowering shrubs and ground cover. Each plant is also classified by the following functions: street trees, parking lot shade trees, and buffer trees. Plants shall conform with the varieties and functions identified in this plant list unless alternative varieties are approved by the Zoning Administrator.

1. Canopy Trees:

Common Name	Botanical Name	Function
Ginkgo (male)	Ginkgo biloba	Parking, street, buffer
Thornless honey locust	Gleditsia triacanthos inermis	Parking, street
Green ash	Fraxinus pennsylvanica	Parking, street, buffer
Sycamore	Plantanus occidentallis	Parking, buffer
Red maple	Acer rubrum	Parking, street, buffer

Common Name	Botanical Name	Function
Norway maple	<i>Acer platanoides</i>	Parking, street, buffer
Sugar maple	<i>Acer saccharum</i>	Parking, street, buffer
Pin oak	<i>Quercus palustris</i>	Parking, street, buffer
Red oak	<i>Quercus borealis</i>	Parking, street, buffer
Willow oak	<i>Quercus phellos</i>	Parking, street, buffer
Sweetgum	<i>Liquidambar styraciflua</i>	Parking, street, buffer
London plane tree	<i>Platanus acerifolia</i>	Parking, street, buffer
Japanese pagoda tree	<i>Sophora japonica</i>	Parking, street, buffer
Littleleaf linden	<i>Tilia cordata</i>	Parking, street, buffer
Silver linden	<i>Tilia tomentosa</i>	Parking, street, buffer
Village green	<i>Zelkova serrata</i>	Parking, street, buffer
Yellowwood	<i>Cladrastis lutea</i>	Parking, street, buffer

2. Ornamental Trees:

Common Name	Botanical Name	Function
Amur maple	<i>Acer griseum</i>	Buffer
Dogwood	<i>Cornus florida</i>	Street, buffer
Washington hawthorne	<i>Crataegus plaenopyrum</i>	Street, buffer
American plum	<i>Prunus americana</i>	Street, buffer
Bradford pear	<i>Pyrus calleryana bradford</i>	Street, buffer
Flowering crabapple	<i>Malus (various species)</i>	Street, buffer
Flowering cherry	<i>Prunus (various species)</i>	Street, buffer
Downy serviceberry	<i>Amelanchier arborea</i>	Buffer
Shadblow	<i>Amelanchier canadensis</i>	Buffer

3. Evergreen Trees:

Common Name	Botanical Name	Function
Eastern red cedar	<i>Juniperus virginiana</i>	Buffer
White pine	<i>Pinus strobus</i>	Buffer
Austrian pine	<i>Pinus nigra</i>	Buffer
Norway spruce	<i>Picea abies</i>	Buffer

Common Name	Botanical Name	Function
American holly	Ilex opaca	Buffer
Dark American arborvitae	Thuja occidentalis nigra	Buffer

4. Evergreen Shrubs:

Common Name	Botanical Name	Function
English yew	Taxus bacata	Buffer
Japanese yew	Taxus cuspidata	Buffer
Azalea	(various species)	Buffer
Chinese holly	Ilex cornuta	Buffer
Japanese holly	Ilex crenata	Buffer
Rhododendron	(various species)	Buffer
Euonymus	(various species)	Buffer

5. Deciduous and Flowering Shrubs:

Common Name	Botanical Name	Function
Azalea	(various species)	Buffer
Cotoneaster	(various species)	Buffer
Forsythia	(various species)	Buffer
Viburnum	(various species)	Buffer
Winged euonymus	(various species)	Buffer

6. Ground Cover:

Common Name	Botanical Name	Function
Ajuga	Ajuga reptans	Buffer
English ivy	Hedera helix	Buffer
Pachysandra	Pachysandra terminalis	Buffer
Ground juniper	(various species)	Buffer
Dwarf cotoneaster	(various species)	Buffer
Periwinkle	Vinca minor	Buffer

4.15.10 Preservation of Vegetation and Tree Cover

- A. Retention. Existing tree cover within any Subdivision Application or Site Development Plan shall be retained to the greatest extent possible and taken fully into account in the design of the improvements and grading of the property.
- B. Tree Conservation
 - 1. The area of land to be cleared of trees and other vegetation in conjunction with development or land use shall be limited to the building footprint and area necessary to construct the proposed use or development. Refer to the Virginia Erosion and Sediment Control Handbook for appropriate tree preservation measures during land disturbing activities.
 - 2. A tree conservation plan, prepared by an Certified Arborist or Landscape Architect, is required for Site Plans and construction plans and profiles where it is proposed to preserve an existing stand of trees or woodland area to meet canopy or buffer yard requirements as set forth in this UDO or to provide best management practices (BMP) measures as part of an overall storm water management program or design. This plan may be provided in either an illustrative or narrative form, accompanied by photographs, to describe the overall size and species within the preserved area and to demonstrate that the preservation area meets the requirements or portion of such requirements for the intended use such as tree canopy, buffer yards or BMP's.
 - 3. When preservation measures are employed to meet canopy, buffer yard or BMP requirements, the grading plans prepared in association with the Site Plan or construction plans and profiles shall include a tree protection plan with a clear delineation of the critical root zone (CRZ) for each tree to be saved. The critical root zone of a tree shall be defined as the typical 25 year canopy or the existing canopy diameter plus 20%.
- C. Tree Preservation
 - 1. The Town encourages the preservation of native species to provide and maintain a hardy, drought resistant, low maintenance landscape that reduces the costs of stormwater infrastructure, reduces downstream flooding, reduces water pollution, prevents soils erosion, supports an established wildlife habitat, enhances air and water quality, increases groundwater and aids in conserving energy used for heating and cooling. Preservation of native plants eliminates or significantly reduces the need for fertilizers, pesticides and water. Tree and plant preservation, shall be located especially within floodplains and stream riparian buffers.
 - 2. Individual tree preservation areas should be identified on the rezoning and Preliminary Plan prior to the development of Site Plan or construction plans and profiles.
 - 3. The area of land to be cleared of trees and other vegetation in conjunction with development or land use shall be limited to the building footprint and area necessary to construct the proposed use or development. Refer to the Virginia Erosion and Sediment Control Handbook for appropriate tree preservation measures during land disturbing activities.
 - 4. A tree conservation plan, prepared by an Certified Arborist or Landscape Architect, is required for Site Plans and construction plans and profiles where it is proposed to preserve an existing stand of trees or woodland area to meet canopy or buffer yard requirements as set forth in the Zoning Ordinance or to provide BMP measures as part of an overall storm water management program or design. This plan may be provided in either an illustrative or narrative form, accompanied by photographs, to describe the

overall size and species within the preserved area and to demonstrate that the preservation area meets the requirements or portion of such requirements for the intended use such as tree canopy, buffer yards or BMP's.

5. When preservation measures are employed to meet canopy, buffer yard or BMP requirements, the grading plans prepared in association with the Site Plan/construction plans and profiles shall include a tree protection plan with a clear delineation of the critical root zone (CRZ) for each tree to be saved. The critical root zone of a tree shall be defined as the typical 25-year canopy or the existing canopy diameter plus 20%.
 6. Trees should not be destroyed or damaged in any manner until the final design has been approved. Preservation methods should include a physical barrier during construction and should be in accordance with Virginia Erosion and Sediment Control Handbook.
 7. Destroyed and/or damaged trees, shall be defined as trees that have had 25% or more of the root ball and/or canopy disturbed and/or removed. If during construction that trees are destroyed and/or damaged, replacement trees shall be of similar size and species.
 8. There shall be a stand-off area from trees and vegetation to protect compaction to the rootball, as recommended by a registered arborist or landscape architect of the Applicant. Trees and other vegetation (except grass) shall not be placed closer than 10 feet to any of the following easements and/or physical improvements unless the Landscape Plan establishes an equivalent strategy for the survival of plantings:
 - (a) Water lines and or pump stations;
 - (b) Water Meters;
 - (c) Sewer lines and/or pump stations;
 - (d) Sewer Clean Outs;
 - (e) On embankments that retain or detain water;
 - (f) Sidewalks and/or the edge of pavement; and
 - (g) Near water and/or sewer pump stations.
 9. When determining areas for tree preservation, consideration should be given to the tolerance of trees and other vegetation to new exposure such as increased direct sunlight, increased radiant heat from buildings and pavement, and increased exposure to wind.
 10. Consideration should be given to development that impacts directly or adjacent to historic sites and naturally contiguous forested areas.
- D. Large tree removal. The Zoning Administrator shall approve the removal of any tree that has a diameter of six inches or more at three feet from the average tree base level.
- E. Credit for existing vegetation
1. Hedgerows. Hedgerows preserved at property boundaries may meet the screening requirements of this Landscaping Code.

2. Trees. Existing trees preserved on site may be used to satisfy the requirements for parking lot landscaping and street plantings. Any existing trees used to meet the requirements of this Landscaping Code shall be at least four-inch caliper, in healthy condition, and protected from construction activity. Such protection procedures shall be illustrated on the landscape plan.
3. Exceptional trees. Preserving trees of exceptional size, canopy, historic value or age may be credited as four trees for purposes of the Landscaping Code if approved by the Zoning Administrator.

4.15.11 Cleared Areas

- A. All areas cleared of existing vegetation shall be re-vegetated as soon as possible after being disturbed. Cleared areas for the purpose of this UDO shall not include the building footprint and the area within fifteen (15) feet of the building footprint.
- B. Such disturbed areas shall be replanted with domesticated grass and trees of a species proven to thrive well in the area. Disturbed areas shall be replanted with one tree for each 700 square feet of disturbed area. Trees shall be a minimum two-inch caliper at planting.

4.15.12 Drainage

Adequate soil drainage is required for all parking and landscape screen areas. Adequate soil drainage is defined as the natural movement of water to the subsoil. Any soil that has been disturbed by grading is considered compacted due to construction activity and shall require drainage. Undisturbed areas shall not require drainage improvements.

4.15.13 Monitoring and Enforcement

- A. Responsibility. The enforcement of the provisions of this Section shall be the responsibility of the Zoning Administrator or designee.
- B. Occupancy permits. No occupancy permit shall be signed until the plants and other screening materials required by this Section have been installed to the satisfaction of the Zoning Administrator.
- C. Bonds. If the weather prohibits the installation of the required plant materials at the time of occupancy, the Applicant shall post an estimated cash bond for the installation of the required plants. The bond shall be supported by an estimate from a landscape contractor for the cost of installing such landscaping, and a letter expressing the intent of the contractor to install the required plants. If the required landscaping is not installed within six months, the bond shall be forfeited to the Town to use for planting the required materials.

4.15.14 Maintenance Responsibility

- A. Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of all required materials and continued compliance with this Section.
 1. Landscaped areas shall be kept in a proper, neat and orderly appearance and free from refuse and debris.
 2. The owner shall keep landscaping materials in healthy condition, free of all disease and infestation.
 3. All fences and screens shall be maintained in a safe and attractive condition.
 4. The property owner shall replace all unhealthy or dead plant material.

5. The owner or agent, upon written notice of the Zoning Administrator, shall repair or replace within 60 days any landscaping materials, screens or fencing that does not meet requirements of this UDO. Failure to maintain the required landscape materials shall constitute a zoning violation and shall be remedied in accordance with the provisions in this UDO.
- B. Irrigation
1. An automatic irrigation system shall be installed in accordance with landscaping plans approved at the time of Site Plan approval. Such system shall have underground water supply lines with sprinkler heads and/or drip emitters and shall be operated during growing season.
 2. Applicants are encouraged to design creative landscaping that achieves the objectives of this Landscaping Code while minimizing the need for irrigation.
- C. The management of preserved and installed plants shall include pruning, mulching, remediation of soils damaged during construction and weed control.
1. Mulch Trees: A four-inch layer of organic mulch beneath the canopy shall be provided to reduce water loss, moderate temperatures and protect against compaction.
 2. Remediation of Soils Damaged During Construction: Two acceptable treatment options to reduce compaction and improve soil structure are:
 - (a) Holes and fractures may be created to increase air space by physically auguring openings.
 - (b) Organic mulch may be placed around the tree beneath the canopy.
 3. Weed Control: Weed control of unwanted woody and herbaceous vegetation is required to maintain the desired character of landscaped areas.
- D. Protection of Vegetation During Construction. Undisturbed vegetated areas shall be protected during construction. No storage of materials, fill or equipment shall be allowed within the Protected Area and shall be so noted on the grading and erosion control plans and posted on the protection fence. A protection fence constructed of a material resistant to degradation by sun, wind and moisture for the duration of the construction shall be installed at the same time as the erosion control measures and shall remain in place until all construction in the vicinity of the trees is complete. Site plans and erosion control plans shall include a detail of the proposed tree protection fence and its location.
- E. Plant Replacement. Replacement of dead landscaping materials required by this UDO is the responsibility of the property owner. Replacement shall occur within one hundred twenty (120) days, season permitting, upon notification of the Zoning Administrator. Replacement material should be of reasonably similar character to planting material being replaced. At a minimum, replacement-landscaping material shall be sufficient to satisfy the minimum requirements of this UDO.

4.15.15 Additional Screening Requirements

- A. Sight distance. No tree, shrub, hedge or vegetation, whether or not required by this Section, shall be planted or maintained in any way that interferes with the sight distance of any person operating any moving vehicle.
- B. Screening Of Utility Areas And Equipment
 1. Solid Waste Collection Areas.

- (a) Solid waste receptacles, shipping pallets, bundled cardboard and similar waste materials stored for collection shall be enclosed on all sides and screened from public view of adjoining residential properties or any street right-of-way with a 6-foot solid enclosure with a gate.
 - (b) The enclosure shall be constructed of cedar, redwood, masonry or other material compatible with the structure. The floor of the gated enclosure shall be a concrete pad which shall extend five feet beyond the gate.
 - (c) Trash enclosures shall be located a minimum of 50 feet from any residential zoning district.
2. Mechanical Equipment.
- (a) Roof-mounted equipment, including ventilators and satellite dishes, shall be screened from view or isolated so as not to be visible from any public right-of-way or residential zoning district within 250 feet of the subject lot.
 - (b) Roof screens and parapet walls shall be coordinated with the structure to present a unified appearance.
 - (c) All electrical and mechanical equipment located at ground level shall be screened from view or isolated so as not to be visible from the right-of-way of an arterial street or residential zoning district within 250 feet of the subject lot. Such screens and enclosures shall be coordinated with the structure to present a unified appearance.

4.16 Open Space / Greenspace

4.16.1 Usable and functional Open Space Required

- A. Except as otherwise provided, all development shall be developed so that at least 10%, unless otherwise required in this UDO, of the total area of the development remains permanently as usable and functional open space.
- B. For purposes of this Section, usable and functional open space means an area that:
 - 1. Is not encumbered with any substantial structure;
 - 2. Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that multi-user trails may be counted towards required open space;
 - 3. Reflects the character of the land as of the date development began. Wooded areas shall be left in their natural or undisturbed state except for the cutting of trails for walking, bicycling or jogging. Areas not wooded shall be landscaped for open play fields, picnic areas or similar facilities, or be properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objectives of this section;
 - 4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;
 - 5. Is part of an independent lot shown on the plan as being reserved for open space; and
 - 6. Is legally and practicably accessible to the residents of the development from which the required open space subdivided or to the public if the open space is dedicated to the Town pursuant to this UDO.

- C. **Areas Not Allowed as Open Space.** The following areas shall not count toward common open space set-aside requirements:
1. Private lots, yards, balconies and patios dedicated for use by a specific Dwelling Unit;
 2. Electric or gas transmission line rights-of-way;
 3. Public right-of-way or private streets and drives;
 4. Open parking areas and driveways for Dwellings;
 5. Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;
 6. Designated outdoor storage areas;
 7. Land areas between buildings of less than forty (40) feet;
 8. Land areas between buildings and parking lots or driveways of less than forty (40) feet in width;
 9. Required setbacks;
 10. Detention/retention facilities.

4.16.2 **Exemption**

Subdivided residential developments of less than twenty-five dwelling units are exempt from the requirements of this Section unless the Town agrees that it will accept an offer of dedication of such open space and in that case the offer of dedication shall be made.

4.16.3 **Ownership and Maintenance of Recreational Areas and Required Open Space**

- A. Open space required to be provided by the Applicant in accordance with these open space standards shall not be dedicated to the public but shall remain under the ownership and control of the Applicant (or his successor) or a homeowners association or similar organization. Open space shall be designated as an independent lot on the plat and shall be noted as being reserved for their intended purposes. The person or entity having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- B. Homeowners Associations. Homeowners associations or similar legal entities that are responsible for the maintenance and control of common areas, including open space, shall be:
1. Established before any Lot in the development is sold or any building occupied;
 2. Be granted clear legal authority to maintain and exercise control over such common areas and facilities;
 3. Have the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

4.16.4 **Dedication of Open Space**

- A. If any portion of any lot proposed for residential or commercial development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or

bikeway system, the area so designated shall be included as part of the area set aside to satisfy the requirement of this Section.

- B. This area shall be dedicated to public use.
- C. Open space may be dedicated to a registered land trust, if approved by the Town Council.

4.16.5 Flexibility in Administration Authorized

- A. The Town recognizes that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this Section may be achieved even though the standards are not adhered to with mathematical precision. Therefore, minor deviations from these standards may be permitted if:
 - 1. The objectives underlying these standards may be met without strict adherence to them; and
 - 2. Because of peculiarities in the Applicant's Tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

4.16.6 Open Space Linkages

Where a trail, natural area or public park is dedicated to or acquired by the Town, such area may be credited toward the minimum amount of common open space required.

4.16.7 Open Space Design Criteria

All required open space shall meet the following design criteria, as applicable:

- A. Water bodies, retention areas, detention basins and wetlands basins, may constitute up to 40% of required open space, provided that retention facilities are designed to provide safe access to water and comply with DEQ standards.
- B. At least 30% of required open space shall be dry land with a slope of less than ten percent unless otherwise approved the Town Council.
- C. Unless otherwise approved by the Town Council, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

4.16.8 Connectivity Required

To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:

- A. Dedicated public park or greenway lands;
- B. Dedicated school sites;
- C. Other dedicated open spaces;
- D. Common open space located adjacent to the development; and
- E. Portions of the regional trail and open space system.

4.17 Fences and Walls

- A. Except as otherwise provided in this Section, fences that are no taller than six (6) feet may be built along interior side and rear property lines.
 - 1. In residential districts, fences shall not exceed a height of six feet as measured from the topmost point thereof to the ground or surface, along the centerline of the fence, in residential districts. Fences along street rights-of-way in residential districts shall not exceed four feet in height.
 - 2. In commercial districts, when unusual topographic or site conditions exist, the Zoning Administrator may approve or require a height increase.
 - 3. Fences surrounding industrial sites, public playgrounds, institutions or schools may not exceed a height of 14 feet.
- B. Fences in front yards are discouraged, but shall be:
 - 1. Located least two feet from the right-of-way and no closer than two (2) feet from the inside edge of the sidewalk;
 - 2. Less than 60% opaque;
 - 3. Be designed as picket or wrought-iron style fences (chain link and chicken wire are prohibited); and
 - 4. Not to exceed four (4) feet in height.
- C. Perimeter chain link fences that are installed in any commercial or industrial districts shall locate the fence no closer to the property line than the middle of the setback or buffer. Existing vegetation cannot be removed in the setback/buffer. If berms are located in the buffer or setback then the fence shall be behind the berm, inside the development. The fence cannot be taller than six feet from ground level.
- D. Fences shall be considered to be structures that are subject to the zoning district setback requirements if they are located in a yard adjacent to a street right-of-way, exceed six feet in height and are substantially opaque.
- E. No fence shall obstruct any traffic safety visibility zone.
- F. Barbed wire, razor wire or other fence materials designed to cut or puncture are prohibited in all districts, except in the BP/LI district. In the HC district, such fences shall be limited to side and rear property lines that are screened from the highway corridor and abutting residential properties.
- G. Historic Design. Fences that are architecturally or historically significant may be repaired or replaced with a similar design, and are exempted from this Section.

4.18 Lighting

This Section shall be known as the Town of Strasburg Lighting Code and may be referred to as the Lighting Code throughout this UDO.

4.18.1 Purpose

This Lighting Code is meant to promote the public safety and welfare of pedestrians, cyclists, and motorists through the reduction of glare and the establishment of consistent and well-defined levels of lighting. These lighting regulations are intended to:

- A. Minimize the amount of energy wasted on unnecessary and indiscriminate illumination;

- B. Help preserve the small Town character, aesthetic value, and the unique quality of life of the Town of Strasburg;
- C. Promote sound environmental policies and conserve energy and resources to the greatest extent possible;
- D. Provide glare reduction;
- E. Minimize adverse offsite impacts including light trespass and obtrusive light;
- F. Improve the quality and effectiveness of nighttime lighting;
- G. Restrict light pollution and preserve the nighttime environment; and
- H. Help protect the natural environment and historical resources from the adverse effects of night lighting; and
- I. Maintain nighttime safety, utility, security, and productivity.

4.18.2 **Applicability**

- A. These regulations and standards for outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and travel, including but not limited to the following uses: multi-family residential, commercial, industrial, public-recreational and institutional use, and on any property within a residential zoning district which is equipped with a high intensity discharge lamp, regardless of its initial lumens.
- B. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, recreational and residential lighting.
- C. This UDO does not apply to temporary decorative lighting.
- D. All outdoor illuminating devices shall be installed in conformance with the provisions of this UDO and the Virginia Building Code.
- E. New uses, buildings and major additions or modifications.
 - 1. For all proposed new land uses, developments, buildings, and structures that require a permit, all outdoor lighting fixtures shall meet the requirements of this UDO.
 - 2. All building additions or modifications of 25% or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this UDO for the entire property, including previously installed and any new outdoor lighting.
 - 3. Cumulative modification or replacement of outdoor lighting constituting 25% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.
- F. Resumption of use after abandonment. If a property or use with non-conforming lighting is abandoned as defined herein, then all outdoor lighting shall be reviewed and brought into compliance with this UDO before the use is resumed.
- G. Non-conforming lighting in non-residential districts. Any existing luminaire or lighting installation used for outdoor lighting in any non-residential zoning district on the effective date of this UDO that does not comply

with the requirements of this section shall be considered a non-conforming luminaire or lighting installation. Non-conforming luminaires or lighting installations shall be made to comply with the requirements of this section or be removed within 30 days if any of the following criteria are met:

1. The luminaire is producing glare that is deemed by the Town to create a nuisance consistent with the definition in the Code of Virginia, § 15.2-900;
 2. The height or location of the luminaire is changed;
 3. The luminaire is changed or replaced, excluding routine maintenance and bulb replacement of equal light output, unless it is part of a parking lot lighting installation consisting of an array of three or more identical luminaires and poles or supporting structures, or if not a parking lot as described, a cumulative total of 25% or more of the nonconforming luminaires or their supporting structures are changed, replaced (excluding routine maintenance and bulb replacement of equal light output), or relocated;
 4. The supporting structure for the luminaire is changed or replaced, except if it is part of a parking lot installation consisting of an array of three or more identical luminaires and poles or supporting structures;
 5. The use of the luminaire is resumed after a period of abandonment;
 6. A principal structure on said zoning lot is expanded by an amount greater than or equal to 25% of the total square footage of the structure immediately prior to such expansion; or
 7. There is a change in zoning of said zoning lot.
- H. Unless prohibited by VDOT standards, full cutoff and fully shielded light fixtures shall be utilized to meet the requirements of this chapter.

4.18.3 Lighting Standards, Generally

- A. The standards established within this section are applicable to lighting required in conjunction with subdivision and/or Site Plan development. In addition, the light and glare performance standards established within this UDO shall be met, where applicable.
- B. It is the intent of this section to assure lighting practices and systems that will improve the quality and effectiveness of night-time lighting, protect the night sky, provide glare education, minimize light trespass, and conserve energy and resources, while maintaining night-time safety, utility, security and productivity.
- C. Construction plans and profiles and Site Plan submissions shall show the layout of the proposed lighting fixtures. The plans shall also include a narrative specifically outlining the proposed lighting standards and specifications, the parties responsible for the associated operation and maintenance costs and, if applicable, the permit requirements, as established in this section. Fixtures shall be located so as not to interfere with other utilities, and to minimize potential conflicts with building sites.
- D. Unless prohibited by VDOT standards, full cutoff and fully shielded light fixtures shall be utilized to meet the requirements of this chapter.

4.18.4 Lighting Maintenance

Maintenance of lighting for public facilities will be turned over to the Town when the last unit's occupancy permit has been issued by Shenandoah County. Prior to maintenance being taken over, a copy of the Zoning Permit and a copy of all agreements will be provided to the Town for review and approval.

4.18.5 **Illumination standards**

A. Generally

1. All public streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this UDO shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.
2. To the extent that fulfillment of the Section would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the Town.
3. All roads, driveways, sidewalks, parking lots and other common areas and facilities in unsubdivided development shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots and other common areas and facilities.
4. All entrances and exits in substantial buildings used for non-residential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

B. Commercial Lighting Zones

1. Gross emission of light. The total light output from all luminaires used for outdoor lighting on any zoning lot in a commercial lighting zone—except for street lighting, outdoor display lots, and outdoor lighting of playing field on public property—shall not exceed 100,000 lumens per acre.
2. Light intensity and uniformity. During permitted hours of operation as defined within this section, outdoor lighting on any lot in a commercial lighting zone shall meet the following requirements for light level, as measured in the plane of the illuminated surface:

Illuminated Surface	Minimum Average Light Level (Foot-candles)	Maximum Average Light Level (Foot-candles)
Externally illuminated building and ground signs	N/A	10.0
Auto dealerships	N/A	10.0
Uncovered parking areas	0.25	4.0
Vehicular entrances from rights of way*	0.50	4.0
Playing fields**	N/A	IESNA**
Automobile service station pumping areas	5.0	15.0
Drive-in/drive-thru canopies	N/A	15.0
Pathways*	0.5	5.0
Building ingress/egress lighting, stairways and steps***	1.0	5.0
<p>* <i>Maximum-to-minimum light level ratio shall not exceed 15:1.</i></p> <p>** <i>Illumination level shall be consistent with Class IV standards of IESNA document RP-6-01.</i></p> <p>*** <i>Measured over an area between 20 and 50 square feet per doorway.</i></p>		

3. Uplight. Uplighting shall only be permitted for landscape lighting, architectural lighting, flag lighting, or non-internally illuminated sign lighting. Any luminaire which is used for uplighting on any zoning lot in a commercial lighting zone shall:
 - (a) Include shielding and/or beam-angle control to substantially confine the directed light to the object intending to be illuminated;

- (b) Be less than 1,200 lumens (typical 75-watt incandescent bulb, 90-watt PAR floodlight, 50-watt, low-voltage halogen landscape bulb, or 18-watt compact fluorescent lamp); and
 - (c) Have a maximum inclination of 60 degrees.
- 4. Flag lighting. The tradition of lowering flags at sunset is encouraged to avoid the need for lighting.
- 5. Full cutoff requirement. Any luminaire with a light output equal to or greater than 1,200 lumens shall be full-cutoff.
- 6. Permitted hours for outdoor lighting. Except for street lighting, outdoor lighting on any lot in a commercial lighting zone is permitted to be lighted between one-half hour before sunset and 10:00 p.m. or one hour after the close of business based on normal hours of operation of the business, whichever is later.
- 7. Security lighting. For safety and security purposes, security lighting may be used during hours other than the permitted hours for outdoor lighting. During security lighting hours, total light output may not be greater than 50% of the total light output from all outdoor lighting located on the lot during permitted outdoor lighting hours. During security lighting hours, no luminaire may exceed its light output exhibited during permitted outdoor lighting hours.
- 8. Installed height. In commercial lighting zones, installed height of any luminaire used for outdoor lighting, except for street lighting, shall not exceed 25 feet.
- 9. Any lights used to illuminate side parking areas shall be so arranged as to reflect the light away from adjoining residential uses and streets.

C. Residential Lighting Zones

- 1. Uplight. Uplighting shall only be permitted for landscape lighting, architectural lighting, flag lighting, or non-internally illuminated sign lighting. Any luminaire which is used for uplighting on any lot in a residential lighting zone shall:
 - (a) Include shielding and/or beam-angle control to substantially confine the directed light to the object intending to be illuminated;
 - (b) Be less than 1,000 lumens (typical 60-watt incandescent bulb, 65-watt PAR floodlight, 35-watt, low-voltage halogen landscape bulb, or 15-watt compact fluorescent lamp); and
 - (c) Have a maximum inclination of 60 degrees.
- 2. Flag lighting. The tradition of lowering flags at sunset is encouraged to avoid the need for lighting.
- 3. Glare prevention. Any luminaire greater than 1,000 lumens installed in a residential lighting zone shall have the necessary shielding and/or beam-angle control and/or shall be aimed so that the direction of all directly emitted light is at or below horizontal and does not fall upon public rights-of-way or adjacent property lines.
- 4. Light direction and control for street lighting. Any luminaire used for street lighting shall be a full-cutoff luminaire and shall be installed in the proper orientation to achieve full-cutoff performance with respect to the horizontal plane and achieve minimum backlight.

5. Light direction and control for public and private athletic fields. Full-cutoff lights are not required for athletic fields; however, adequate shielding and direction control using hoods, skirts, or internal louvers is required in residential lighting zones.
 6. Light trespass. Except for street lighting, light emitted from outdoor lighting on any lot shall not cause the light level along any property line, as measured at a height of 60 inches above grade in a vertical plane in any direction, to exceed the following limits:
 - (a) Residential Lighting Zone: .1 foot-candles
 - (b) Commercial Lighting Zone: .5 foot-candles
 7. Installed height. In residential lighting zones, installed height of any luminaire used for outdoor lighting, except for street lighting, shall not exceed 20 feet.
- D. Property Used for Governmental and Public Purposes
1. Any lot in any zoning district used for governmental or public purposes, except for street lighting, shall comply with the permitted hours and security lighting limitations for commercial lighting zones.
 2. Outdoor lighting for a playing field used in an organized sporting event on public property that is in progress at the close of permitted outdoor lighting hours shall be allowed to remain illuminated until 30 minutes after the conclusion of the event, but no later than 11:00 p.m. No outdoor lighting of the playing field for any sport or recreational purpose shall be initiated after 10:00 p.m.
 3. Installed height. Installed height of any luminaire used for outdoor lighting of playing fields on public property, except for street lighting, shall not exceed 25 feet.
- E. Motion Sensor Lighting. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- F. Non-Essential and Security Lighting. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace Existing Lighting that is desired for security purposes.
- G. Floodlamps and Area Lights. All floodlamps and area lights shall be aimed downward at least forty-five (45) degrees and no portion of the light bulb shall extend below the bottom edge of an external shield. Any floodlamp or area light emitting 1,000 or more lumens shall be aimed downward at least 60 degrees. The light source of floodlamps and area lights shall not be visible from adjacent properties or the public right-of-way. Flood lights with directional shielding and photocells with timers that allow a flood light to go on at dusk and off by eleven p.m. are encouraged.
- H. Flag Poles. Upward flagpole lighting is permitted for governmental flags only and provided that the maximum output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- I. Landscape Lighting. Uplighting of vegetation is prohibited.
- J. Towers. All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

- K. Temporary Lighting. Temporary lighting that conforms to the requirements of this Lighting Code shall be allowed. Non-conforming temporary exterior lighting may be permitted by the Zoning Administrator only after considering (1) the public and/or private benefits which will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary non-conforming lighting. The Applicant shall submit a detailed description of the proposed temporary non-conforming lighting to the Zoning Administrator.
- L. Lighting of Outdoor Display Areas
 - 1. Outdoor display areas shall have a maximum point of luminance of twenty (20) lumens per square foot.
 - 2. All light fixtures shall meet the IESNA definition of Cutoff Fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of way.
 - 3. Sign Lighting. Lighting fixtures illuminating Signs shall be aimed and shielded so that direct illumination is focused exclusively on the Sign.

4.18.6 Measurement

Metering equipment. Lighting levels shall be measured in lumens per square foot with a direct reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent. It shall have been tested, calibrated and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading.

4.18.7 Prohibited outdoor lighting

The following outdoor lighting applications are prohibited in all zoning districts:

- A. The use of laser light source;
- B. The use of flickering, flashing, blinking, scrolling, or rotating lights and any illumination that changes intensity;
- C. The use of upward directed lighting, except as otherwise permitted herein;
- D. Architectural lighting of any portion of a building or structure with a polished or glass exterior surface;
- E. The use of searchlights;
- F. The use of neon light to accent buildings or architectural features;
- G. The use of Mercury vapor light source; or,
- H. Any luminaire creating glare that is deemed by the Town to create a nuisance consistent with the definition in the Code of Virginia, § 15.2-900.

4.18.8 Exempt outdoor lighting

The following outdoor lighting applications are exempt from all requirements of this section:

- A. Underwater lighting used for illumination of swimming pools and fountains;
- B. Lighting required by Town, county, state, or federal law;
- C. Temporary lighting used for holiday decoration;

- D. Decorative yard lighting characterized by a flame source;
- E. Portable lighting temporarily used for maintenance, repair, road construction, or other public improvements;
- F. Emergency lighting used by police, firefighting, emergency management, or medical personnel at their discretion as long as the emergency exists; and
- G. Lighting approved by the Town for temporary events such as carnivals, circuses, festivals, picnics, fairs, civic events, and exhibitions.

4.18.9 Excessive Illumination

Lighting within any Lot that unnecessarily illuminates any other Lot and substantially interferes with the use or enjoyment of such other Lot is prohibited. Lighting unnecessarily illuminates another Lot if it clearly exceeds the standard set forth in this Section or if the standard set forth therein could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

4.18.10 Procedural Requirements

- A. Plan submission. For subdivision and land development applications where outdoor lighting is required or proposed, lighting plans shall be submitted to the Planning Commission for review and approval and shall include:
 - 1. A Site Plan complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and all adjacent uses. The Site Plan shall show, by location, and identify each existing and proposed luminaire and shall specify its installed height, pole foundation details, and mounting methods;
 - 2. Iso-foot-candle plots for individual lighting installations, or ten-foot by ten-foot illuminance-grid plots for multi-fixture lighting installations, which demonstrate compliance with all applicable requirements of this Lighting Code. The plots shall indicate the location of each existing and proposed luminaire, the installed height of said luminaires, and the overall light levels in foot-candles on the entire zoning lot and at the property lines;
 - 3. A summary table identifying the maximum and minimum light levels for all parking areas, entryways, signs, and walkways; and
 - 4. A description of each luminaire identified in the Site Plan, including the manufacturer, model number, a photograph or catalog cut, photometric data verifying any compliance requirements specified within this section, light output in initial lumens, shielding or glare reduction devices, lamp type, and on/off control devices.
- B. Post-approval alterations. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Planning Commission for review and approval prior to installation.
- C. Right of inspection. The Town shall have the right to conduct a post-installation inspection to verify compliance with the requirements of this section and, if appropriate, to require remedial action at the expense of the Applicant.

4.18.11 Enforcement

- A. Inspection. The Zoning Administrator or designee is hereby authorized to inspect luminaires and lighting installations in the zoning districts to determine compliance with the Lighting Code and to issue notices of violation to the owner, operator, or other person or entity responsible for maintenance of the luminaire or lighting installation if the luminaire or lighting installation is non-compliant.
- B. Notice of violation. The notice of violation shall be given through certified mail and shall set forth an appropriate time period of not less than 30 days for compliance.
- C. Enforcement after notice. In the event the violation is not corrected within the time limit set forth in the notice of violation, proceedings to enforce compliance with the Lighting Code may be initiated and conducted in accordance with violation and enforcement provisions of this UDO.

4.18.12 Lighting Dedication

- A. Maintenance of lighting for public facilities will be turned over to the Town when the last unit's occupancy permit has been issued by Shenandoah County.
- B. Prior to maintenance being taken over, a copy of the Zoning Permit and a copy of all agreements will be provided to the Town for review and approval.
- C. Where ownership of street lighting facilities such as poles and standards, luminaries, lamps, etc., will be retained by the electrical power supplier, the type of street lighting facilities to be installed shall be acceptable to both the Town and the supplier of electrical power.
- D. The Town shall be responsible for street light maintenance and energy consumption upon acceptance of the lighting system, unless provision is otherwise made for the responsibility to be assumed by an entity other than the Town.
- E. Acceptable standard fixtures shall be cut-off, enclosed or shoe box style. All poles shall be special metal, wood pole, special decorative square metals or system metal as provided by local electric power supplier and approved by the Town Engineer. Acceptable non-standard fixtures are fixtures provided by the local electric power supplier.

4.19 Signs

This Section shall be known as the Town of Strasburg Sign Code and may be referred to as the Sign Code throughout this UDO. Roadway and street signage requirements are identified in the Technical Design Manual.

4.19.1 Purpose

This Sign Code is intended to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. These sign regulations are intended to:

- A. Encourage the effective use of signs as a means of communication in the Town;
- B. Promote current businesses, attract new businesses and protect property values by ensuring that all signs are in harmony with buildings, neighborhoods and other conforming signs and do not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness, movement, number or type;

- C. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town, and that complements our reliance on its natural surroundings in retaining economic advantage for the community;
- D. Allow the size and number of signs and sign messages that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive area of signs that compete for the attention of pedestrian and vehicular traffic or that conceal or obstruct adjacent land uses or signs;
- E. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed in order to maximize customer appeal and promote economic growth;
- F. Regulate signs in a manner so as to not substantially interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians as a matter of public safety;
- G. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe manner;
- H. Enable the fair and consistent enforcement of sign regulations.

4.19.2 **Applicability**

- A. The provisions of this Sign Code are applicable to all signs, as defined herein, that are erected, placed, painted or otherwise used in the Town of Strasburg. No sign shall be erected, placed, painted or otherwise used unless expressly permitted under this Section.
- B. The provisions on applicability shall be strictly construed. If there is any doubt or dispute about whether the sign regulations are applicable to a display, graphic or other device, it shall be considered a sign subject to regulation under this Section.

4.19.3 **Exempt Signs**

- A. Commemorative Plaques and Historical Markers
- B. Construction Site / Opening Soon Identification Sign. Not more than one such sign may be erected per site. Such signs shall not be erected prior to the issuance of a Zoning Permit and shall be removed within ten (10) days after the issuance of a Certificate of Occupancy. One "Opening Soon" sign may be permitted per building site provided such sign is erected for a period not to exceed 60 days.
- C. Directional Sign. Directional signs for nonresidential uses not exceeding four (4) square feet in area and located no closer than five (5) feet to any lot line. Directional signs may be internally lit or illuminated by white light only.
- D. Government flags. The number of such flags, pennants or insignia shall be limited to three per premises.
- E. Handicapped Parking Space Signs
- F. Identification Sign. Shall not exceed two (2) square feet in area.
- G. Open / Hours of Operation. Shall not exceed two (2) square feet in area.

- H. Political Election Sign. Shall not be attached to a tree or other living plant material or be posted in the public right-of-way or attached to public infrastructure. Such signs may only be erected no more than 30 days before the date of the primary, general or special election and shall be removed within seven (7) days following the election.
- I. Public Signs
- J. Real Estate Sign. The total area of the sign shall not exceed 24 square feet, there shall be no more than one such sign on any one lot on the same street frontage and the height of such sign shall not be greater than ten feet. Signs shall be removed within ten days of closing of the on-site sales center. Temporary Open House Signs may be displayed only forty eight (48) hours prior to an open house until twenty four (24) hours after an open house event. Signs may not be located within the public right of way. Animated signs are prohibited. Signs shall be removed after the property for sale has closed or the lease has been signed.
- K. Residential Sign. Shall not exceed four (4) square feet in area.
- L. Seasonal Sign or Banner. Shall not be displayed for a period exceeding thirty (30) days. Displays, including lighting, erected in connection with the observance of holidays shall be removed within ten (10) days following the holidays.
- M. Security and Warning Sign. Shall not exceed two (2) square feet in area.
- N. Yard Sale and Other Activities. Shall not exceed five in number per yard sale or activity, and each sign shall not exceed six square feet. Such signs shall be freestanding signs. Such signs shall not be attached to utility poles or street signs or road signs. No such signs shall be erected more than 48 hours before the commencement of the sale or activity, and all such signs shall be removed within 24 hours after the sale or activity. Such signs are limited to no more than one (1) sign per site of such sale nor four (4) square feet in area per display surface.

4.19.4 Prohibited Signs

- A. Animated Sign
- B. Billboard
- C. Flashing Sign. Except for time and temperature signs.
- D. Glaring Sign
- E. Hazardous Sign
- F. Neon Sign. Except as otherwise permitted by this UDO.
- G. Non-Permanently Affixed Sign
- H. Off-Premises Sign. Unless otherwise expressly authorized by this UDO.
- I. Portable Signs
- J. Roof Signs
- K. Simulated Traffic Signs
- L. Sign Erected in or Over a Public Right-of-Way

- M. Vehicle Sign. No sign on a vehicle shall be located in any zoning district when the vehicle on which the sign appears is placed so that the practical effect of the sign on the vehicle is to advertise the entity or activity to which the sign refers rather than to identify the vehicle, unless the vehicle is being used off-premises in the regular course of business or is being operated, loaded, or unloaded.

4.19.5 Design Standards for All Signs

A. Determining the Number of Signs

1. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
2. A multi-sided sign shall be regarded as one sign.
3. One (1) logo or emblem sign is allowed in addition to the permitted number of wall signs.

B. Computation of Sign Area

1. The area of a sign shall be the entire area within a single, continuous, rectilinear perimeter enclosing the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
2. On double-faced signs, only one display face shall be measured in computing total sign area where sign faces are parallel and are at no point more than two feet from one another.
3. If the sign consists of more than one section or module, all of the area, shall be included in the computation of the sign area.
4. The area between a wall sign and a logo emblem sign is exempt from the computation of sign area.
5. The total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this Section.
6. If a lot has frontage on more than one street, then the total sign area permitted on that lot shall be the sum of the sign area allotments related to each street on which the lot has frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from frontage on that street.
7. Whenever a lot has no street frontage on any lot boundary and an Applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign area permitted on that lot shall be the sign area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street.

C. Computation of Sign Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing

grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal structure on the lot, whichever is less.

D. Generally

1. Materials used in both sign and support structures shall reflect and be consistent with the colors and materials of the building being served by the sign.
2. All signs, except temporary signs, shall be constructed of durable material.
3. All signs, including the supports, frames and embellishments thereto, shall be located outside of any public right-of-way.
4. No signs, temporary or permanent, shall be posted, stapled or otherwise permanently attached to trees or utility poles within the street right-of-way.
5. Colors shall be harmonious with each other and not clash with other elements on the site. Overly intense color, such as but not limited to Day-Glo or fluorescent colors or as otherwise determined by the Town, are prohibited.
6. The Planning Commission may require that the scale of standard templates for trademarks, service marks, corporate logos and graphics be modified. When used, trademarks, service marks, corporate logos and/or graphics should be incorporated as an integral part of the overall sign.

E. Design Standards for Sign Illumination and Signs Containing Lights

1. No neon, intermittent or flashing lights shall be permitted, except by Special Use Permit, except for a two (2) square feet neon sign indicating that the business is open, provided that the sign is not intermittent or flashing.
2. External Illumination: Signs may be lighted with non-glaring white lights or may be illuminated by shielded floodlights provided that lighting is aimed so as not to project illumination beyond the sign. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or adjacent residential premises.
3. Internal Illumination: Any internal illumination is considered to contribute to visual clutter and will be limited.
4. No sign within 100 feet of a residential zone may be illuminated between the hours of 10:00 pm to 6:00 am, unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
5. Illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited, except as follows:
 - (a) Any illuminated sign shall be lighted with non-flashing and motionless illumination.
 - (b) Temporary signs erected in connection with the observance of holidays.
 - (c) Lights used on theater marquees.

- (d) A single lighted window sign measuring no larger than one square foot in area.
 - (e) Architectural accent lights for which the source is completely screened from view from all streets, sidewalks and abutting property lines. Such accent lights shall be downlit, shall not illuminate more than 30% of the length of any wall.
 - (f) Nothing in this UDO shall be interpreted to allow for the use of Dynamic Digital signs, such as *television screen* type, or apparatus as part of a permissible sign.
- F. Traffic Safety. Notwithstanding any other provision in this Section, the following restrictions shall apply to signs to preserve the safety of pedestrian, bicycle and vehicular movement:
1. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
 2. No permanent sign or part thereof shall be located within a Traffic Visibility Triangle as defined by the Town or VDOT, nor within the public right-of-way.
 3. No sign shall make use of the words "STOP", "SLOW", "CAUTION", "DANGER" or any other word, phrase, symbol, light or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.
 4. No sign shall be erected so that by its location, color, nature or message is likely to be confused with or obstruct the view of traffic signals or signs or is likely to be confused with the warning lights of an emergency or public safety vehicle.
 5. No sign shall contain flashing lights.
 6. No sign shall be located within any public or private right-of-way except as specifically approved through the Planned Development or Site Plan process.

4.19.6 Design Standards for Specific Sign Types

A. Freestanding Signs

1. For purposes of this Section, a side of a freestanding sign is any plane or surface included in the calculation of the total sign area.
2. Freestanding signs that have no discernible "sides", such as spheres or other shapes not composed of flat planes, may not exceed the maximum total surface area allowed for a single side of a freestanding sign.
3. Except as otherwise authorized by this Section, no development shall have more than one freestanding sign. If a development is located on a corner lot that has at least one-hundred feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries, then the development may have not more than one freestanding sign on each side of the development bordered by such streets.
4. All Freestanding signs shall be of a shape that the ratio between the maximum and minimum dimensions shall not exceed 2:1.

5. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
 6. Minimum spacing between freestanding signs. The minimum distance separating new from existing freestanding signs or separating new freestanding signs shall be 100 feet. The Zoning Administrator may allow two signs to be separated by less than 100 feet in order to allow the signs to share an appropriate location. In such cases, the two signs shall be separated from other signs by a distance of 100 feet plus the distance by which the separation between the two signs was reduced from the required 100 feet.
- B. No-Trespassing Sign. Shall not exceed four (4) square feet in area.
- C. Off-Premises Sign. In all zoning districts only multi-tenant complex signs and residential subdivision identification signs shall be allowed off-premises. Off-premises signs shall be freestanding monument signs. Such signs shall be allowed only if a special use permit for that sign has been granted. No Off-Premises signs except those exempted from regulation or from permit requirements may be located in any district, except those which are located along federal or state highways for which sign compensation is regulated by state and federal law or were erected and are permitted and maintained in compliance with state regulations.
- D. Temporary Signs
1. Use of temporary signs is limited to 30-day periods with no more than three uses within a period of 365 consecutive days.
 2. Temporary signs pertaining to a specific event shall be removed within seven (7) days from the conclusion of the event.
 3. Temporary signs erected in anticipation of permanent signs shall be removed immediately upon completion of the permanent sign.
 4. Temporary signs shall not exceed 15 square feet in area and shall be removed within seven days after the completion of the event. However, work sites may include one temporary sign for each contractor or developer, erected and maintained on the premises where the work is being performed, provided that the area of each such sign shall not exceed 18 square feet and that such sign shall be removed within seven (7) days of the final Zoning Permit being issued in each phase.
 5. Signs attached temporarily to the interior of a building window or glass door, individually or collectively, may not cover more than 50% of the surface area of the transparent portion of the window or door to which they are attached, except as otherwise provided in an Historic District.
 6. Banners and other signs indicating that a special event such as a fair, carnival, circus, or festival is to take place on the Lot where the sign is located. Such signs may be erected up to 30 days before the event and shall be removed not later than seven (7) days after the event.
 7. Temporary signs announcing the openings of new businesses are permitted provided such signs are on the premises in which the business is located and are displayed for a period not to exceed thirty (30) days.

4.19.7 Signs in Residential Zoned Districts

- A. Announcement sign. Shall not exceed 24 square feet and not more than one such sign shall be erected or displayed on each street frontage.

- B. Directional Sign. Shall not exceed two (2) square feet each, erected within the project itself to direct persons to a rental office or sample unit.
- C. Freestanding Sign. Height of freestanding signs in residential districts shall not exceed six (6) square feet.
- D. Home occupation sign. There shall not be more than one such sign erected for each permitted use of the lot and provided that the area of each such sign shall not exceed two square feet and provided that each such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten feet of a street right-of-way line.
- E. Bed and breakfast signs shall not exceed six (6) square feet.
- F. Identification Sign. Not more than one sign for each entrance to the project from a public street to identify the name of the project shall be permitted, and no such sign shall exceed ten square feet in size. Signs to identify the individual buildings within the project shall not exceed six square feet in size.
- G. Subdivision sign. Subdivision signs shall not exceed 18 square feet in area, for the purpose of advertising or identifying a housing development or subdivision, when erected or displayed on the property so advertised or identified at least ten feet from the front lot line, provided that only one such sign shall be erected or displayed facing any one street on the perimeter of such development or subdivision. Signs advertising the sale of property within such development or subdivision shall be removed within ten days of the closing of the onsite sales center.

4.19.8 Signs in Non-Residential Zoned Districts, Generally

- A. Generally
 - 1. Any sign permitted in a residential district may be permitted in a non-residential district, subject to applicable non-residential setback requirements.
 - 2. Signs advertising only the general business conducted within the premises upon which such signs are erected or displayed.
 - 3. Signs shall be erected or displayed only on such walls or a building as face a street, alley or parking area, or as freestanding signs upon the lot shall be allowed.
 - 4. Sign Area. Subject to the other provisions of this section, the maximum total sign area on any lot in a non-residential zoned district shall be determined by multiplying the number of feet of street frontage of the lot by one (1) foot. However, in no case may the total sign area exceed 500 square feet.
- B. Electronic Message Sign. Electronic sign messages shall be displayed for a minimum of two minutes, and shall not be animated by scrolling, flashing or other similar non-static displays. In no case shall an electronic message sign occupy more than 50% of the area of a permitted sign size.
- C. Flag Sign. For any commercial or industrial zoned district and commercial or for a commercial or industrial use in a non-commercial or industrial zoned district with an approved Condition Use Permit, a user may display a corporate or business emblem in the form of a flag, provided that there is no more than one such flag on any parcel.
- D. Freestanding sign. Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided. However, no freestanding sign shall be located closer than ten feet to a side lot line; provided that not more than one such freestanding sign shall be permitted for any building or building unit

having a street frontage with such drive-in service area, parking area or building setback. Freestanding signs shall not be erected more than ten feet above the grade nor project beyond the established setback line, and shall not exceed 50 square feet in area.

- E. Freestanding Monument Sign. Unless otherwise established in this Section, all monument signs shall have a minimum base height of 18 inches and a maximum of six (6) feet. The base of a monument sign is the structure or apparent structure in direct contact with the ground that supports or appears to support the message portion of a monument sign. The width of the base shall not exceed twice the height of the total structure and shall not extend more than one (1) foot beyond either outside edge of the message portion of the sign. The structure of monument signs should not overpower the message portion of the sign.
- F. Marquee Sign. No sign shall be hung on a marquee, canopy, or portico if said sign shall extend beyond the established setback line. The area of any such sign shall be included in determining the total area of signs erected or displayed. When the area of any such case or frame facing a street, alley, or parking area does not exceed 24 square feet and the areas of all such cases or frame facing such street, alley, or parking area does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.
- G. Sidewalk Sign
 - 1. Signs shall be limited to two feet (2') in width and four feet (4') in height, including support members.
 - 2. No sign shall have more than two (2) faces.
 - 3. Signs shall not limit the normal pedestrian use of the sidewalk, and a minimum passable contiguous space of three feet (3') shall be maintained at all times.
 - 4. One sign is permitted for each building adjacent to the public right-of-way, unless multiple businesses within one building allow separate business signs to be spaced no closer than thirty feet (30') from another sidewalk sign.
 - 5. A business or building with two (2) rights-of-way frontages may display a sidewalk sign on either frontage, but not both.
 - 6. All signs shall be removed from the sidewalk at the end of each business day, but no later than 8pm.
 - 7. No sidewalk sign shall be lighted by attached external or individual internal lights.
- H. Wall Sign. The allowable front wall sign area for each building shall not exceed two (2) square feet per linear foot of the front length of the building or portion thereof occupied. However, in no case may the total sign area exceed 100 square feet or more than 15% of the wall face, whichever is less. The maximum sign area for walls not directly facing a public roadway or designated access drive to a planned center is limited to covering no more than 5% of the wall face on which the sign is attached.
- I. Window Sign. Window signs are permitted in nonresidential districts subject to those standards, which apply to wall signs. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building. No more than 50% of the windows of a business shall be used to display window signs, and the signage in a single window shall not account for more than 40% of a window face.
- J. Incidental Sign. Incidental signs are permitted for drive-through food restaurants located zoned Highway Commercial, subject to the following limitations.

1. The incidental sign:
 - (a) Shall not be legible from beyond the lot on which the sign is located;
 - (b) Is not designed or intended to be installed permanently;
 - (c) Does not identify events or occurrences that are not taking place on the premises on which the sign is located;
 - (d) Shall not exceed a total of three (3) incidental signs or exceed a total of 18 square feet;
 - (e) Shall not be affixed to any improvement, including but not limited to buildings, structures, fences, walls, other signs or menu boards;
 - (f) Shall not be constructed, located or situated within the public right-of-way,
 - (g) Shall not constitute a potential hazard to the public or obstruct the sight distances of motorists or pedestrians,
2. This section shall not apply to signs affixed to portable or freestanding devices, or signs that are informational or limited to on-site directives, including but not limited to 'no parking', 'entrance', 'exit', 'no parking, or 'no loading'.

4.19.9 Shopping Center Sign Standards

The following standards also shall apply to all shopping centers:

- A. Shopping centers are required to maintain a unified sign plan.
- B. Signs in shopping center developments are restricted to monument signs, wall signs, projecting signs, canopy signs and certain temporary signs.
- C. Identification signs. Identification signs for shopping centers shall be permitted. The area of such signs shall not be included in the total area of signs otherwise permitted in this section for the separate businesses. The total area of such identification signs for any shopping center shall not exceed one square foot for each foot of building width frontage, nor shall the total area of such signs facing any street, alley, or parking area exceed 200 square feet. Such signs shall not exceed 15 feet in height.
- D. One (1) monument sign per shopping center is permitted. However, for developments having multiple arterial street frontages one additional monument sign may be approved for each arterial street frontage. Additional monument signs may be permitted for outparcel buildings within a shopping center development provided that there is only one freestanding sign per out parcel.
- E. One wall or projecting sign per separate business establishment is permitted. A second wall sign may be established if the business establishment has frontage on more than one street or if the business establishment's parking is not located between the establishment and street.

4.19.10 Business Park Sign Standards

The following standards also shall apply to all business parks:

- A. Freestanding signs, single-tenant buildings. One freestanding sign per road frontage shall be permitted. The area of such sign(s) shall not exceed the area or height factors for a similarly zoned commercial use. The area surrounding the base of the sign(s) shall be appropriately landscaped.

B. Freestanding signs, multi-tenant buildings.

1. General Identification Sign. One freestanding general identification sign per road frontage shall be permitted. The area of such sign(s) shall not exceed the area or height factors for a similarly zoned commercial or industrial use. The area surrounding the base of the sign(s) shall be appropriately landscaped.
2. Directory sign. One freestanding directory sign identifying the occupants of the building shall be permitted for each driveway entrance. The area of such sign(s) shall not exceed the area or height factors for a similarly zoned commercial or industrial use. The area surrounding the base of the sign(s) shall be appropriately landscaped.

4.19.11 Historic District Sign Standards

The following standards also shall apply to all properties in a Historic District:

- A. Coordination with Town of Strasburg Historic District Design Guidelines. The Historic District Design Guidelines, as amended, establish baseline recommendations applicable to signage in a Historic District and is expected to be a useful guide for making design decisions.
- B. Maintenance. Signs shall be kept in good repair. Signs that are not properly maintained and that have no historical significance should be removed, as should signs of businesses that no longer occupy a building or storefront, unless they are of historic significance.
- C. Number of Signs. A commercial business shall have only one wall sign per street frontage, but no more than three (3) signs or sign types shall be permitted per commercial business.
- D. Minimum Design Standards. The design of signs in the historic districts should reinforce and relate to the existing architectural character and era of the building.
 1. Use traditional sign materials such as wood, wood composites, glass, or metal that complements the building's architectural details. Avoid using materials that are incompatible with the period of the building.
 2. Use colors that are compatible with the existing building and adjacent historic structures. The historic architecture should remain the visual focal point.
 3. Commercial signs shall fit the building's design and not obscure significant design elements of the building it is identifying.
 4. Coordinate all signs in terms of size, placement, lettering, color, and overall design in buildings with multiple storefronts.
 5. Avoid hand-painted, hand-drawn signs. Use sign professionals who are skilled at lettering and surface preparation to execute signs.
 6. Sign Area
 - (a) Monument Sign. Total sign area to not exceed 16 square feet.
 - (b) Projecting Sign. The sign face not to exceed 10 square feet.
 - (c) Wall Mounted Sign. Total sign area should not exceed one square foot of sign area per linear foot of building width facing the street or alley. For a one-story building, the total sign area

should not exceed 50 square feet. For a two-story building, the total sign area should not exceed 60 square feet.

7. Window Signs

- (a) Obscure no more than 20% of the window glass.
- (b) Use vinyl letters for window signs or employ a professional sign painter.

E. Prohibited Signs

- 1. Any sign covering a window or other architectural detail of the building.
- 2. Exterior neon, formed plastic signs with backlights, and any other form of internally lighted signs, excepting historic neon signs.
- 3. Moving or animated signs.
- 4. Inflatable signs.
- 5. Roof-mounted signs or signs extending above the cornice line.
- 6. Signs for off-premise businesses and billboard signs are not permitted.

4.19.12 Entrance Corridor Sign Standards

The following standards also shall apply to all properties in an Entrance Corridor:

- A. Sign materials, colors and textures shall be compatible with the historic character of the Town. The standard of compatibility may be met through design which is contemporary as well as traditional. The replication of important historic sites in the Town is not the objective of these standards.
- B. Signs proposed within the entrance corridors shall use design to create a coordinated image with the corridor as a whole.
- C. Design shall reflect the building being served by the sign. Colors shall not clash with other elements on the site, both when viewed in daylight and at night, whether the signs are externally or internally lit. Overly intense color, such as but not limited to Day -Glo or fluorescent colors, are prohibited.
- D. Sign Height
 - 1. On Route 11, monument signs shall have a maximum height that gradually decreases from the interchange to the Historic District, as follows:
 - (a) From the interchange to Founders Way – eight (8) feet;
 - (b) From Founders Way to Historic District – six (6) feet; and
 - (c) At the Historic District – four (4) feet).
 - 2. On Route 55, monument signs shall have a maximum height that gradually decreases from the interchange to the Historic District, as follows:
 - (a) From the interchange to Capon Road – eight (8) feet;
 - (b) From Capon Road to the Historic District - six (6) feet; and

(c) At the Historic District – four (4) feet).

- E. External Illumination: Lighting should be shielded and not create glare. Lighting should be aimed so as not to project illumination beyond the sign. All external light sources shall be white.
- F. Logos. The Planning Commission may require that the scale of standard templates for trademarks, service marks, corporate logos and graphics be modified to be compatible with the Town scale and style.

4.19.13 Maintenance and Repair

- A. All signs shall be maintained in a good state of repair. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts and transformers shall be kept in good state of repair and in safe condition.
- B. Signs that are damaged, structurally unsound or poorly maintained shall be repaired or removed within 30 days. Dangerous or defective signs shall be removed or repaired immediately. The Town may order the removal of any sign, which becomes a public hazard due to lack of maintenance or repair.

4.19.14 Removal Upon Discontinuation of Use

- A. Whenever the use of a building or premises by a specified business or other establishment is discontinued by the owner or occupant for a period of 60 successive days, the sign permits for all signs pertaining to that business or establishment shall be deemed to have lapsed, and the signs shall be removed within 30 days.
- B. If an off-premises sign advertises a business or activity that is no longer being operated or conducted or if a directional sign refers to a location where the advertised activities no longer exist, that sign shall be considered to be abandoned and shall be removed by the owner within 30 days.
- C. If the message portion of a sign is removed, the supporting structural components shall be removed or the message portion replaced within 30 days.
- D. All discontinued businesses whose sign is a part of a sign representing multiple businesses shall remove the sign face and replace it with suitable materials to hide the interior structure of the sign.

4.19.15 Non-Conforming Signs

A. Intent

1. Signs which were legally in existence prior to the adoption of this UDO which do not conform to the provisions of this Section are declared non-conforming signs.
2. It is the intent of this section to recognize that the eventual elimination of non-conforming signs shall be effected so as to avoid any unreasonable invasion of established property signs.
3. For the purposes of this section, existing signs and sign structures prohibited by this chapter shall be treated as non-conforming.

B. Limitations

1. Subject to the following, non-conforming signs may be continued in operation and maintenance after the effective date of this amendment, provided that non-conforming signs shall not be:

- (a) Enlarged or expanded. A non-conforming sign shall not be enlarged, expanded or otherwise improved, except for change of text or Sign panels, routine maintenance or repair.
 - (b) Changed or replaced with another non-conforming sign including changing the sign face (except on changeable copy signs and billboards).
 - (c) Structurally altered so as to extend their useful life.
 - (d) Moved or relocated. A Non-Conforming Sign shall not be moved in whole or in part to any other location unless the move results in the entire Sign being brought into compliance with all applicable regulations of this UDO.
 - (e) Re-established after damage of more than 50% of the sign at the time of such damage/destruction.
 - (f) Modified in any way that would increase the degree of non-conformity of such sign.
2. Any non-conforming sign or sign structure which is partially destroyed by fire, accident or natural causes beyond 50% of its structure, shall thereafter be removed or reconstructed in conformance with the provisions of this chapter. Repairs to damage to a Non-Conforming Sign shall be completed within three (3) months of the time of such damage or the Sign shall be removed.
 3. Any non-conforming sign or sign structure which is improved and altered to comply with the provisions of this chapter shall thereafter be considered as conforming.
 4. Signs in existence on the effective date of this UDO that do not comply with the provisions regulating the use of strobe lights, zip lights, flashing lights, rotating beacons, flags, streamers or strings of lights shall be made to conform with the provisions of this UDO within 90 days of its adoption.
 5. Abandonment of a non-conforming sign shall immediately terminate the right to maintain such a sign.
 6. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the construction official. Such signs may be improved only to the extent that such improvement does not exceed 50% of the existing sign structure.
- C. Change of Use. Any non-conforming on premise sign shall be removed or brought into compliance with this chapter immediately upon a change in the principal use of the site.

4.20 Transportation

4.20.1 Transportation Guidelines

- A. Streets within and contiguous to any development shall be designed and constructed so as to ensure coordination with other existing or planned streets within the general area as to width, grade, location, and drainage. Existing and planned streets shall be deemed to include, without limitation, streets depicted in the Community Plan, Comprehensive Plan and existing or planned streets in existing or future adjacent or

contiguous to adjacent subdivisions. For purposes of this paragraph 2.a, "Streets" includes "Roadways" as described in this Section.

- B. When a subdivision or other development site abuts one side of any public road in the State highway system, the Applicant shall be required to dedicate one-half of the total right-of-way or easements necessary to make such road conform to VDOT and Town standards, including accommodations for pedestrians and bicycles. The Applicant may be required to dedicate more or less right-of-way or easement to make appropriate horizontal and vertical adjustments to such road.
- C. Vehicular access from off road parking and service areas shall be so combined, limited, located, designed, and controlled so as to channel traffic from and to such areas conveniently, safely, and in a manner that minimizes traffic friction and promotes free traffic flow on roads without excessive interruption.
- D. Whenever a proposed development contains or is adjacent to an arterial or major collector road, direct access shall be evaluated and the Director of Public Works and/or Town Manager may require that provisions be made for the future elimination or reduction of direct access through methods such as the creation of a parallel road system, combined lot access, and other methodologies as determined appropriate.
- E. Reserve strips (spite strips) controlling access to public roads shall be prohibited as defined in the VDOT Subdivision Street Ordinance.
- F. The transportation system proposed for subdivision or other development shall safely accommodate non-motorized users. Design shall address both internal circulation as well as connections to existing and planned contiguous roads and bike and pedestrian facilities. In the absence of existing and planned contiguous bike and pedestrian facilities, reservations are encouraged to the most logical access points for adjacent parcels.

4.20.2 Public Roads

The Town of Strasburg has adopted the current edition of VDOT Appendix B – Road Design Manual – Subdivision Street Design Guide (right-of-way widths shall be a minimum width of 50' with a minimum travel lane width of 12 feet), for all publicly dedicated roads.

4.20.3 Private Roads

- A. Private Roads shall be a minimum width of 24 feet wide (measured from back of gutter pan to back of gutter pan and/or to edge of roadway) and the right of way width shall be a minimum of 50 feet for townhouses, and multifamily homes. The Applicant must also demonstrate that there is adequate parking on and off street parking with the most up to date Parking Generation calculations from the Institute of Transportation Engineers (ITE). However all of these roads shall remain private, and will be maintained for the lifetime of the development by the Homeowners Association (HOA) that will be required to be established prior to approval of the construction plans.
- B. Private Roads are still required to follow the guidelines and standards of VDOT Appendix B – Road Design Manual – Standard Subdivision Guide or may be pitched to one side “not crowned” to reduce the need for storm water improvements. Private roads shall also be indicated on all plans and plats. Plats and deeds shall include a disclosure statement, indicating that Town services will be limited.
- C. Private roads shall also include all future maintenance descriptions, and indicate the responsible party who will be taking care of the maintenance for the property. The plan should have a schedule on routine tasks (mowing, cleaning) and a way to generate funding (an escrow account, other means) to pay for upgrades for non-routine maintenance tasks. Documentation shall be provided to the Town demonstrating prior to the approval of the plats.

4.20.4 Streets, Generally

- A. All streets, except where specifically noted, shall conform to specifications and standards of the Town of Strasburg and VDOT for secondary roads with the following exceptions, consistent with VDOT subdivision requirements as identified in Section 24 VAC 30-90-110:
 1. All right-of-way shall be 50 feet measured from lot line to lot line on either side of such right-of-way.
 2. All pavement shall be minimum of 30 feet in width, without curb and gutter.
 3. All streets with curb and gutter shall have a width of not less than 34 feet curb to curb. Additional right-of-way and paving may be required depending upon roadway function or easement need, as indicated by the Director of Public Works.
 4. Streets with open ditches shall have eight-foot shoulders and be incorporated into a stormwater management plan, as recommended by the Director of Public Works.
 5. All driveways shall be paved from the back of the curb and gutter or edge of pavement to the property line.
- B. The proposed street system shall extend existing or recorded streets at the same width or larger but in no case at less than the required minimum width as specified in this Section. Where possible, new intersections along one side of an existing street shall coincide with any existing street intersection on the opposite side of such street.
- C. Where, upon recommendation of the Planning Commission, it is desirable to provide for street access to adjoining property, the Town Council shall require street stubs to be extended by dedication to the boundary of such property.
- D. New local streets shall be so designed to encourage connectivity with adjacent neighborhoods.
- E. Where a subdivision abuts or contains an existing street of improper width or alignment, the Town Council may require the dedication of land sufficient to widen the street or correct the alignment.
- F. The street arrangement shall be such make a good faith and reasonable effort to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- G. Partial and half streets. New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street may be obtained.
- H. Street widths. Alley rights-of-way shall not be less than 20 feet in width. Additional right-of-way and pavement widths may be required by the Planning Commission or Town Council for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high-density residential development.
- I. Restriction of access
 1. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for either a service drive or for reverse frontage lots.

2. A service drive shall be approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare.
 3. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.
- J. Approach angle. All streets shall approach each other at right angles, plus or minus ten degrees, upon recommendation of the highway engineer, shall recommend and the Council approve a lesser angle of approach.
- K. Street grades. Centerline grades shall meet VDOT standards for secondary roads but in no case shall they be greater than eight percent.
- L. Visual obstruction at intersections. In the case of corner lots, there shall be no planting, fence or obstruction to vision more than three feet high above street level, less than 20 feet from the intersection of two street right-of-way lines.
- M. Street signs. Street identification signs of a design approved by the Town Council and readable from either side shall be installed at all intersections.
- N. Railroad crossings. The Applicant shall be responsible for providing flashing lights and short-arm gates for any road within a subdivision which may cross railroad tracks.
- O. Private streets. Private streets are not permitted to be included in any subdivision coming under the jurisdiction of the Town of Strasburg.
- P. Street access. Subdivisions containing more than 50 units shall have at least two points of vehicular access to an existing dedicated public street.
- Q. Streetlights. The installation of streetlights will be required in all new subdivisions of more than five lots. The installation of streetlights shall be in accordance with design standards and specifications of the Town and the VDOT at the expense of the Applicant.
- R. Street Names. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets. The name of a proposed street shall not duplicate or confuse an existing street in the Town, county, or in the postal district. The use of the following suffixes: street, road, avenue, boulevard, drive, way, place, court, lane, etc., shall constitute a duplication if used after a name which is repeated before each suffix. Street names shall be subject to the approval of the Town Council. Names of existing streets shall not be changed except by approval of the Council.

4.20.5 Cul-de-sac streets

- A. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed as stub streets for future access to adjoining properties. Any dead-end street intended for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turnaround within the subdivision.
- B. Cul-de-sacs are discouraged and should only be permitted because of unique site conditions, such as slope, wetlands or topographical constraints. Cul-de-sac streets, when allowed and permanently designed as such,

shall not exceed 500 feet in length and shall not furnish access to more than 20 dwelling units. All cul-de-sac streets, when approved, whether permanently or temporarily designed as such, shall be designed at the closed end with a turnaround which is constructed in accordance with VDOT specifications. The minimum radius shall be 50 feet.

- C. Unless future extension is clearly impractical, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- D. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, adequate provisions shall be made for runoff to be carried away. Drainage easements shall be required where necessary.
- E. The minimum lot frontage on a cul-de-sac shall be 30 feet measured at the curb line.

4.20.6 Alleys

- 1. Alleys may be permitted provided that the Applicant produces evidence satisfactory to the Planning Commission and Town Council of the need for such right-of-way.
- 2. No part of any main structure shall be located within 20 feet of the centerline of any alley.
- 3. Dead-end alleys shall be avoided, but where this proves impossible, dead-end alleys shall terminate with an all-weather circular turnaround with a minimum radius of 50 feet.
- 4. Alley intersections and sharp changes in alignment shall be avoided.

4.20.7 Curb and gutter

- A. Curb and gutter shall be installed, when required, along both sides of all streets, except along alleys.
- B. Curb and gutter shall meet VDOT standards and specifications. Adequate provision shall be made for driveway entrances. In cases of exceptional circumstances, this requirement may be waived.
- C. Installation shall be in accordance with these and other regulations of the Town.

4.20.8 Sidewalks

- A. Sidewalks with a minimum width of five (5) feet shall be installed on both sides of all streets within a subdivision of more than two lots and the side of each street touching the subdivision except that no sidewalks shall be required along service streets.
- B. All sidewalks shall be installed in accordance with these and other regulations of the Town.
- C. There shall be a minimum two-foot wide landscaping strip between the curb line and the sidewalk.

4.20.9 Motor vehicle access

- A. New lots. No new lot shall be created on an arterial highway unless spacing requirements may be met for entrances on the lot or unless access is provided through shared or existing access.

- B. **Street Access to Building.** Every building erected or moved after Aug. 10, 2004, shall be on a lot adjacent to a public street, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, the provision of emergency services, and required off-street parking.
- C. **Alternative Methods**
 - 1. The Planning Commission may allow other means of motor vehicle access. Such means may involve the use of entrances which physically limit or restrict left turns, methods which ensure one-way travel or other methods.
 - 2. In such cases, the Zoning Administrator may require a traffic access plan which describes existing traffic, conditions and design on the streets abutting the site and the methods proposed to ensure that the intent of this section has been met.

4.20.10 Driveways

- A. **Number of driveways.** No more than one driveway shall be allowed per parcel unless access complies with driveway spacing requirements and an access plan prepared by a registered engineer indicates that more than one access point is necessary.
- B. **Entrance on collector and minor streets.** Whenever a parcel abutting an arterial highway also abuts a collector or minor road, in order to obtain an entrance on the arterial road, an entrance shall be provided on the collector or minor road. This shall only be required if a safe entrance may be provided on the collector or minor road, meeting all requirements of the Technical Design Manual and consistent with VDOT standards.
- C. **Entrance onto state-maintained highways.** All entrances onto state-maintained highways shall meet all requirements of the Technical Design Manual and consistent with VDOT standards.
- D. **New driveway alignment.** New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features.
- E. **Location of new driveways.** The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the Town of Strasburg and the Virginia Department of Transportation.
- F. **Private driveways on corner lots** shall be located at least 40 feet from the point of intersection of street right-of-way lines.
- G. **Private driveways** shall be allowed to provide access to individual residences or uses. Private driveways shall also be allowed to provide access to parking lots and loading areas shared by a number of residences or uses.
- H. **In order to provide safe and convenient access and to provide efficient travel on arterial highways,** a minimum spacing shall be provided between new driveways and entrances onto collector roads and onto primary and arterial highways for commercial uses.
- I. **In addition, the minimum spacing requirements shall apply to any business, industrial or institutional use in any zoning district or to any residential development in which more than one dwelling shares a parking lot.**
- J. **Minimum Driveway Spacing on Primary and Arterial Highways.** Minimum spacing shall also be provided between new driveways and the intersections of roads with the collector road or arterial highways. Minimum spacing between driveways and between driveways and intersections shall be based on recommendation by the Director of Public Works and consistent with VDOT standards.

- K. In all cases, the spacing distances shall be measured from the tangents to the curb return of the driveways or intersecting streets.
- L. The minimum spacing for access on minor collector roads shall be 70 feet between driveways and between driveways and intersections. The minimum spacing for business or industrial entrances and road intersections on major roads shall be 150 feet.
- M. Spacing exceptions. New driveways with entrances on arterial or primary highways which do not meet the above spacing requirements shall be allowed only when access meeting the spacing requirement cannot be provided from the arterial highway to the individual property by using one of the following methods:
 - 1. Existing access. When a parcel abuts a minor or collector street that intersects with the arterial or primary highway and when the parcel cannot be provided with an entrance onto the arterial or primary highway that meets the spacing requirement, access to the parcel shall be from the minor or collector street and new entrances shall not be allowed directly onto the arterial highway.
 - 2. Shared access. When a lot is created on a collector or arterial road or highway, but access cannot be provided due to spacing requirements, then shared means of access to the road or highway may be created by access easement, shared driveway or other means to ensure that the spacing requirements have been met.
 - 3. When a lot is divided or developed that may be provided with a driveway meeting the spacing requirements but that is adjacent to other parcels or lots that will not be able to have entrances meeting the spacing requirements, means of highway access to the adjoining property may be required by the Zoning Administrator or Planning Commission on the lot to be divided or developed.
 - 4. When a number of lots are divided or developed that have been included together on an approved master development plan, Site Plan or subdivision plat, shared entrances shall be provided as required to meet the spacing requirement.
 - 5. When shared access is provided to meet the requirements of this section, the Zoning Administrator may require that it be provided in the form of an access easement. The Zoning Administrator may require a deed of dedication describing provisions for joint use and maintenance of that easement. Provisions for shared entrance signs may also be required.
 - 6. Shared access easements shall be provided in a manner so that shared driveways are clearly separated from parking areas, loading areas and pedestrian walkways.
 - 7. Shared access easements that follow lot lines are preferred.

4.20.11 Internal circulation

A complete system of internal traffic circulation shall be provided to serve all uses in any shopping center, industrial park or any development included in a single master development plan, Site Plan or subdivision plat approved by the Town of Strasburg. In such developments, internal access shall be provided in a fashion so that all uses may be mutually accessed without entering onto arterial or primary highways. In such cases, a pattern of internal circulation shall be designed to ensure that conflicts are avoided between moving vehicles, parking areas, pedestrian areas, loading areas and the various uses provided. Refer to chapter 8 of the Town of Strasburg Comprehensive Plan for explanation of major, arterial, primary, and collector roads.

4.20.12 Pedestrian Access

Safe pedestrian walkways shall be provided to all uses on land included in a master plan or Site Plan approved by the Town of Strasburg. Sidewalks shall be provided in conformance with the adopted corridor or walkway plans or approved master development plans. The Planning Commission may require additional sidewalks or walkways on master plans or Site Plans to promote a general system of pedestrian access in residential neighborhoods or business corridors.

4.20.13 Widening or Extension of Streets

Whenever there shall be plans in existence, approved by either the VDOT or by the Town Council for the widening and/or extension of any street or highway, the Planning Commission may recommend additional setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

4.20.14 Traffic Calming

- A. The Town promotes the use of traffic calming measures to improve safety for non-motorized street users and pedestrians in accordance with VDOT's adopted policies and standards. During street layout and design, the issue of traffic calming should be considered. Early consideration can minimize future speeding problems and improve the livability of the neighborhood. If the street layout cannot be designed to encourage target speeds, traffic calming treatments may be appropriate.
- B. The type of treatment chosen for incorporation in the design depends on the function and traffic volume of the roadway segment. When traffic-calming measures are proposed, such measures may be shown on the construction plans and profiles and/or Site Plan submissions.
- C. A comprehensive traffic calming design plan, designating proposed measures such as but not limited to signage, striping, narrower roadways, chokers, raised crosswalks and roundabouts, may be submitted for review and approval for the entire development with the first preliminary subdivision application. In such cases, subsequent applications shall make reference to the approved comprehensive traffic calming design and the traffic calming measures should be appropriately provided on the current application.

4.20.15 Traffic Signage

- A. Appropriate signage shall be placed along the roadways to indicate appropriate warnings and hazards. The following signs shall be placed at the following locations:
 1. Stop Signs. At all intersections. The number of stopping motorists shall be indicated. Stop signs are not required at traffic signal locations.
 2. Street Name Signs. Shall be placed at all cross streets.
 3. No Parking Signs. Shall be placed where the minimum roadway width is 40 feet or less, and within 20 feet of either direction of a fire hydrant.
 4. Speed limit Signs. Shall be located within a proposed development
- B. The Applicant shall conform to all additional requests from the Fire Marshall, Town, VDOT and/or their respective representatives. Maybe additional signage ought to be required by Federal and State regulations.
- C. All private signage or signage that does not follow the Federal and/or State standards must be submitted to the Town for approval prior to approval of any construction plans.

4.21 Off-Street Parking and Loading

4.21.1 Generally

- A. To the extent required by this UDO, off-street parking and loading shall be provided at the time of the erection, conversion, or structural alteration of any building or structure or the establishment, conversion, or extension of any use of land.
- B. The provision of required off-street parking and loading space shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use affected by the requirements of this UDO to discontinue, reduce, or dispense with the required off-street parking or loading space.
- C. Minimum off-street parking space with adequate provisions for entrance and exit shall be provided at the time of erection of any main building or at the time any main building is enlarged, or at the institution or enlargement of any use. A nine-foot by 18-foot stall shall constitute one residential parking space. A nine-foot by 18-foot stall shall constitute one commercial or industrial parking space unless otherwise stated within section 3-6. If shopping carts are provided, parking stalls shall be ten feet by 18 feet. All parking spaces and access driveways shall be covered with at least an all-weather surface, unless as otherwise herein provided, and shall be graded and drained to dispose of surface water. Special attention shall be taken to ensure that all state codes shall be followed. All commercial and industrial uses shall have a hard-surfaced parking area and access driveways. Smaller parking spaces reserved for compact cars only may be approved by the Town.
- D. Should a nonconforming structure or use be enlarged or extended, or should a use or structure be nonconforming because of parking requirements, additional parking requirements need only be based on the requirements for the enlargement or expanded portion.
- E. The Planning Commission may vary parking requirements in the historic district in order to protect historic resources.
- F. The parking spaces required for one- and two-family dwellings shall be located on the same lot as the dwelling; the parking spaces required for other uses shall be located on the same lot as the principal use or on a lot which is within 300 feet of public access to the property.
- G. Collective provisions of off-street parking facilities for two or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all stated parking requirements.
- H. Every parcel of land used as a public parking area after Aug. 10, 2004 shall have a hard surface. Alternative improved parking surface areas that provide stormwater permeability or other sustainability features may be approved in lieu of traditional hard surface improvements.
- I. It shall have appropriate guardrails or stops where needed, as determined by the Zoning Administrator.

4.21.2 Off-Street Parking Requirements

- A. Required off-street parking space cannot be used for storage of any type and, during business hours, shall be open to its intended function at all time.
- B. If required off-street parking cannot be provided on the same lot as the principal building, the owner of the principal building shall provide off-street parking on a lot owned by said owner or on a lot restricted to off-street parking for the principal building by a recorded agreement.

- C. Off-street parking shall be provided for such use enumerated and in the amount specified in this UDO.
- D. If off-street parking is provided for three (3) or more vehicles, the parking shall be so situated as to prevent backing into public streets.
- E. If off-street parking requirements for a particular use is not specifically identified, the Zoning Administrator shall determine the off-street parking requirement using the current edition of which is incorporated by reference.

4.21.3 Residential Uses

- A. A driveway or parking space shall be at least five feet from a property line in multi-family residential districts, and at least three feet from a property line in single-family residential districts. Townhouse units may have a driveway or parking space on the property line. Driveway or parking space for duplex units shall be at least one-and-one-half feet from a property line.
- B. Space for the parking of two automobiles shall be provided, either in a private garage or on the lot, for each dwelling unit added in the case of the enlargement of an existing building. All single- and two-family dwelling units shall have parking areas and access drives with a tar-and-chip surface.
- C. One additional parking space shall be provided for every ten apartment or townhouse units.
- D. Space for the parking of two automobiles shall be provided for each residential unit above commercial uses in addition to the commercial requirements.

4.21.4 Non-Residential Uses

- A. Tourist homes, bed and breakfast, hotels and motels shall provide parking space for one automobile for each guestroom or residence unit, plus one additional space for each ten guestrooms or residence units, plus required parking for any restaurant and/or assembly place as required in this section. A nine-foot-by-18-foot stall shall constitute one parking space. Where a parking space fronts upon another parking space and is not separated by means of a curbed landscaped median of four feet or more in width, said space shall be increased by two feet in depth to allow for vehicle overhang.
- B. For church and school auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, there shall be provided at least one off-street parking space for every four fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one parking space for each 150 square feet of usable floor area.
- C. For public or private nursery, day care, kindergarten, elementary, intermediate or high schools, there shall be provided one parking space for each teacher, employee, or administrator, whether full or part time, whose activities are conducted between the hours of 8:00 a.m. and 4:00 p.m. in addition to the requirements of the auditorium. In addition, high schools shall provide one parking space for every ten students for the maximum rated capacity of the school, as determined by the school board. Parking space already provided to meet off-street parking requirements for stores, office buildings, and industrial establishments lying within 300 feet of the place of public assembly as measured along lines of public access, and which are not normally in use on Sundays or between the hours of 6:00 p.m. and 12:00 midnight on other days, may be used to meet not more than 75% of the off-street parking requirements of a church or other similar place of public assembly.
- D. In commercial districts, commercial structures existing on Aug. 10, 2004, which contain, or may be changed at any future time to contain, any nonresidential use permitted in the commercial district, will not be required to have additional parking spaces above those provided on Aug. 10, 2004. This applies to the reconstruction of

nonconforming commercial uses or structures. All new commercial construction on vacant land, or commercial uses begun where no commercial uses existed on Aug. 10, 2004, whether or not such property was previously zoned commercial shall provide the number of spaces required by other sections of this UDO.

- E. For hospitals, there shall be provided at least one parking space for each two beds based on the maximum capacity in terms of beds, including those of infants and children, plus one space for each employee or staff member on maximum shift.
- F. For nursing and convalescent homes, there shall be provided at least one parking space for each six beds or fraction thereof.
- G. For retail and wholesale stores selling directly to the public, there shall be provided one (1) parking space for each 200 square feet of retail or wholesale floor space in the building unless otherwise specified herein.
- H. For funeral homes and mortuaries, there shall be one parking space for each four seats in chapels or parlors with fixed seats, and one parking space for each 100 square feet of floor area for assembly rooms without fixed seats for services, plus one parking space for each employee in both instances noted above.
- I. For restaurants, there shall be provided at least one parking space for each four seats, or one space for each 100 square feet of gross floor area, whichever is greater. In addition, one parking space shall be provided for each employee on the maximum shift. However, no restaurant shall have less than a minimum of 15 parking spaces exclusive of employee parking.
- J. For office buildings, offices of professionals and personal services establishments, or medical and dental clinics, there shall be provided one parking space for each 250 square feet of floor space occupied by the office or personal service or clinic.
- K. For medical or dental offices, there shall be provided one parking space for each 200 square feet of floor space occupied by the office.
- L. For industrial establishments or wholesale establishments not selling directly to the public, there shall be provided one parking space for each employee, computed on the basis of maximum number of individuals employed within an eight-hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- M. Any commercial building not listed above and hereafter erected, converted, or structurally altered, shall provide one parking space for each 100 square feet of business floor space in the building.

4.21.5 Determination of Required Number of Spaces

1. Floor Area. When used as a measurement for determining the number of parking or loading spaces required for office, merchandising, or service uses, floor area shall mean the gross floor area used or intended to be used for service to the public as patrons or patients, including areas occupied by fixtures and equipment. It shall not include areas used principally for non-public purposes such as storage, processing, or packaging of merchandise, show windows, offices, restrooms, utilities, or dressing, fitting, or alteration rooms.
2. Beds. Bassinets, sleeper sofas and temporary hotel fold-away/roll-away beds shall not be counted as beds.

4.21.6 Determination of Handicapped Parking Spaces

- A. The number and design of parking spaces for the disabled shall comply with the Virginia State Building Code requirements for handicapped parking and the Americans with Disabilities Act (ADA).
- B. The amount of accessible parking spaces that must be provided is based on the total number of spaces in each parking lot.

<u>Total Number of Parking Spaces Provided in Parking Facility</u>	<u>Minimum Number of Required Accessible Parking Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
100 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2% of total

4.21.7 Location of Off-Street Parking

- A. Off-street parking for one and two-family dwelling units shall be located on the lot of the use it serves. Off-street parking for any other use shall be located on or within 300 feet of the lot occupied by the use it served as measured along lines of public access.
- B. No off-street parking area shall be located upon any part of a lot which would be required as a yard area.
- C. No off-street parking area shall be located on any part of a lot which is required as open space.
- D. No off-street parking area shall be located on or within a dedicated public right-of-way.
- E. Off-street parking areas for four (4) or more vehicles shall not be located within ten (10) feet from any dwelling, school, hospital or institution for human care, located either upon the same lot or upon any adjacent lot.
- F. Off-street parking areas and loading zones of four (4) or more spaces located on land adjacent to a residential district shall be screened with screen or fencing having a density of not less than 100% and at least five (5) feet in height.
- G. Off-street parking and loading of four (4) or more spaces located adjacent to a residential district shall not be lighted in any manner which permits intensive light or glare beyond the parking lot boundaries. The design of same shall be submitted to the Zoning Administrator for approval.

4.21.8 Shared Parking

- A. The Planning Commission may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another, which have different peak parking demands and operating hours.

- B. Purpose. The purposes of this Section is to:
1. Allow a reduction in the total number of parking spaces required for certain properties in cases where a mix of adjacent land uses have varying peak periods of parking demand;
 2. Reduce the overall amount of impervious surfaces, specifically the amount of land devoted to surface parking; and
 3. Encourage compact development and efficient use of parking resources.
- C. Standards.
1. Shared parking is allowed between two or more uses to satisfy all or a portion of the minimum off-street parking requirement.
 2. Shared parking is permitted between different categories of uses or uses with different hours of operation.
 3. All uses that participate in a single shared parking plan shall be located on the same lot or on lots that share a common boundary. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.
 4. The reductions to parking permitted through shared use of parking shall be determined as a percentage of the minimum-parking requirement as modified by the reductions permitted in other sections of the parking ordinance.
 5. There shall be a reduction by not more than 50% of the combined parking required for each use.
 6. There shall be no reduction in the number of spaces reserved for persons with disabilities.
- D. Shared Parking Study. A shared parking study signed and sealed by a Virginia Licensed Professional Engineer in a form acceptable to the Zoning Administrator shall be submitted which clearly establishes those uses that will utilize the shared spaces at different times of the day, week, month, and year, including seasonal or mode adjustment factors. The study shall be based on a generally accepted shared parking study methodology, including:
1. Identify the properties and uses for the study (the study may include properties and uses not the subject of the Zoning Permit, provided that the Applicant obtains a letter of authorization from the property owner or his or her agent);
 2. Determine the number of parking spaces that would be required by applying the standard for the uses for all of the properties subject to the Study;
 3. Determine the peak parking demand for the combined demand of all of the uses for all of the properties subject to the Study using standard parking generation rates in sources approved by the Zoning Administrator;
 4. Address the size and type of activities, the composition of occupants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads; and
 5. Be reviewed and approved by the Zoning Administrator and the Planning Commission.

- E. Agreement for shared parking plan. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Zoning Administrator who shall forward a copy to the Town Attorney for review and approval. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a Certificate of Occupancy. The agreement shall:
1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 2. Provide a legal description of the land;
 3. Include a Site Plan showing the area of the parking parcel and the open space reserved area which would provide for future parking and any required Storm Water Management facilities;
 4. Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 5. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 6. Assure the continued availability of the spaces for joint use and provide assurance that all spaces shall be usable without charge to all participating uses;
 7. Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
 8. Incorporate the shared parking study by reference; and
 9. Describe the method by which the covenant shall, if necessary, be revised.
- F. Change in use. Should any of the shared parking uses be changed, or should the Zoning Administrator find that any of the conditions described in the approved shared parking study or agreement no longer exist or if the Zoning Administrator and Planning Commission determine that insufficient parking is an issue, the owner(s) shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection or of providing the number of spaces required for each use as if computed separately. If the Zoning Administrator determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no Certificates of Occupancy shall be issued until the full number of off-street parking spaces are provided.

4.21.9 Off-Street Loading

- A. On the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading, and unloading services in order to avoid interference with public use of the streets and alleys.
- B. Off-street loading spaces shall be a minimum of 15 feet wide and 35 feet in length with a minimum clear height of 15 feet.
- C. For buildings used for retail, wholesale, manufacturing, and storage, based upon the number of square feet of gross floor area (except floor area below the ground floor), the following minimum standards apply:

<u>Square Footage</u>	<u>Number of Loading Spaces</u>
Less than 25,000	1
25,000 to 49,999	2
50,000 to 99,999	3
100,000 and over	4

- D. For buildings used as office buildings, hotels, hospitals, and institutions, based on the number of square feet of gross floor area (except floor area below the ground floor), the following minimum standards apply:

<u>Square Footage</u>	<u>Number of Loading Spaces</u>
Less than 50,000	1
50,000 to 99,999	2
100,000 and over	3

CHAPTER 5. NON-CONFORMITIES

5.1 Generally

5.1.1 Purpose and Findings

- A. The purpose of this Chapter is to protect the rights of property owners who have lawfully established, and continuously maintained in a lawful manner, a use prior to the adoption of this Chapter or prior to any amendment to this Chapter that otherwise renders such use unlawful.
- B. A non-conforming use or structure that was recognized prior to the adoption of this Chapter shall continue to operate under the provision of law under which the non-conforming structure or use was recognized so long as the non-conforming use or structure is not in violation of such provision of law, the adoption of this Chapter notwithstanding.
- C. Nothing in this Chapter prohibits the voluntary compliance with any future ordinance, regulation, or incentive.
- D. Modifications to non-conforming situations, whether in a by-right or conditional district shall be required to comply with standards of this UDO in effect at the time of the modification unless specifically exempted in this Chapter or otherwise approved by the Town.
- E. If the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall be subject to the provisions of this Chapter.
- F. Any use which is permitted as a Special Use Permit under any previously enacted zoning or subdivision regulations or any other provision of this UDO shall be deemed a conforming use.

5.1.2 Applicability

This Chapter applies to any non-conformity. There are three categories of non-conformities established within this Chapter, defined as the following:

- A. Non-Conforming Use - A use that was lawfully established but no longer complies with the use regulations applicable to the use or the zoning district established in this UDO.
- B. Non-Conforming Lot or Site - A lot, parcel or development site that was lawfully created but no longer complies with the development standards established in this UDO.
- C. Non-Conforming Structure - A structure that was lawfully erected but no longer complies with the use or development standards established in this UDO.

5.1.3 Continuation

- A. On or after the effective date of this UDO, a non-conformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this division.
- B. Any non-conformity that legally existed on the date of adoption of this UDO, together with all amendments thereto; or that becomes non-conforming upon the adoption of any amendment to this UDO, may be continued in accordance with the provisions of this Chapter.

5.1.4 Repairs and Maintenance

- A. Incidental repairs and normal maintenance of non-conforming structures or land shall be permitted unless such repairs increase the extent of non-conformity or are otherwise expressly prohibited by this UDO.
- B. Nothing in this Chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.
- C. Any repair that exceeds 25% of the replacement value of the structure being repaired is deemed to be a major repair and shall require issuance of a Special Use Permit prior to the repair. Public education and medical institutions are not subject to this limitation on major repairs.

5.1.5 Costs

- A. Costs in this Chapter are the local fair market value of the materials and services necessary to accomplish the work.
- B. Costs shall include the total cost of the work, including incremental work that is conducted under one or more permits or Development Orders within any twenty-four (24) month period.
- C. Appraised value shall mean either the appraised value of the improvement for property tax purposes or the valuation determined by a professionally recognized appraiser.

5.1.6 Tenancy and Ownership

The status of a non-conformity is not affected by changes of tenancy, ownership or management.

5.1.7 Conditions

The right of non-conformities to continue or expand is subject to such regulations as to the maintenance of the premises and lot or site and conditions of operation as may, in the judgment of the Planning Commission, be reasonably required for the protection of adjacent property.

5.1.8 Expansion of Non-Conformity

- A. A non-conformity may expand upon approval of a Special Use Permit, as provided in this UDO, provided that the expansion is not increased more than 25%.
- B. Criteria for Special Use Permit for Residential and Non-Residential Uses. In addition to the criteria required to be met for a Special Use Permit, as provided in this UDO, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-conformity. However, mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible.
 - 1. The termination of such non-conformity will result in unnecessary hardship;
 - 2. The continuation and expansion of the non-conformity will not be contrary to the public interest;
 - 3. The continuation and expansion of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
 - 4. The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies;

5. The plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district; and
 6. The continuation of the non-conformity will not adversely affect the public health, safety, and welfare.
- C. **Additional Criteria for Special Use Permit for Non-Residential Use.** In addition, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-residential non-conformity:
1. The change or expansion is compatible with the surrounding uses of land and is beneficial to the health, welfare and safety of the community;
 2. All non-conforming signs shall be brought into compliance with the requirements of this UDO, unsightly or unsafe conditions on the site have been or will be mitigated and outdoor storage, displays or operations shall comply with the terms of this UDO;
 3. The expansion does not increase the degree of non-conformity of the property due to the setback, height, parking or landscaping requirements of this UDO.
- D. **Conditions Applicable.** Any conditions attached to any rezoning, Special Use Permit or any other permit or Development Order issued under any previously enacted zoning or subdivision regulations or any other provision of this UDO shall continue to apply to the proposed use and shall be enforceable. Such conditions may be waived if an application is approved pursuant to this Chapter whereby the Applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

5.1.9 **Determination of Non-conformity Status**

The burden of establishing the non-conformity status of a use, structure or land shall be upon the owner of the claimed non-conformity and not upon the Town.

5.1.10 **Certificate of Non-conforming Use**

- A. **Generally.** The owner of a non-conformity shall register such non-conformity by filing with the Zoning Administrator a registration statement.
- B. **Exemptions.** Registration is not required for:
 1. Any use or structure that is made non-conforming by any governmental action other than annexation or rezoning;
 2. Any fence of legal height and construction that does not constitute a non-conforming use and does not require registration; and
 3. Any non-conforming lot or site.
- C. **Contents.** Registration shall be made on behalf of the owner by any person, firm, corporation, or other entity that has a legal or equitable interest in the non-conformity. Registration statements shall require a disclosure of the complete ownership of the land and/or structure, and shall be in such form and require the furnishing of such information, photographs, and documentation as are needed to show that:
 1. The use was lawfully established prior to the effective date of the applicable regulations;
 2. The use has been continuously maintained since it was established; and
 3. The use has not been abandoned.

- D. Denial of Registration. The Zoning Administrator shall deny any registration if it appears that the documents relied thereon are not valid, or that the documents produced do not show the existence of a lawful non-conformity in accordance with the criteria set forth as an exemption. The Applicant may appeal this determination to the Board of Zoning Appeals.
- E. Amendment. At any time after registration, upon application to the Zoning Administrator and with the written consent of the owner affected thereby, a registration statement may be amended to indicate changes in ownership. A copy of each registration statement shall be returned to the owner and a copy filed among the records of the department. The Zoning Administrator shall accept and file all tendered registration statements within the permitted time period, but the acceptance of such statements shall not constitute an authorization to operate an unlawful use. The filing of a false registration statement with the department shall constitute a violation of this Chapter.

5.1.11 Termination of Non-conformities

- A. Violation. Any violation of this UDO shall immediately terminate a non-conformity.
- B. Specific Acts of Termination. Any of the following specific acts of termination shall immediately terminate a non-conformity:
 1. Abandonment of a non-conformity for a period of one hundred eighty days (180) or more; or
 2. Failure to register a non-conformity within six (6) months of notification of the non-conformity by the Town.
- C. Partial Vacancy Excluded. For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this Section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building for one hundred and eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained.
- D. Notice. Termination of non-conforming rights under this Section shall provide for thirty (30) days' notice and hearing before the Board of Zoning Appeals.
- E. Action of the Board of Zoning Appeals. The Board of Zoning Appeals may inquire during the review of the non-conformity for fire or health hazards, and any other danger or nuisance to the public due to or created by any condition or use existing on the property. Upon written findings, the Board may require the discontinuance of such use. The owner of the use under inquiry shall have at least thirty (30) days written notice prior to the day of the public hearing. Time allowed for discontinuance of such use shall be prescribed by the Board at a subsequent public hearing, after having heard from the affected parties, based on the Board's ruling as to a reasonable amortization period for the non-conforming use. In prescribing said time period, the Board shall consider the following factors:
 1. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became non-conforming;
 2. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
 3. Any return on investment since inception of the use, including net income and depreciation; and

- 4. The anticipated annual recovery of investment, including net income and depreciation.
- F. Accessory Uses. No use that is accessory to a principal non-conforming use shall continue after such Principal Use has ceased or terminated.

5.1.12 Abandonment

- A. If a non-conformity is abandoned for one hundred eighty (180) days, any future use of such premises shall be in conformity with the provisions of this UDO.
- B. Abandonment of a non-conformity shall terminate the right to continue the non-conformity.
- C. The Planning Board may grant a one-time, 90-day extension period for the purpose of bringing the site into conformance with this Chapter. Extension applications shall be filed in accordance with the procedures for variance review in the UDO.
- D. For purposes of this UDO, rental payments or lease payments and taxes shall not be considered as a continued use, and the disconnection of utilities shall constitute a means of establishing the commencement of the abandonment of the use of the development site.

5.2 Non-Conforming Use

5.2.1 Applicability

This Section applies to the continuation, enlargement, or expansion of a non-conforming use.

5.2.2 Continuance and Expansion

- A. A use may be continued and extended throughout the structure, provided that no structural alterations or additions to the structure, except those made in conformance with law or ordinance.
- B. This Section shall not be construed as prohibiting additions to or reconstruction of any Single-Family Dwelling regardless of the zoning district in which such Dwelling is located, nor shall any provision of this Section be construed as prohibiting the construction of any use that is accessory to a Dwelling Unit regardless of the zoning district in which the Dwelling is located.

5.2.3 Change of Use

- A. Changes to Conforming Uses. Any non-conforming use may be changed to a use conforming with these regulations established for the district in which the non-conforming use is located, provided, however, that a non-conforming use so changed shall not in the future be changed back to a non-conforming use.
- B. Changes to Other Non-Conforming Uses. A non-conforming use may be changed to another non-conforming use by order of the Zoning Administrator, provided that the new use is determined to be more consistent with the spirit of the UDO, the neighborhood, and the Comprehensive Plan. A non-conforming use that is changed to another non-conforming use shall not be changed back to the former non-conforming use.
- C. Limitations on Changing Non-conforming Uses. All changes of non-conforming uses shall conform to all development standards established in this UDO. A non-conforming use shall not be changed to another non-conforming use unless the original non-conforming use was registered in conformance with this Chapter.

5.3 Non-conforming Lot or Site

5.3.1 Applicability

This Section applies to the continuation, enlargement or expansion of a non-conforming lot or site.

5.3.2 Generally

A substandard lot shall comply with the buffer, setback, and bulk regulations of the zoning district that makes the lot conforming to the area of the lot. This Section does not require the replatting or combination of platted lots under same ownership that is protected by state vested rights law.

5.3.3 Relocations

No structure shall be relocated to a non-conforming site until the site is brought into conformance with the provisions of this UDO.

5.3.4 Change in Use

- A. No existing structure located on a non-conforming lot or site shall be changed from one use classification to another use classification unless:
 - 1. The lot or site is brought into conformance with the provisions of this UDO;
 - 2. The Zoning Administrator determines that the use is substantially similar or less intensive in its operational characteristics, including, but not limited to the intensity of activity, traffic generation or parking demand; or
 - 3. A non-conforming site variance has been approved by the Board of Zoning Appeals.
- B. Single-Family residential structures that are located on a legally non-conforming site may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms to the provisions of this UDO.

5.3.5 Temporary Use

No Temporary Use Permit shall be issued for a non-conforming lot or site or for site containing a non-conforming use, if the proposed temporary use or event has the potential to generate additional traffic, noise or other adverse impacts upon the surrounding area.

5.3.6 Uses for Non-conforming Lots

- A. Single-Family Dwellings. Vacant non-conforming lots may be developed with one single-family dwelling and accessory structures, provided that such development complies with all applicable requirements of this UDO or a variance is obtained from the Board of Zoning Appeals.
- B. Other Uses. Vacant non-conforming lots may be developed with uses other than Single-Family Dwellings as may be allowed in the underlying zoning district, provided that such development complies with all requirements of this UDO and the Board of Zoning Appeals approves any variances required for the development.
- C. Prohibition on Reduction of Size. A non-conforming lot may not be further reduced in size.

5.4 Non-Conforming Structures

5.4.1 Applicability

This Section applies to the continuation, enlargement, or expansion of a non-conforming structure.

5.4.2 Continuance and Expansion

- A. Subject to all limitations in this Chapter, any non-conforming structure may be occupied, operated, and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended.
- B. A non-conforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension may be made in compliance with all of the provisions of this Chapter established for structures in the district in which the non-conforming structure is located. Such enlargement shall also be subject to all other applicable Town ordinances and provisions of this UDO.
- C. A conforming structure in which a non-conforming use is operated shall not be enlarged or extended except as required by law or ordinance.

5.4.3 Termination of Non-conforming Structures

- A. **Damage to Structures.** The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure is damaged in any manner and from any cause whatsoever, and the cost of repairing such damage exceeds 50% of the replacement cost of such structure on the date of such damage. In determining the replacement cost of any non-conforming structure, the cost of land or any factors other than the non-conforming structure itself shall not be included.
- B. **Obsolescence of Structure.** The right to operate and maintain any non-conforming structure shall terminate and shall cease to exist whenever the non-conforming structure becomes obsolete or substandard under any applicable ordinance of the Town, and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50% of the replacement cost of such structure on the date that the proper official of the Town determines that such structure is obsolete or substandard.

5.4.4 Exception for Repairs Pursuant to Public Order

Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

5.4.5 Destruction or Damage of Structure

The right to operate and maintain any non-conformity, except for a single-family dwelling unit, shall terminate and shall cease to exist whenever the structure or structures in which the non-conforming use is operated and maintained is damaged or destroyed from any cause whatsoever, and the cost of repairing such damage or destruction exceeds 50% of the replacement cost of such building or structure on the date of such damage or destruction. A non-conforming single-family dwelling unit that is destroyed or damaged more than 50% of the replacement cost may be rebuilt, provided that a Development Order is issued within one year of the date of such damage or destruction. The Zoning Administrator shall require the submission of sufficient evidence to verify the date of damage or destruction.

5.4.6 **Incomplete Construction**

Construction may be completed on any structure legally under construction upon adoption of this UDO, annexation or extension of the Towns extra-territorial jurisdiction, provided that:

- A. The owner or his/her designated representative applies to the Zoning Administrator for a Development Order to authorize further work on the structure, stating the proposed use of the structure and attaching the plans and specifications relating to the construction; and
- B. The construction is completed within two (2) years of the effective date of the event that lead to the non-conformity. Action on such Development Orders shall be taken by the Zoning Administrator within thirty (30) days from the date of application. The Zoning Administrator shall deny the development approval upon a finding that the construction will not meet the requirements of the building, fire protection or minimum housing codes of the Town. If the development approval is refused, the construction work shall cease until necessary corrections are made.

CHAPTER 6. REGULATION OF SPECIFIC USES

6.1 Accessory Dwellings

6.1.1 Purpose

Accessory dwelling units may be allowed in certain situations to provide a mix of housing that responds to changing family needs and smaller households and provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes, and obtain security, companionship and services.

6.1.2 Prohibited

Conversion of an accessory dwelling unit to a rental unit is strictly prohibited.

6.1.3 Standards

An accessory dwelling is allowed incidental to a primary dwelling unit and on the same lot as the primary dwelling unit subject to the following conditions:

- A. The primary dwelling unit is owner-occupied.
- B. The accessory dwelling unit may be a temporary use.
- C. An accessory structure may be converted or constructed as a temporary accessory dwelling unit in any agricultural or residential zoned district.
- D. The living area of such building shall not exceed 60% of the floor area of the main building or principal residence.
- E. The owner of the principal building or lot shall be the occupant of the principal dwelling or of the accessory dwelling unit at all times.
- F. Accessory dwelling units shall be limited to one (1) per primary dwelling unit, but no more than one per lot.
- G. Accessory dwellings shall be consistent with the look and scale of adjacent dwellings and development patterns.

6.1.4 Dual Use

- A. If an accessory building has dual uses, the living area shall be equal to the floor area of the entire building unless:
 1. The non-residential portion of the building shall be accessible without going through the residential portion; and
 2. The residential portion of the building shall be accessible without going through the non-residential portion; and
 3. The residential portion of the building shall be physically separated from the non-residential portion by means of a doorway which may be locked by the occupants of the residential portion.
 4. If there are common areas, this requirement may be waived by the Zoning Administrator as to the common area, but such areas shall be considered to be part of the residential portion.

- B. For dual-use accessory buildings which meet these requirements, the living area shall be the floor area of the residential portion.

6.1.5 Prior Approval Required

Prior to construction of a dual-use accessory building, conversion of an existing building to dual-use or establishment of an accessory dwelling, the landowner shall submit detailed plans and an application for a Special Use Permit to the Zoning Administrator. If the owner fails to submit such plans or deviates from such plans in the construction or conversion of the building, the entire building shall be treated as residential.

6.2 Bed and Breakfast Establishments

Bed and breakfast establishments shall be subject to the following requirements:

- A. Permitted only in single-family dwellings.
- B. A maximum of five guestrooms, with a maximum occupancy of 15 persons.
- C. Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.
- D. No receptions, private parties, etc., for fee shall be permitted.
- E. Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.
- F. Applicable provisions of the Uniform Statewide Building Code shall be met.
- G. Issuance of operator permit from the department of health is required.
- H. The maximum length of stay for each guest shall be five days.
- I. The owners or a representative of the owner of a bed and breakfast facility shall be in residence when guests are present.
- J. A Bed and Breakfast shall have vehicular access to a collector or arterial street.
- K. One off street parking space shall be provided for each guest room.

6.3 Design Standards for Commercial and Industrial Buildings

6.3.1 Applicability

- A. The commercial building design standards of this Section are applicable to the new development and redevelopment of all commercial and industrial structures.
- B. The standards may be modified pursuant to development Plan or Site Plan approval to accommodate site constraints or other unique site development challenges. These commercial building design standards apply in a variety of settings, and the Town shall apply discretion to modify standards where the character and function of a site and neighboring development justify such modifications.
- C. For purposes of this Section, redevelopment does not include any project that is considered routine maintenance, such as painting, re-roofing or replacement or repair of existing doors, windows, trim or existing

walls. Remodeling that involves the change of an exterior portion of a building shall comply with these standards for portion of the building being changed.

6.3.2 Intent

The integration of proposed development, building, or site improvement into the existing fabric of the Town is of critical public concern. The intent of design requirements is to assure respect for the character of the Town and reduce incompatible and adverse impacts on the community.

- A. Proposed development shall be located and configured in a manner that is visually harmonious with the terrain and vegetation of the development and with adjacent development.
- B. The design and configuration of structures and their materials and colors shall be visually harmonious with the overall appearance, history and heritage of the Town.
- C. Structures shall demonstrate the general principles of good design including but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to compatibility with adjacent structures and neighborhoods and surrounding areas of the Town where the structures reflect the characteristics set forth in this UDO.

6.3.3 Site Design

- A. Generally
 - 1. Buildings and improvements shall be located on the site to minimize changes to the existing topography and the loss of existing, mature landscaping.
 - 2. Areas of natural vegetation shall be preserved along property lines, including fence rows and drainage ways, and should be incorporated into the site's overall landscape concept. The Development Plan or Site Plan for the project shall identify "no-grade" zones for this purpose.
 - 3. All required parking spaces shall be provided on the subject site or within four hundred (400) feet of the site. On street parking may be permitted in areas of existing or planned on street parking.
 - 4. Parking requirements are to increase in proportion to the size of any addition.
 - 5. No development shall be erected on a lot which does not abut or have direct access to a public street.
- B. Building Continuity
 - 1. Buildings along a block face should provide a continuous frontage, particularly where maximum setbacks (build-to lines) require buildings to be constructed close to the front property line. Building fronts may be recessed for allowed courtyards and outdoor dining facilities as provided in this Section.
 - 2. Gaps between buildings along the fronts of blocks shall be limited to pedestrian and vehicle access and intersecting streets.
 - 3. For developments on sites of five (5) or more acres, outlots or outblocks with liner buildings may be used to separate large surface parking areas from the street, provided that the liner buildings extending along at least 60% of the frontage.
- C. Access
 - 1. All vehicular access to the site shall be from a street which meets Town standards for streets.

2. All access points should connect to the interior street system throughout the development.
3. Parking should promote clear circulation patterns.
4. Parking areas should be located on the side or behind buildings and shall not be the primary visual focus on the site.

D. Pedestrian Access

1. Pedestrian connections shall be provided between sidewalks and all buildings on a site.
2. Sites shall provide designated and marked pedestrian ways along internal drives or between parking aisles.
3. The Town Council may waive the requirement for internal pedestrian ways when for developments with two (2) or fewer rows of parking (one travel aisle) separate the building from the sidewalk.

E. Greenspace. With the exception of limitations established in the Historic District and in addition to the requirements identified in the UDO for yards and open space, an Applicant may establish greenspace for any portion of any building.

1. Applicants are encouraged to provide front yards that include widened sidewalks, galleries, arcades, courtyards and other places for customers and the public to gather, provided that the front yards:
 - (a) Improve the visual quality and character of the street;
 - (b) Promote pedestrian traffic and the use of public transit;
 - (c) Are readily accessible and ADA compliant;
 - (d) Enhance access between outdoor and indoor spaces; and
 - (e) Enhance public safety and security, while promoting more effective use of the public realm.
2. Greenspace may be used for building access improvements, including the installation of decorative bike racks, planter pots and pedestrian furniture. Greenspace shall be designed to be visible.
3. Front yards and façades shall meet the following design standards:
 - (a) Flooring and walking surfaces shall be constructed of durable, non-slip materials that complement sidewalk paving. Changes in colors shall be used to highlight steps.
 - (b) The shape and design (including landscaping) of the space shall provide visibility of the entire space from the sidewalk.
 - (c) Lighting shall be adequate to illuminate the entire space, but lighting sources shall be hooded or directed so that they are not visible to pedestrians on the sidewalk.
 - (d) Other than furniture for dining areas and outdoor displays subject to conditional use approval, greenspace improvements shall be limited to seating, decorative waste receptacles, fountains, water features and landscaping.

F. Loading Zones and Garage Bays

1. Garage doors, loading bays overhead doors and truck parking shall face an interior lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with this UDO.
2. Loading areas shall be entirely contained within the site. No loading function shall be allowed within right-of-way or setback areas.
3. Loading areas shall contain sufficient on-site area for maneuvering and shall be physically separated from any adjacent parking area.

- G. Outdoor Storage.** No outside storage of any kind shall be permitted unless stored materials are screened from all streets with a suitable fence, vegetation, and/or berm treatment. Screening shall be attractive and in keeping with the architectural quality of the main structure. All storage areas should be paved.

6.3.4 Building Design**A. Architectural Features**

1. Commercial, industrial or office building shall be designed to be compatible with the character of the neighborhood. The compatibility of the commercial, industrial or office building shall be determined by comparing the consistency of the design elements, colors, materials, and landscaping of the proposed buildings with the existing design of adjoining structures that comply with the design spirit and intent of this UDO.
2. Building facades of an individual structure on a single lot should generally be oriented parallel to the streets they face, such that their main entrances are visible as a means of creating continuous streetscapes. Within office or commercial complexes, buildings should be clustered so as to create plaza or pedestrian mall areas. Where the clustering of buildings cannot be achieved due to the size or shape of the lot, link the building pads together with pedestrian walkways that are defined by separate paving textures and accented by landscape areas.
3. Façade renovations are discouraged, but may be allowed upon review. The continuity of façade design should extend beyond the primary elevation of the building. The materials and colors of the street face should continue on the sides of the building where possible.
4. Wall surfaces should appear monolithic, with at least 75% of the total wall area comprised of one material and one color. Non-solar fenestration, window and door awnings, applied trim and accent materials, colors and decorative bands, with the exception of stucco, masonry, or concrete control joints to be used in such a way that they do not give a panelized or pre-fabricated appearance, or produce checkerboard patterns. Differing shades of the same general hue shall not be considered different colors.
5. The use of architecturally proportionate decorative trim around the roof perimeter, doors, windows and signs should include pediments, quoins and cornices.
6. The use of architectural decorative accents consistent with Town design patterns in complimentary materials including portals, windows, stained glass, carved stone cantera, or plaster is required, as is the decorative use of brick, stucco, or stone accents around walls, columns, roof lines, doors and windows, including crown molding. The use of antique, pierced, ceramic, metal, or other decorative lighting fixture is permitted when compatible with the overall architectural style of the building.

7. Columns may be incorporated into the design to support roof overhang or structure, as well as the use of decorative towers, bell towers, cupolas, widow walks, parapets, minarets, and similar architectural embellishments that are non-inhabitable.
- B. Building Mass and Walls
1. Broken façade planes shall be required. The wall of any such building shall be interrupted through the use of projections or recesses, portals, courtyards, plazas, or other appropriate architecture. The design of off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet.
 2. Multi-story buildings with over twenty thousand (20,000) sq. ft. of gross floor area shall be designed with either off-setting wall planes or upper story setbacks of at least four (4) feet in depth.
 3. Exterior walls visible by a pedestrian standing within the vehicular right-of-way should be completely covered by one or more of the following materials: brick; stone; stucco; synthetic stucco; or vinyl, wood or aluminum siding, provided that such siding is applied in horizontal panels with no panel exceeding eight (8) inches in height.
 4. A metal surface, excluding windows and trim, is prohibited as the sole exterior wall surface. Flat-faced concrete block or mirrored glass curtain wall are discouraged but may be allowed upon review. Metal as a minor exterior design element may be permitted upon review by the Zoning Administrator or as otherwise approved as part of an industrial park plan.
- C. Building Orientation and Entries
1. The front of buildings shall face, and have the primary customer entry facing, the street.
 2. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street.
 3. Buildings that extend the full depth of a block may be required to have entries on each street frontage.
- D. Building Dimensions
1. In the Historic District, buildings or building segments may be taller than wide.
 2. Generally, the width of buildings or building segments should not be more than twice the building height.
 3. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.
- E. Building Materials. The exterior finish of building walls should be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents. Wood and metal may be used as trim around doors and windows. The Town Council may approve:
1. The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.
 2. Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.

F. Exterior Color

1. Color of predominate exterior surface material should be: White, off-white, cream, dark subdued green, earth tones, pastels of earth tones, including rose and terra cotta; and/or pastel colors of non-earth tone hues, such as blues, yellows, greens, and grayish greens.
2. The use of following colors is strictly prohibited: high intensity colors, metallic colors, gloss colors, finish primary colors, fluorescent and full chroma colors.
3. Highly contrasting exterior color schemes for the primary building wall surface is discouraged, but may be permitted upon review by the Town Council.
4. Primary, secondary, and highly saturated, bright tertiary colors are discouraged, but may be permitted upon review by the Town Council.
5. Accent colors may be permitted for very limited use where appropriate to highlight a feature of the design or provide visual interest.

G. Doors and Windows. An essential characteristic of architecture is a traditional appearance of buildings, walls and openings. Walls define the overall form of buildings, while openings give them a human scale and the appearance of being occupied. All doors and windows, with the exception of steel fire doors on the rear elevation of a building, should have one or more of the following:

1. Frames encased with trim.
2. Divided lights (non-simulated).
3. Exposed or otherwise decorative lintels.
4. Windows shall be glazed in non-reflective, clear glass. The use of leaded, frosted, decorative glass or mirrored or solar glazing is discouraged, but may be permitted upon review by the Town Council.
5. The treatment of doors and windows shall be compatible throughout the building design, with the exception of designated fire doors.
6. Windows and doors shall comprise at least 25% of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry.

H. Awnings

1. Awnings are encouraged and may encroach over sidewalks and up to six (6) feet into any setback.
2. The minimum clearance between the lowest point of an awning and sidewalk shall eight (8) feet.
3. Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council.

I. Roofs

1. Roofs shall be consistent with the architectural style of the building.
2. Parapets with cornices, gable or hip roofs may be incorporated into building design.
3. For buildings that are wider than one hundred (100) feet:

- (a) Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required; and
 - (b) Changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet.
4. Shingles or standing seam, non-reflective metal shall be used on all roofs visible from public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.
 5. Parapet Facades. Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are discouraged but may be permitted upon review. Canopies are permissible provided they are integrated part of the overall building design and are not used as a location or support for wall-mounted signage.
- J. Mechanical Equipment. All mechanical equipment shall be screened from view from the street and shall not be located between the street and the building.

6.4 Design Standards for Large-Scale Retail Development

6.4.1 Purpose

- A. To ensure that Large Scale Retail buildings are compatible with surrounding development;
- B. To ensure that buildings are designed for sustainable economic uses; and
- C. To facilitate future redevelopment if such buildings are abandoned.

6.4.2 Applicability

The standards of this Section shall apply to any new building with a retail business occupying 25,000 square feet or more of gross floor area to one or more businesses, which may include a common entry or interior space. This section supplements Design Standards for Commercial Buildings.

6.4.3 Design Requirements

In addition to complying with the use, site and building design standards of this UDO, the following provisions shall apply:

- A. Entryways. Building façades shall be designed with entries that are no further than one hundred and fifty (150) feet apart. Building entries should be clearly defined, visible entrances, providing access from the front of the building to the pedestrian zone, and featuring no less than three of the following:
 1. Canopies or porticos;
 2. Awnings;
 3. Overhangs
 4. Recesses/projections;
 5. Arcades;
 6. Raised corniced parapets over the door;
 7. Peaked roof forms or arches;

8. Outdoor patios; or
 9. Display windows.
- B. Building Articulation. Front and street-facing side façades greater than one hundred (100) feet in length, measured horizontally, shall
1. Incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least 20% of the length of the façade.
 2. Have a change in at least three of the following elements every one hundred (100) feet along all walls facing a public street or internal street:
 - (a) Color change;
 - (b) Texture change;
 - (c) Material change; or
 - (d) Architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth.
- C. Rooflines
1. Rooflines shall be varied in height, or at least every one hundred (100) feet along any side of a building facing a street.
 2. Rooflines are defined by gables and changes in parapet walls. Hips, gables or changes in parapet elevation shall be used to provide relief in height.
 3. Gable and hip roofs are allowed; parapets and cornices shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
- D. The proposed development shall be constructed in accordance with an overall plan. The development shall be designed as an architectural unit with appropriate landscaping. The development also shall consist of a selection of uses in such manner as to constitute a grouping of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient retail shopping center.
- E. The maximum height of any building or structure erected or enlarged in this district shall be 35 feet except that the height of any such other building may be increased to a maximum of 65 feet when reviewed and recommended by the Planning Commission and approved by the Town Council, provided that for every foot of height in excess of 35 feet there shall be added to each setback requirement one corresponding foot of width or depth.
- F. Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of shops by refuse collection, fuel, fire and other service vehicles; automobile accessways; and pedestrian walks. Service areas shall be screened from view from any abutting roadway and from within the parking area.
- G. Provision shall be made for safe and efficient ingress and egress of pedestrians and vehicles to and from public streets and highways servicing the center without undue congestion to or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than 200 feet from the intersection of any public street lines.

- H. No parking access and service area may be located closer than 25 feet to a side or rear property line adjacent to a residential district.
- I. Parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.
- J. The shopping center shall be permanently fenced from adjoining and contiguous residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of minimum height five feet and maximum height seven feet, placed at least ten feet inside the property line, and allowing no separation between elements of the fence, except for driveways. The area between such enclosure and the property line shall be landscaped to form a permanent screening area. The Zoning Administrator may waive the requirement for a screening enclosure and/or screening area if equivalent screening is provided by existing parks, parkways, recreational areas, or by topography or other natural conditions.
- K. A landscaped planting area shall be provided along street frontage occupied by a shopping center.
- L. For the purpose of calculating the minimum lot area dimensions and yard requirements established by this section, a single planned shopping center district cannot lie on two sides of a public street or alley. Any areas designated as being a shopping center and lying on both sides of a public street shall be deemed to be two shopping centers and all minimum requirements shall be met by buildings on each side of said public street as separate districts.
- M. The Planning Commission may recommend and the Town Council may establish other reasonable conditions deemed appropriate with respect to the suitability of the shopping center in the commercial district.
- N. A traffic impact analysis is required to ensure that the shopping center will not adversely affect traffic flow.

6.5 Design Standards for Office and Industrial Parks

6.5.1 Purpose

- A. To ensure that Office and Industrial Parks are compatible with surrounding development; and
- B. To ensure that buildings are design for sustainable economic uses.

6.5.2 Applicability

The standards of this Section shall apply to any new building or set of buildings designed and intended to be used within a defined office or business park or industrial park. This section supplements Design Standards for Commercial and Industrial Buildings.

6.5.3 Design Requirements

- A. All activity and equipment (other than parking) shall be housed in a fully enclosed building.
- B. All parking shall be off street and shall comply with the parking regulations set forth in this UDO.
- C. The development shall consist of a selection of uses in such manner as to constitute a grouping of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient office or industrial park.
- D. The proposed development shall be constructed in accordance with an overall plan and shall be designed as an architectural unit with appropriate landscaping.

6.6 Design Standards for Multi-Family Structures

6.6.1 Purpose

- A. Ensure that multi-family projects are designed to be compatible with surrounding neighborhoods and land uses.
- B. Ensure community longevity by designing projects and neighborhoods that will endure over time.
- C. Encourage multi-family projects that residents may take pride in, have a sense of ownership in their neighborhood and promote a sense of community.
- D. Ensure compatibility between this land use and surrounding and adjacent properties
- E. Promote and protecting the long-term economic viability and property values in the vicinity of multifamily uses.
- F. Create neighborhoods of superior architectural and visual interest and incorporate common open space and amenities that enrich the lives of residents

6.6.2 Applicability

- A. The following development standards shall apply to all new multiple family structures, including apartments, condominiums and townhouses.
- B. The development standards in this Section may be modified pursuant to a PD or Special Use Permit approval to accommodate site constraints or other unique site development challenges.

6.6.3 Generally

- A. A plat and Site Plan shall be reviewed by the Planning Commission and approved by the Town Council prior to any construction, as provided in this UDO.
- B. All dwelling units shall be connected to the public water and sewer systems. Each unit shall have its own public water and public sewer connection before any units are sold.
- C. Building Design
 1. Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.
 2. Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the facade.
 3. Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.
 4. Create areas for foundation planting by keeping a hard surfaces away from front façades.
 5. Exterior Color. Building colors for multi-family residential and commercial uses should be subdued, with natural tones and neutral colors predominating.
 6. Entrances

- (a) Provide private entrances at grade level and adjacent to private open space to the greatest extent possible.
- (b) Design entrances so that doors to separate dwelling units do not align with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other dwelling units, when practical.
- (c) Provide porches or roofed overhangs over building entrances.
- (d) Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries.

D. Building Separation

1. For multiple family development that contain two or more structures, there shall be the following minimum building separation distances:
 - (a) The minimum building separation between the sides of adjacent multiple-family structures shall be two times the minimum side yard required for the district; and
 - (b) A minimum of an additional five (5) feet for each story above 2 stories, from base grade elevation.
2. The minimum building separation between the sides of adjacent single-family dwellings shall be two times the minimum side yard required for the district.

E. Access. Each building and/or parking area shall have access on a dedicated public street.

F. Lighting. Lighting of buildings, accessways and parking areas shall be provided for safety and convenience of the residents but it shall be so arranged so as not to reflect toward public streets or cause disturbance to building occupants or surrounding landowners.

G. Pedestrian Improvements

1. Provide continuous walkways through the project and connecting dwellings to and through common open space.
2. Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.
3. Provide storage space for strollers, bicycles, and so forth, close to the main entries of dwellings, structures or clusters.

H. Off-street parking

1. Provide parking in small lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more dwellings.
2. To the greatest extent practicable, parking shall not separate dwelling units from common open space.
3. Off-street parking, whether in a garage or on lot, shall be provided on the premises at the rate of two spaces for a two bedroom unit and two and one-half spaces for three or more bedroom units.

4. All streets, cul-de-sac, parking areas, and parking area drives shall be suitably paved with permanent hard-surface coverings.
 5. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
 6. Entrance and exitways to parking areas shall be constructed in accordance with the current "Minimum Standards Of Entrances To State Highways" published by the Virginia Department of Transportation (VDOT).
 7. All parking spaces shall be located behind the front building setback line. Adjoining parking areas should be avoided.
- I. Open space.
1. A Landscape Plan specifying type, size, and location of existing and proposed planting material shall be submitted to the Zoning Administrator for review.
 2. Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.
 3. To the greatest extent practicable, dwelling units shall have access to common open space without having to cross a street.
 4. All multiple family development shall provide common open space, natural areas and recreation areas equal to at least 30% of the total area of the development.
 5. Open space is to be used for residents of the development and shall include such things as parks, playgrounds, general recreation areas and natural areas for habitat protection. Land providing community or waterfront access shall be considered as contributing to this requirement.
 6. Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions to insure that:
 - (a) The open space will not be further subdivided or developed;
 - (b) The use of the open space will continue in perpetuity for the purpose satisfied;
 - (c) The open space shall be perpetually operated and maintained through provisions of a recorded homeowner's association charter; and
 - (d) Common undeveloped open space shall not be turned into commercial enterprise admitting the public at a fee.
 7. Management of open space
 - (a) If the units are for rental purposes, the Applicant or rental agent shall be responsible for maintenance and management of open space.
 - (b) If the units are to be sold separately, a homeowner or property owner association of all individuals or corporations owning residential property within the Planned Development shall be established to ensure the maintenance, management and/or operation of open spaces and/or recreation parks in accordance with the Condominium Act, Code of Virginia, § 55-79.39 et seq.,

as amended. The homeowner or property owner association shall be responsible for a coordinated ongoing maintenance plan for landscaping, open space, common area, yards and trash, which shall not be delegated to individual property owners.

- (c) The Applicant shall establish the organization prior to the sale of any units.
- (d) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community.

J. Outdoor use.

- 1. Play areas for young children should be physically separated from potential traffic hazards.
- 2. Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.
- 3. For developments with more than twenty (20) dwellings that are not age-restricted, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each dwelling unit.
- 4. Where clustered structures are included in a project, design uniqueness into each cluster by varying the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.

K. Storage of trash and rubbish

- 1. Exterior storage areas and vermin-proof containers for trash and rubbish shall be provided for each Townhouse structure.
- 2. All refuse containers shall be placed within screened storage areas or enclosures.
- 3. Refuse containers should be conveniently located throughout the project, yet sufficiently buffered from project entries, main building entries, and main pedestrian paths.
- 4. Enclosures should be located to provide easy accessibility for users, adequate room for servicing by refuse trucks, and should not hinder visibility for vehicle circulation.

- L. Recreational vehicles. Recreational vehicles, including but not limited to, boats and camper units, shall not be permitted to park in spaces dedicated to each of the units within the development. The development may provide, at its expense, a common storage area to accommodate such boats and recreational vehicles provided that such area is reasonably scaled to the size and type of development and should be appropriately surfaced to provide all-weather access as well as be screened by landscaping or decorative fencing.

6.6.4 Apartment Standards

In addition to the multi-family standards, the following apply:

- A. Multi-family dwellings shall have no more than 12 dwelling units contained in a single building, and group buildings in clusters.
- B. Density of development shall not exceed 12 dwelling units per gross acre, with gross acreage defined as all land within the exterior boundaries of the tract on which the development is located, including private lots, private drives, parking areas, and recreational areas, and other semipublic uses established as part of the development plan.

6.6.5 Townhouse Standards

In addition to the multi-family standards, the following apply:

- A. Townhouses shall have not more than four (4) dwelling units contained in a single building, and group buildings in clusters.
- B. Alleys may be required at the discretion of the Town.
- C. Each dwelling shall have a minimum living area of 950 square feet.
- D. Dimensional and density requirements
 - 1. Density of development shall not exceed 12 dwelling units per gross acre, with gross acreage defined as all land within the exterior boundaries of the tract on which the development is located, including private lots, private drives, parking areas, and recreational areas, and other semipublic uses established as part of the development plan.
 - 2. Each set of no more than four units shall have a front yard average depth of not less than 25 feet.
 - 3. Each unit within a set shall be offset by a minimum of two feet for at least every two units.
 - 4. Townhouses on ends of groups shall have a minimum side yard of 20 feet on corner lots and a minimum of ten (10) feet on interior end units.
 - 5. Each lot shall have a rear yard of not less than 30 feet in depth measured from the rear wall of the structure on the lot.
 - 6. The width of each unit shall be a minimum of 20 feet.
- E. Greenspace
 - 1. Provide a private garden, yard, patio or balcony for every Dwelling Unit.
 - 2. The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.
 - 3. Provide screening for yards where private activities are likely to occur and to delimit private from common open space.
- F. Parking. Parking areas shall not be shared by more than 16 units.
- G. Construction. A solid common party wall shall separate each townhouse unit, have a minimum thickness of eight inches, be constructed of non-combustible material from the foundation to at least six inches above the roofline, and shall conform to the minimum standards for approved firewalls, established by the laws of the Commonwealth of Virginia.
- H. Fencing. Rear yard areas of townhouse units may be buffered from adjacent units by a screen or fence, but no closer than 20 feet to the rear of the lot. The required fencing shall be provided by the Applicant.

6.7 Development Patterns

6.7.1 Conservation Subdivision

In District AG/RR or ER, the owner of a parent tract may apply to the Zoning Administrator for approval of a conservation subdivision.

- A. Purpose. Conservation subdivisions are intended to preserve valuable agricultural and environmentally significant lands by use of conservation easements and development rights restrictions while allowing some residential development in the rural areas of the County. Other specific purposes of this section are to:
 - 1. Avoid surface and groundwater pollution, contaminated run-off, air quality contamination, and urban heat islands that result from pavement and the clearing of natural vegetation;
 - 2. Protect and preserve natural resources, such as wetlands, streams, lakes, steep slopes, woodlands, and water recharge areas;
 - 3. Reduce infrastructure and housing costs by reducing the engineering and construction costs produced by conventional subdivision design, which requires more pavement, wetland crossings, grading of trees and natural areas, and maintenance from lawn and landscaping maintenance;
 - 4. Protect property values by allowing open space design features that enhance the marketability of development; and
 - 5. Promote development on soils that are most suitable for urban densities while preserving soils that are primarily adaptable to other uses, such as woodlands, wildlife habitat, and agriculture.
- B. Procedure
 - 1. Initial Conference. Before submitting an application for a conservation subdivision, the Applicant shall schedule an appointment and meet with the Zoning Administrator to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards. The initial conference may be conducted in coordination with a site visit.
 - 2. Inventory and Mapping of Existing Resources. After the initial conference, the Applicant shall submit the following information to the Zoning Administrator, which shall be mapped at a scale of no less than one (1) inch to fifty (50) feet:
 - (a) Topographic contours at 2-foot intervals;
 - (b) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems;
 - (c) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes;
 - (d) Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than 24 inches measured four and one-half feet off the ground. The inventory shall include comments on the health and condition of the vegetation;

- (e) Current and past land use, including all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants;
 - (f) Known critical habitat areas for rare, threatened or endangered species;
 - (g) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken;
 - (h) Unique geological resources, such as rock outcrops and glacial features; and
 - (i) Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing local, state and national inventories for historic buildings, archaeological sites, and burial sites.
3. Site analysis and concept plan. Using the inventory described in the previous paragraph and applying the design standards specified in the following Section, the Applicant shall submit a Concept Plan and site analysis on one or more sheets that shall include at least the following information at a scale of no less than one inch to 50 feet:
- (a) Open space areas indicating which areas are to remain undeveloped;
 - (b) Boundaries of areas to be developed and proposed general street and Lot layout;
 - (c) Number and type (e.g., single-family detached, townhome, etc.) of dwelling units proposed;
 - (d) Proposed Best Management Practices methods for and location of water supply, wastewater collection system, stormwater management and sewage treatment;
 - (e) Inventory of preserved and disturbed natural features and prominent views;
 - (f) Preliminary building envelopes showing areas for lawns, pavement, buildings;
 - (g) Proposed methods for ownership and management of open space;
 - (h) General location map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the subdivision.;
 - (i) Boundary line of the proposed site and all property to be subdivided, including all contiguous land owned or controlled by the Applicant; and
 - (j) Identification of primary and secondary conservation areas.
4. Conservation subdivisions are approved as a Planned Development.

C. Performance Standards

1. Size and Location of Site. There is no minimum or maximum size for a conservation subdivision, provided the minimum open space requirements are met. The number of new parcels that may be created shall be consistent with the density established in the applicable zoning district unless bonus densities are sought.

2. Uses. Permitted uses are governed by the applicable zoning district regulations.
3. Lot and Block Design
 - (a) Lots within a conservation subdivision are not subject to the minimum lot size, minimum frontage, or minimum lot width requirements of the zoning district.
 - (b) In order to provide undivided open space for direct views and access, at least 50% of the lots within a conservation subdivision shall abut a conservation area. Direct pedestrian access to the open space from all lots not adjoining the open space shall be provided through a continuous system of sidewalks and trails.
 - (c) Lots within 100 feet of a conservation area shall front on a local street.
 - (d) Building lots shall be configured to minimize loss of woodlands.
 - (e) All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
 - (f) Building lots should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
 - (g) Residential structures shall be oriented to maximize solar gain in the winter months.
4. Residential Cluster Siting Standards. Residential clusters shall be located to:
 - (a) Minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses;
 - (b) Avoid encroaching on rare, threatened or endangered species habitats;
 - (c) Enable open spaces to connect with existing or potential open space lands on adjoining parcels and with greenways;
 - (d) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices;
 - (e) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
 - (f) Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
 - (g) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
 - (h) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
 - (i) Enable the use of landscaping around the cluster to reduce off site views of residences.
5. Transportation
 - (a) A conservation subdivision shall comply with the street design standards, unless otherwise provided, and of this subsection.

- (b) The conservation subdivision shall include a pedestrian circulation system. All sidewalks and trails shall connect to other sidewalks or paved or unpaved trail and trails shall connect to potential areas qualifying as conservation areas on the development parcel, adjoining undeveloped parcels, or with existing parks and open space on adjoining developed parcels.
 - (c) Streets shall not cross wetlands.
 - (d) All lots shall take access from interior streets.
 - (e) Lots shall be configured to minimize the amount of road length required for the subdivision.
6. **Parking.** In order to encourage design flexibility, to preserve open space, and to minimize impervious surfaces, a conservation subdivision is not subject to minimum parking design standards.
7. **Stormwater Management.** Stormwater management ponds or basins may be included as part of the minimum required conservation areas, as provided in this UDC.
8. **Landscaping and Screening.** The landscaping and screening standards apply to conservation subdivisions.
9. **Conservation Areas.** This section establishes the standards for conservation areas. Conservation areas are the parks, natural features, and passive open space that distinguish this use pattern from other types of development.
- (a) Conservation areas shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by a land trust or conservancy.
 - (b) The conservation easement shall prohibit further development in the conservation areas and may establish other standards safeguarding the site's special resources from negative changes.
 - (c) The parks and open space standards relating to maintenance apply to a conservation subdivision. No other requirements of the parks and open space standards apply to a conservation subdivision.
 - (d) **Set-Aside and Allocation of Conservation Areas.** A minimum of 40% of the total tract area shall be designated as conservation areas. The following areas shall be designated as conservation areas:
 - (1) Wetlands;
 - (2) Woodlands;
 - (3) Sensitive aquifer recharge features;
 - (4) All of the floodway and flood fringe within the 100-year floodplain, as shown on the official Federal Emergency Management Agency (FEMA) maps;
 - (5) All areas within 100 feet of the edge of the 100-year floodplain, as delineated on the FEMA maps, and any Letter of Map Revision;
 - (6) All areas within 100 feet of the banks of any stream shown as a blue-line or black-line on the U.S. Geological Survey 1:24,000 (7.5 minute) scale topographic maps for the Strasburg;

- (7) Soils subject to slumping, as indicated on the medium-intensity maps contained in the county soil survey, published by the U.S. Department of Agriculture Natural Resources Conservation Service;
 - (8) Significant wildlife habitat areas;
 - (9) Historic, archaeological, or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories; or
 - (10) Scenic views into the property from existing public roads.
- (e) Connectivity. Conservation areas shall abut existing conservation areas, parks or open space on adjacent parcels.
 - (f) Environmental Protection. A conservation subdivision shall comply with the following environmental protection standards:
 - (1) No conservation area shall be cleared, graded, filled, or subject to construction. However, rights-of-way for trails; any streets needed to provide access to the proposed subdivision; and water, sewer, electric, or cable lines may be cleared. The width of rights-of-way for streets or trails shall be restricted to the minimum required in this UDC; and
 - (2) No lot may be located on highly erodible or Karst soils.
 - (g) Ownership and Maintenance of Open Space and Common Facilities. The designated common open space and common facilities may be owned and managed by one or a combination of the following:
 - (1) A homeowners' association;
 - (2) A non-profit conservation organization;
 - (3) An individual who will use the land for open space or agricultural purposes allowed by the Conservation Easement; or
 - (4) Public ownership, if accepted by the Town Council, which may include annual maintenance contributions.

6.7.2 Infill Development

A. Guiding Principles

1. Vacant and underdeveloped sites represent opportunities for infill projects that will mend the neighborhood fabric and intensify economic and social activity.
2. New construction should be encouraged to respect and reinforce its urban location within the community, relating to the scale and character of the adjacent buildings and addressing the street with building fronts.
3. Small block size, street and sidewalk connectivity, and tree-lined streets are key physical factors in creating a vibrant and walkable environment.
4. The historic human-scaled architecture and public spaces create an inviting environment.

5. Ground floor, street facing retail, residential, office uses and on-street parking will help to nurture a lively public realm.
6. Public open spaces which are strategically located, properly sized and offer an appropriate set of amenities for commercial and mixed use neighborhoods contribute greatly to the attractiveness and activity on the street.

B. Performance Standards, Generally

1. New construction in established neighborhoods shall be visually compatible with the buildings and environment with which the new construction is visually related, including the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, and materials used in the facade, the texture inherent in the facade, the colors, pattern, and trim used in the facade, and the design of the roof.
2. Existing rhythm created by existing building masses and spaces between them should be preserved.
3. The Site Plan should be sensitive to the individual building and its occupant, and needs, and should be visually compatible with the buildings with which it is visually related.
4. A new street facade should blend directionally with other buildings with which it is visually related-- which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
5. New construction shall be compatible with the original construction of the historic resources, and should be distinguishable from the original construction and should enhance the architectural characteristic of the historic district.
6. No single architectural style shall be imposed.
7. The quality and excellence in design should be major determinants.
8. Corner lots shall be sufficiently larger than interior lots so as to allow houses to conform to front yard building setback lines on both streets except where, in the opinion of the Planning Commission, a waiver should be granted. Corner lots shall have two front setbacks and two side setbacks. For corner lots, the side having the shortest street frontage is considered the front for setback purposes. The Zoning Administrator may waive this requirement and determine the front yard to be on the street front that is in line with the prevailing pattern of front yards on the street in order to be consistent with the established pattern of the street.

C. Single-Family Lot Patterns

1. Existing Single Lot Development. For single lots that do not meet the minimum lot width standards, development shall comply with existing setbacks to the greatest extent practical. However, the Zoning Administrator may grant a reduction of side setbacks by up to two (2) feet upon finding that the following conditions apply:
 - (a) The proposed home is not more than two (2) stories in height;

- (b) The home has an entry facing the street that includes a front porch measuring at least six (6) feet in depth and a width not less than the greater of sixteen (16) feet or 70% of the front façade width;
 - (c) The roof is either a hip or gable style with a pitch of not less than four (4) feet of rise for every twelve (12) feet of width.
 - (d) Parking shall be located at least five (5) feet behind the front building line. Attached or detached garages may be located to the rear of the home. If an attached garage is located to the side of a home, it shall be located at least five (5) feet behind the front building line and shall not be greater than 30% of the total width of the home.
2. Existing Multiple Lot Development. Where at least four (4) abutting lots share a common street frontage:
- (a) The side setbacks may be reduced to zero (0), provided that the minimum distance between buildings is not less than ten (10) feet and the minimum side setback for lots abutting existing development or a street are not more than two (2) feet less than the minimum setback required for the applicable district. Where setbacks are less than four (4) feet from an internal property line, a maintenance easement measuring at least five (5) feet in width shall be required to provide adequate access for home maintenance.
 - (b) All other standards for existing single lot development in the previous Section shall apply.

6.7.3 Traditional Neighborhood Development

- A. Required Elements. While design flexibility is encouraged within a Traditional Neighborhood Development (TND), the following design elements are mandatory:
- 1. Land Use Diversity. A TND shall include a mix of uses. If the development does not contain a mix of uses, design shall be integrated into adjacent uses and patterns.
 - 2. Mixed Residential Density. Residential density include moderate and high densities, and include detached and attached dwellings.
 - 3. Housing Diversity. The development shall include a mix of residential Dwelling Unit types and residential Lot sizes.
 - 4. Connectivity. To promote walkability and emergency access, streets shall be designed with sidewalks and be highly interconnected.
- B. Setbacks. The TND shall establish minimum and maximum setbacks that promote pedestrian access to non-residential and civic uses.
- C. Street Layout. The TND should maintain the existing street grid, where present, restore any disrupted street grid where feasible and establish a new internal grid, if not contiguous with other development. In addition:
- 1. Intersections shall be at right angles whenever possible, but in no case less than eighty (80) degrees. Where more than two streets intersect or two streets intersect at angles less than ninety (90) degrees, traffic circles shall be used. Traffic circles are encouraged.
 - 2. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 25 feet, except that maximum corner radii for parkways and boulevards shall be 30

feet. The Town Engineer may require the installation of rollover curbs at intersections to facilitate emergency service provision.

3. Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or Multi-Family Residential uses.
 4. The orientation of streets should enhance the visibility of common spaces and prominent buildings. All streets shall terminate at other streets, civic uses or other public land, except those that terminate at stub streets when such streets act as connections to future phases of the development.
 5. Private alleys are encouraged to provide access to both residential and non-residential uses.
- D. Architectural Standards. A variety of architectural features and building materials is required to give each building or group of buildings a distinct character.
1. Mixed Use Buildings. Buildings with vertically mixed uses (e.g., residential over retail) and live-work units are encouraged.
 2. Entries and Facades
 - (a) The architectural features, materials, and the articulation of a facade of a building shall be continued on all building sides visible from a public street.
 - (b) The front facade of the Principal Building on any Lot in a TND shall face onto a public street or square.
 - (c) The front facade shall not be oriented to face directly toward a parking Lot.
 - (d) Porches, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 - (e) For commercial buildings, a minimum of 50% of the front facade wall area on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - (f) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
 3. Garages and Accessory Dwelling Units. Garages and secondary dwelling units may be placed on a single-family detached residential lot, consistent with the provisions in Chapter 6.
 4. Landscaping.
 - (a) Trees may be clustered and do not need to be evenly spaced.
 - (b) Subject to approval of the Public Works Director, trees may be planted within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees shall be planted within the front yard setback adjacent to the sidewalk.

6.7.4 Commercial Retrofit

- A. Purpose. This section encourages the redevelopment of commercial sites. The more intense commercial or mixed use development pattern will increase the efficient use of existing public infrastructure investments. Commercial retrofits create vibrant activity centers that are pedestrian friendly, are compatible with surrounding development, provide a visually attractive site design, and reduces reliance on the automobile for vehicular trips.
- B. Performance Standards
1. Additional buildings shall be constructed between a collector street right-of-way and the existing buildings. The façades of the additional buildings shall face the public right-of-way and the existing buildings. The additional building façades that are oriented to a street, a driveway, or existing buildings shall conform to the commercial urban design standards.
 2. Apartments may be placed above new or existing office or retail uses.
 3. In order to stimulate pedestrian activity, the first floor (street level) of any new building abutting a major arterial roadway, minor arterial roadway, or major collector roadway shall devote at least 50% of the net first-floor area to retail uses.
 4. The additional buildings shall occupy at least 70% of the site frontage.
 5. Building Orientation. The additional buildings shall have a façade oriented to the principal buildings and a façade facing the frontage line. The façades facing the principal buildings shall conform to the commercial building standards.
 6. Stormwater Management. A commercial retrofit shall comply with the Town and DEQ storm water management standards unless no additional impervious surface shall be added. If no additional impervious surface is added, a commercial retrofit is exempt from the stormwater management standards. For purposes of this section, “additional impervious surface” means a net addition to the total impervious surface existing on the development parcel or the extension of impervious surface to a new location.
 7. Landscaping, Screening, and Tree Preservation. Landscaping and screening standards apply.
- C. Parking
1. Additional parking may be placed to the rear of the principal buildings so long as the number of spaces for the entire site does not exceed the maximum parking requirements.
 2. Parking areas shall be connected to rear parking lots on adjoining properties in order to allow customers to drive to other locations without reentering the major roadway network and adding to traffic volumes.
 3. Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property by the installation of a buffer yard as set forth in the buffer standards.

6.8 Home Occupations

6.8.1 Purpose

- A. To permit the conduct of home occupations as a secondary use to a dwelling unit, whether owner or renter occupied;
- B. To ensure that such home occupations are compatible with, and do not have a harmful effect on nearby residential properties and uses;
- C. To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;
- D. To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
- E. To enable the fair and consistent enforcement of these home occupation regulations; and
- F. To promote and protect the public health, safety and general welfare.

6.8.2 Performance Standards

Performance standards are established for residential zoning districts (ER, LDR, MDR, MFR) and for the agricultural zoning district (AG/RR).

- A. The following standards shall apply in the ER, LDR, MDR and MFR zoning districts:
 1. The resident operating the home occupation shall secure a business license from the Town. The Applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.
 2. The building shall include no feature or design not customary in buildings for residential use. Uses shall be conducted entirely within the principal Dwelling and shall not exceed the lesser of five hundred (500) square feet or 25% of the living area. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.
 3. Retail sales are prohibited, and goods, stock in trade or other commodities shall not be displayed.
 4. The use shall not be visibly evident from outside the dwelling except for a sign, as provided by standards contained herein. There shall be no associated outdoor activities or outdoor storage of materials or equipment related to the home occupation on the premises.
 5. The use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly conditions. In addition, any equipment or process shall not create audible or visual interference with any electronic device on any adjacent properties, and shall comply with the Town Noise Ordinance.
 6. Delivery and distribution of goods from commercial suppliers shall be limited to between the hours of 7 am and 6 pm, Monday through Saturday. Shipping deliveries and pick-ups (excluding U.S. Postal Service) are limited to two (2) per weekday.
 7. Customer hours are limited to the hours between 7am and 9pm.
 8. No more than two (2) nonresidents shall be employed in any home occupation.

9. Off-street parking spaces shall be provided as required for the residential use. Not more than two (2) client vehicles may park on the site at one time.
 10. Construction vehicles, heavy equipment or vehicles requiring a commercial driver's license to operate may not be stored on the site.
 11. Home occupations shall comply with applicable Health, Fire and Building Code standards.
 12. Storage or use of dangerous, combustible or volatile materials shall not be permitted.
- B. The following standards shall apply in the AG/RR zoning district:
1. Operations shall be located in a residence or Accessory Structure.
 2. Not more than three (3) client vehicles may park on the site at one time.
 3. The maximum area for a home occupation is two thousand five hundred (2,500) square feet unless otherwise authorized by a Conditional use Permit.
 4. Up to three (3) non-resident on-site employees are allowed.
 5. Noise levels from the home occupation, shall not exceed a level generally excepted by that area.
 6. Off-street parking spaces shall be provided as required for the residential use, plus one (1) space for each employee.
 7. Storage of dangerous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential Dwellings.
 8. Agricultural equipment repair and maintenance is authorized within an enclosed structure.
 9. Home occupations may include the grooming, boarding, medical treatment of animals, training or breeding.

6.8.3 Exempt Home Occupations

The following home occupations shall be subject to all applicable home occupation regulations and standards of this Section, but shall not be required to obtain a home occupation permit, if all persons engaged in such activities live on the property and the following conditions are met:

- A. Artists, sculptors, composers not selling their artistic product to the public on the premises;
- B. Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- C. Home offices with no client visits to the home;
- D. Telephone answering and message services without non-resident employees; and
- E. State-licensed day care facility.

6.8.4 Unsafe Home Occupations

- A. If, in the opinion of the Zoning Administrator, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Zoning Administrator shall issue an order to the Dwelling

owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated.

- B. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Zoning Administrator may take any action to make the home occupation and Dwelling safe. Costs incurred by the Zoning Administrator, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to this UDO.

6.8.5 Prohibited Home Occupations

Except as specifically authorized above, the following home occupations are prohibited:

- A. Animal hospitals;
- B. Physicians, dentists and chiropractors;
- C. Dance studios;
- D. Exercise studios;
- E. Mortuaries;
- F. Unlicensed nursery schools or day care;
- G. Public or private clubs;
- H. Motorized equipment and appliance repair shops;
- I. Restaurants;
- J. Stables and kennels;
- K. Automobile repair and paint shops.
- L. Barber shops and beauty parlors;
- M. Body piercing services;
- N. Hotels or motels;
- O. Massage services, except those provided by a Licensed Massage Therapist
- P. Palm reading and fortune telling;
- Q. Tattoo and body art studios;
- R. Any use that would constitute a nuisance as defined by the Town's code of ordinances.

6.9 Junk or Salvage Yard

6.9.1 Purpose

To protect the inhabitants of the Town by requiring property to be kept in a clean state and to prohibit the accumulation of weeds, litter, refuse, junk, abandoned motor vehicles, abandoned equipment, abandoned household appliances, and the like, the improper storage of commercial vehicles, prohibiting litter and refuse, prohibiting the storage of inoperable,

derelict or unsightly junk vehicles, motor vehicle, equipment, boat barge, water craft, household appliance, machinery or similar items is declared to be a public nuisance and is prohibited.

6.9.2 Health and Safety Standards

- A. The storage or parking other than overnight of any commercial vehicle, commercial trailer, commercial equipment, or any other movable structure, vehicle or thing in any kind designed or utilized for commercial purposes in an area zoned residential is hereby prohibited as being a public nuisance. A vehicle that does not have current license and registration is presumed a stored vehicle.
- B. It shall be unlawful for an owner or occupant of a lot or parcel of land to permit or suffer the excess accumulation of litter or refuse upon such lot or parcel. It shall be the duty of every occupant of a building or parcel of land to keep the premises clean and to remove there from all litter and refuse, except that in the case of motels, hotels, boardinghouses, multifamily residences and similar places the owner or lessee of the entire structure or complex shall have the duty to keep all common areas such as hallways, porches, lobbies, yards, parking lots, sidewalks, and similar places clean and free of litter and refuse, the violation of this Section being hereby found to be a public nuisance.
- C. Except in the operation of lawful junkyards and automobile salvage yards that are in compliance with all applicable laws and ordinances, it shall be unlawful and a public nuisance for any person to have or to place on an area of land with or without buildings used for or occupied by a deposit, collection or storage (except inside a completely enclosed building) of used or discarded materials such as wastepaper, rags, scrap materials, used building materials, house furnishings, machinery, and vehicles or parts thereof. Specifically a deposit or the storage of two (2) or more inoperable vehicles or parts of two (2) or more such vehicles for one (1) month or more in a residential district, or for three (3) months or more in any other district, shall be deemed a junkyard.

6.10 Outdoor Display and Use Areas

6.10.1 Generally

- A. The location of the outdoor display and use area shall not reduce or obstruct pedestrian passage on the sidewalk to less than four (4) feet to the nearest street trees, utility poles, traffic control signs and devices, fire hydrants, buildings, and other similar devices and structures. Furthermore, such placement shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp, bus or taxi zone.
- B. Any outdoor display of merchandise on a public sidewalk shall permit free access to all buildings and parking areas and comply with access requirements imposed by the Virginia Uniform Statewide Building Code or the Americans with Disabilities Act as the same exists or is hereafter amended.
- C. Merchandise shall not be placed in or on street furniture, public signage, planter boxes, turf, dirt or landscaped areas or beyond the edge of the business' street frontage.
- D. Electrical cords, hoses or other materials crossing walkways shall be properly secured, or if temporary, shall be continually supervised until removed.
- E. No permanent structure may be affixed to the sidewalk or any building.
- F. The Applicant shall be responsible for any damage caused to any sidewalk or public property.
- G. Storage and outdoor display and use areas abutting properties zoned for residential use shall provide the required buffer, as identified in this UDO.

6.10.2 Indemnity

- A. The Applicant shall agree, on a form approved by the Town Attorney, to indemnify and save harmless the Town, its officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person arising as a result of the Applicant's operation of the sidewalk use.
- B. The Applicant shall obtain and maintain in full force and effect throughout the term of the license a policy of general liability insurance, which such policy shall name the Town, its officers, agents, attorneys and employees as additional insured, have a combined single limit of not less the \$1,000,000 and contain a provision prohibiting its cancellation except upon 30 days' notice to the Town. The Applicant shall file with the Zoning Administrator, prior to the issuance of the license, a certificate evidencing the requisite insurance.

6.10.3 Sidewalk Display Areas

- A. The amount of sidewalk space dedicated to the display of merchandise may equal 100% of the width of the property frontage adjacent to the sidewalk, notwithstanding any other limitations in this section and UDO
- B. Displays and merchandise on the sidewalk shall be limited to (5) feet in height.
- C. Buildings situated on a corner shall also set the display at three (3) feet from the edge of the building to allow for traffic visibility.
- D. Displays are allowed only during business hours and shall be entirely removed at closing time.
- E. Displays shall be removed during periods of inclement weather such as high winds or heavy rains during which the display may create a safety hazard.
- F. Potentially dangerous merchandise such as gasoline, kerosene, guns, knives and similar goods shall not be displayed outdoors.
- G. The merchandise displayed shall be the offer on the premises in front of which it is displayed.
- H. This display permit may be subject to revocation if the display is not in compliance.
- I. No outdoor lighting or live or mechanical music shall be permitted.

6.10.4 Parking Lot Display Areas

All parking lot display areas shall comply with the following requirements:

- A. For parking lot display areas of five days or more the pedestrian walkways should be striped for high visibility in those areas where pedestrians cross driveway areas to access display enclosures;
- B. Proper signs for vehicular direction, i.e. stop, slow, pedestrian crossing, etc., shall be required in driveways adjacent to displays;
- C. The use of tents as part of parking lot displays shall also require inspection and approval by the Fire Marshal; and
- D. Minimum number of available parking spaces (including handicapped) required by ordinance shall be maintained unless modified by the Board of Zoning Appeals.

6.10.5 Sidewalk Cafe

- A. Indemnity. Prior to the issuance of a sidewalk or outdoor café dining permit, and at all times throughout the duration of the permit, the Applicant shall furnish and maintain such public liability, food products liability and property damage insurance as will protect the Applicant and the Town from all claims for damage to property or bodily injury, including death, that may arise from operations under the permit or in connection therewith.
- B. The holder of a sidewalk or outdoor café dining permit shall promptly remove all food dishes and utensils after each customer has left and shall thoroughly clean the entire sidewalk or other outdoor area after the close of each business day. The Zoning Administrator shall have the authority to require any permit holder, as an additional condition of a permit, to use only non-disposable dishes, utensils and napkins within the café area, upon a determination that the use of paper or plastic tableware or napkins is or has been contributing to litter problems in the area subject to the permit. Upon making such a determination, the Zoning Administrator shall issue thirty (30) days' advance written notice of the new requirement to each operator whose permit will be affected.
- C. A sidewalk or outdoor café dining permit holder shall operate its café dining area only within the area specifically assigned to an operator by a permit issued by the Zoning Administrator. The operator shall clearly delineate its area of operation through use of any one (1) or more of the following markers: trees, fences, cordons, planters and barriers. Where required by the Building Code, such markers shall have a detectable bottom. A sidewalk or other outdoor café shall be in operation only during hours that the restaurant or farmers market with which it is associated is open.
- D. Musical entertainment shall be allowed within any sidewalk café dining permit area; however, such activity shall be limited to un-amplified vocal or instrumental performances and the Town Council may limit the hours during which such entertainment may be conducted.
- E. No tents or similar structures shall be erected or utilized over or within any sidewalk café dining area under a permit granted pursuant to this Section.
- F. Space heaters may be utilized by a café operator so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety or welfare of the public.
- G. The location and configuration of the sidewalk cafe activity area shall be as approved by the Zoning Administrator.
- H. The Zoning Administrator shall consider any public safety and convenience concerns applicable to the specific location requested.
- I. The Zoning Administrator shall also ensure that the use of the sidewalk for a sidewalk cafe or sidewalk display shall be compatible with the public interest in the use of the area as a public right-of-way.
- J. The floor of the sidewalk cafe activity area shall be maintained at the same level as the sidewalk, and no alterations to the sidewalk or coverings on the sidewalk shall be installed unless approved by the Zoning Administrator.
- K. The sidewalk and all things placed thereon shall at all times be maintained in a clean and attractive condition.

6.10.6 Process

- A. An application shall be filed with the Zoning Administrator for administrative approval as detailed in UDO section 2.34.
- B. The property owner shall be a co-Applicant with lessee if the situation exists. The property owner shall grant approval for an application to be considered.
- C. In considering whether to grant a permit, the Zoning Administrator shall consider the health, safety, and welfare of the public, the amount of merchandise currently being displayed in the general vicinity, and general pedestrian movement through the area.
- D. Permits for outdoor display areas may contain additional reasonable conditions and requirements as the Town Council may deem necessary. The purpose of any such conditions shall be to ensure that the operation or use of the outdoor display area shall not present a hazard to the public health, safety or welfare.

6.11 Portable Storage Containers

6.11.1 Defined

A portable, weather-resistant receptacle designed and used for the temporary storage or shipment of items, including, but not limited to, household goods, furniture, wares, building materials, equipment or merchandise. The term includes both wheeled trailers and container units that may be detached from a trailer. The term shall not include dumpsters or refuse containers.

6.11.2 General standards for portable storage containers ("containers")

- A. The provisions of this section shall not apply to containers located on and necessary for an approved construction project.
- B. The temporary placement of any container on any lot shall be permitted only upon issuance of a Temporary Use Permit, except for a container in an Industrial zoning district.
- C. The Temporary Use Permit shall be displayed on the outside of the container.
- D. Containers shall be permitted only for temporary storage for the lot on which the container is located.
- E. Containers shall be permitted only upon the same lot as the principal structure it is accessory to. Containers are prohibited on any lot without a principal structure.
- F. Containers shall comply with all district yard setbacks and are prohibited in buffer areas.
- G. Containers shall not be connected to any utilities.
- H. A container shall be located behind the front building line, only in an approved paved area, and shall not block vehicle entrances, visibility triangles, drive aisles, required parking, or fire lanes.
- I. Vertical stacking of containers is prohibited.
- J. Signs on containers shall be limited to not more than two sign areas having a maximum four square feet per sign. Such signs may only identify the container supplier and telephone number.

6.11.3 Additional Standards

- A. In residential districts:
 - 1. A single container shall be permitted per lot for a maximum 14-day period, and for no more than two times per 12-month period.
 - 2. A container may not exceed 16 feet in length, eight feet in width, and eight and one-half feet in height, when accessory to detached, single-family use (unless agricultural in use).
- B. Additional standards for containers accessory to other uses not identified above. A single container shall be permitted per lot for a maximum 14-day period, and for no more than two times per 12-month period. For time periods exceeding the limits established in this Section, containers shall be located in a screened storage yard, behind the front building line and meet all requirements for screened storage and other applicable Zoning Code requirements.

6.12 Residential Occupancy Regulations

6.12.1 Statement of intent

Over-occupancy of dwelling units creates health and safety dangers to home occupants and their neighbors. These dangers include fire hazards, spread of disease to occupants and the general population, an opportunity for domestic violence and abuse, effects to mental health, and other adverse impacts on the peace, comfort, and safety of residents. To protect against these dangers, the Town established regulations limiting the number of occupants in a residence. These regulations are intended to ensure a good living environment in residential neighborhoods and reduce vehicle congestion, noise, and overwhelming of public utilities.

6.12.2 Determining number of residents

- A. The Town utilizes the Virginia Uniform Statewide Building Code (USBC) and the UDO to ensure the safe occupancy of dwelling units. In general, the limitations are based on the size of the house, the size and number of bedrooms, the relationships of the residents, and fire safety standards. Failure to comply with any portion of these requirements constitutes a violation of legal occupancy allowances.
- B. The Town limits the number of adult occupants in a house based upon the size of the entire dwelling unit. The following table outlines these limits for single-family and two-family dwellings:

Livable Floor Area of Dwelling Unit (in square feet)	Maximum Number of Adult Occupants*
1,200 or less	4 adult occupants
1,201 to 1,750	5 related adult occupants
1,751 to 2,400	6 related adult occupants
2,401 to 3,150	7 related adult occupants
3,151 to 4,000	8 related adult occupants
4,001 to 4,500	9 related adult occupants
Over 4,500	10 related adult occupants

* Adult occupant means any individual 18 years of age or older, living or sleeping in a building, or having possession of space within a building.

- C. In a condominium or apartment, the number of adults allowed is calculated by taking the square footage of the unit and dividing by 200. The result gives the number of adults who may live in that unit according to this standard.

- D. Occupancy standards for bedrooms are outlined in the table below:

<u>Bedroom Size (square feet)</u>	<u>Maximum Number of Occupants per Room*</u>
70 and below	1
100	2
150	3
200 and over	4

* Number of occupants includes adults and children. More than four occupants - at least 50 square feet of floor area per person.

6.12.3 Relationship of occupants

Residential dwellings may be occupied by any one of the following groups of persons or types of families:

- A. Persons who are all related to one another by blood, marriage, or adoption (subject to building and bedroom size regulations).
- B. Up to four persons who are not all related to one another by blood, marriage, or adoption.
- C. Two unrelated persons and any children related to either of them.
- D. No more than eight persons who are residents of a group home as defined within the Code of Virginia, or who are handicapped as defined in the Fair Housing Act.
- E. No more than two persons who may be servants, live-in companions to the elderly or disabled, or "au-pair" employees to occupy the residence in addition to members of the family as defined above, except a family as described in (B).

6.13 Special Events

6.13.1 Purpose

- A. Provide for the temporary use of land or buildings for special events in a manner consistent with its normal use and beneficial to the general welfare of the public;
- B. Protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use;
- C. Preserve the public health, safety and general welfare; and

- D. Provide that all costs associated with fulfilling the requirements of this section shall be the responsibility of the Applicant or landowner requesting the special event.

6.13.2 Guidelines

- A. The guidelines shall ensure that the special event shall not materially endanger the public health and safety, shall be in harmony with the area in which it is located, and shall not unreasonably disrupt or interfere with the flow of traffic or the rights of adjacent or surrounding property owners.
- B. Except as provided in this section, events where the number of expected attendees is less than fifty (50) persons does not need to apply for a permit
- C. Special Events where the number of expected attendees exceed fifty (50) persons but is less than two hundred and fifty (250) persons shall be reviewed by the Zoning Administrator. The Zoning Administrator shall then have the allotted time in accordance with section 2.34.8 to render a decision on the application. A decision to deny a Special Event permit may be appealed to the Town Council.
- D. Permits for Special Events where the number of expected attendees is two hundred and fifty (250) or more persons shall be reviewed by the Town Council. The Town Council shall grant or deny such permit not later than the next scheduled regular Town Council meeting.
- E. Any event that is expected to be in violation of the noise ordinance, or is likely to disrupt pedestrian/vehicular traffic may be subject to these regulations regardless of the expected attendees.
- F. Annually occurring events that have been held continuously for more than five (5) years as of January 1st 2016, are excepted from Town Council's review, but are still subject to review by the Zoning Administrator. If the current hosting party changes, if the event is not held for one calendar year, or if the event is found to be in violation, this exception will be voided.
- G. All local or state permits or licenses otherwise required shall be obtained before the special event permit is issued, and the event shall comply with all applicable County and State sales tax and other laws, rules and regulations.
- H. The permit may impose conditions limiting the hours and duration of the event, preventing disruption of adjacent uses, and assuring removal of litter caused by the event at no expense to the Town.
- I. If the permit Applicant requests the Town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the Applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
- J. Adequate parking and parking areas as determined by the Zoning Administrator. Under no circumstances shall parking be permitted in the public rights-of-way. Parking may be provided off-site with advance written consent of the affected landowner and review and approval by the Zoning Administrator.
- K. All requirements of public safety and health authorities shall be met. These standards include proper food and beverage safety, the provision of an adequate potable water supply and adequate provisions for the disposal of solid waste and wastewater, and planning for the provision of security and emergency medical services.
- L. The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning

regulations. All improvements made to the property in conjunction with the special event shall be promptly removed upon the cessation of the event. A cleanup bond may be required.

6.14 Telecommunications Towers

6.14.1 Purpose

It is the purpose of this Section to:

- A. Facilitate the orderly development of structures which are needed to provide wireless telecommunications service;
- B. Encourage the joint use of new and existing towers and minimize the total number of towers throughout the Town of Strasburg, and
- C. Encourage the configuration of towers and antennas in such a way that minimizes their visual impact.
- D. Treat providers of functionally equivalent services in a reasonable like manner and to provide adequate sites for the provision of telecommunications services throughout the Town of Strasburg with minimal negative impact on the Town.

6.14.2 Applicability

- A. In enacting this Section, no attempt has been made to address the environmental effects of radio frequency emissions.
- B. The siting of new telecommunications towers shall occur through the special use permit process, except that telecommunications facilities that locate on existing structures and towers shall be exempt from the special use permit requirement.
- C. The siting of telecommunications towers is permitted, provided that they are sited to minimize negative impact on residential properties, land use patterns, scenic areas, public lands and properties of significant historic value.

6.14.3 Definitions

For the purpose of this Section, the following terms shall carry the meaning assigned in this section:

Antenna. A structure or device used to collect or radiate electromagnetic waves.

Telecommunications antenna. An antenna used to provide telecommunications service. The term telecommunications antenna does not include any antenna which solely services a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

Telecommunications tower. A structure used primarily for the purpose of supporting one or more telecommunications antennae.

6.14.4 General provisions

- A. Height calculations.
 1. For the purpose of this Section, the height of an antenna is the distance between (i) the finished grade of the ground nearest the antenna and (ii) the tallest point of the antenna. For the purpose of this Section, the height of a telecommunication tower is the distance between (i) the finished grade of the

ground nearest the telecommunications tower and (ii) the tallest point of the telecommunications tower or any antenna mounted on the tower, whichever is higher.

2. Antennae mounted on structures other than telecommunications towers so that the antenna shall be no higher, at its highest point, than 110% of the height of the structure on which it is mounted.
- B. Separation from adjacent properties. Telecommunications towers shall be separated from adjacent property by a distance not less than 110% of the height of the telecommunications tower. For the purpose of this subsection, the dimensions of the entire lot shall control even though the antenna or telecommunications tower may be located on a leased area within such lot.
 - C. Setback from scenic roadways. All telecommunications towers shall be located at least 1,000 feet from any road designated as a Virginia Byway by the Commonwealth Transportation Board or any road being considered by the Commonwealth Transportation Board for Virginia Byway status.
 - D. Signs. No signs, lettering, symbols, images, or trademarks shall be placed on or affixed to any telecommunications antenna or telecommunications tower, other than as required by FCC regulations or other applicable law.
 - E. Lighting. All telecommunications towers shall be prohibited from using white flashing aviation obstruction lights, except that a dual lighting system, including red lights for nighttime and medium intensity flashing white lights for daytime and twilight use, as approved by the Federal Aviation Administration, shall be permitted.
 - F. Co-location. All telecommunication towers over 75 feet in height shall be designed and built to accommodate a minimum of three or more sets of telecommunications antennae. The owner of the tower shall certify to the Town that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis.

6.14.5 Security requirements

- A. Telecommunications facilities that include buildings or additional structures shall be enclosed by security fencing not less than six feet in height which shall be equipped with an appropriate anti-climbing device.
- B. If a telecommunication antenna is mounted on an alternative structure, the security fencing shall not be required unless the Town determines that its safety requirements are not met without it.
- C. Monopole towers and other single-pole structures standing alone shall be secured by anti-climbing devices.

6.14.6 Height and special use permit requirements

All telecommunications towers should be designed and built so that they are as short as possible, and in all cases they shall be less than 200 feet in height. All telecommunications towers require a special use permit regardless of the zoning district in which they are located.

6.14.7 Siting requirements

All telecommunication towers shall be located so as to avoid scenic, historic areas of the Town. Siting to minimize visual impacts is strongly encouraged. Requirements for siting and construction of telecommunications facilities shall include the following:

- A. No new telecommunications tower shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Town that existing telecommunications towers or other structures cannot accommodate the proposed antenna or other facility.

- B. Telecommunication towers shall have a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness. Dish antennae shall be of a neutral, non-reflective color with no logos.
- C. The design of buildings and related structures used in conjunction with any telecommunications facility shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the telecommunications facilities in with the surrounding natural setting.
- D. If an antenna is installed on a structure other than a telecommunications tower, the antenna and all supporting electrical and mechanical equipment shall be of a color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. A telecommunications facility or telecommunications tower shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- F. No advertising of any type may be placed on the telecommunications facility or other structures associated with the telecommunications facility. A sign shall be required at each site displaying the name and contact number of the tower owner. Such sign shall not exceed four square feet in size and shall be located on the security fence or other approved location.

6.14.8 Federal requirements

All telecommunication towers and antennae shall meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, then the owners and operators of the facilities governed by this Section shall bring such telecommunication towers and/or antennae into compliance with such revised standards as required. Failure to bring such facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the telecommunications tower(s) and antenna(e) at the owner's or operator's expense.

6.14.9 Site plan required

- A. Site plan review and approval is required for all telecommunications tower installations, as provided in this UDO. In addition to the requirements of this UDO, additional information shall be required as deemed necessary by the Town to determine the appropriateness of the particular site and telecommunications facilities proposed.
- B. Such additional information may include but is not limited to a map of the search area used to site the proposed facility, scaled elevation view and other supporting drawings, photographs of the proposed site, simulations of the site as it will appear once the proposed facilities are constructed, detailed landscaping and screening plan, coverage map, additional information that may be needed for a technical review of the proposal by a licensed engineer.

6.14.10 Inventory of existing towers required

All telecommunications tower applications shall include a complete and accurate inventory and map of the Applicant's and other known existing and proposed telecommunications towers and other structures on which a telecommunications antenna could be located or co-located within a five-mile radius of the proposed telecommunications tower. A professional engineer shall certify the completeness and accuracy of the inventory and map.

6.14.11 Tower design

Monopole structures are preferred over "lattice" type towers. All towers shall be designed and constructed to accommodate co-location of additional facilities.

6.14.12 Removal of towers

Any antenna or telecommunications tower that is not operated for a continuous period of 12 months shall be considered abandoned, and its owner shall remove it within 60 days' notice from the Town, at the owner's expense.

6.15 Temporary Uses

6.15.1 Generally

The following temporary uses may be authorized subject to issuance of a Temporary Use Permit pursuant to this UDO.

6.15.2 Temporary Uses During Construction

Certain uses and structures are allowable during construction activities. The following uses are allowable and subject to review and authorization by the Zoning Administrator:

- A. Temporary offices may be located on a construction site to be used for administrative functions during construction. Temporary construction offices shall have the name of the construction company printed on a maximum of four (4) feet by eight (8) feet sign permanently affixed on the outside of the building. In addition, the proposed construction building shall meet tie down requirements for mobile structures and have a contract for sewage pump-out. Construction buildings shall be removed within thirty (30) days of completion of the construction site for which it is permitted. Temporary offices may be located within required yards provided that the location does not constitute a safety hazard to the public or a nuisance to surrounding properties.
- B. On-site outdoor storage of equipment and construction materials and on-site portable storage units containing equipment and construction materials shall be allowed during the period of construction.
- C. One (1) on-site manufactured home for the use of security personnel, a caretaker or for the temporary residence of the owner/builder. The manufactured home shall be removed within two (2) weeks following issuance of a Certificate of Occupancy for the project under construction.
- D. Portable toilet facilities provided that they are located no closer than thirty (30) feet to any property lines.
- E. Construction and demolition debris dumpsters, which are not required to be screened.
- F. Temporary offices to be used for sales functions or sales offices, allowing for the sale, resale or marketing of dwellings, structures or property within the development in which it is located or adjacent developments under the same control.
- G. On-site temporary use of structures and equipment for the building of roads, public utilities and government projects.
- H. Upon conclusion of the temporary use, the site shall be restored to pre-temporary use condition.

6.15.3 Temporary Emergency, Construction or Repair Residences

- A. Temporary emergency residences may be established on a Lot during the repair or reconstruction of residences destroyed or made uninhabitable by fire, wind water or other catastrophic event.

- B. Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.
- C. Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential building on a site shall expire within six months after the date of issuance. The Zoning Administrator may renew such permit for one additional period not to exceed three months after determining that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

6.15.4 Sales from Vehicles

- A. Goods. Use of a motor vehicle parked on a lot, as a structure, in which out of or from which any non-food goods are sold or stored, any services are performed, or other business is conducted is prohibited.
- B. Food Sales. Vehicular food sales may be permitted with an approved Zoning Permit, and which may not unreasonably denied during annual renewals.

CHAPTER 7. DEFINITIONS

7.1 Rules of Interpretation

7.1.1 Generally

The text within the UDO shall control where there is any conflict between text within the UDO and any caption, illustration or graphic presentation. Unless prohibited by context, reference to any chapter, section or paragraph shall include all portions of that chapter, section or paragraph.

7.1.2 Rules of Construction

- A. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.
- B. In computing any period of time prescribed or allowed by the **UDO**, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than ten (10) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- C. A word importing the masculine gender only shall extend and be applied to female persons and to firms, partnerships and corporations, as well as to male persons.
- D. The words "may" and "should" are always permissive and never mandatory.
- E. The word "shall" is always mandatory and not merely permissive.
- F. The word "month" shall mean thirty (30) calendar days.
- G. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.
- H. Whenever the **UDO** refers to a specific portion of the Code of Ordinances or the **UDO** itself, that reference shall include any subsequent amendment to the referenced portion or any subsequent provision superseding the provision.
- I. The terms "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the term "existing" as applied to any use, structure, or development includes the words "existing on the effective date of this UDO."

7.1.3 Responsibility for Interpretations

All interpretations shall be the responsibility of the Zoning Administrator.

7.2 Definitions

7.2.1 LBCS Definitions

The Land Based Classification Standards (LBCS) of the American Planning Association (APA) shall be used as the primary source to define uses, supplemented and refined by the definitions contained within this UDO. A copy of the most current LBCS Report is maintained in the Office of the Zoning Administrator.

7.2.2 Specific Terms

As used in the UDO, the following terms shall have the meanings assigned to them in this Section. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

Access: A public or private right-of-way providing the ability to enter, approach, or pass to and from one area to another.

Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Addition: An extension or increase in floor area or height of a building or structure.

Alteration: Any change, modification, or addition to the form, materials, workmanship, design, appearance, texture or details of all or a part of the entire exterior of any building or structure, site or object other than normal repair, maintenance, and landscaping.

Board or ARB: The Architectural Review Board.

All-Weather Surface: Crushed rock, gravel, or similar surface shall constitute an all-weather surface.

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

Apartment: A building used or intended to be used as the residence of three or more families living independently of each other in rental dwelling units.

Applicant:

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

Arterial: A road designated as such by the VDOT.

Basement: A story having part, but not more than one-half, of its height below grade. A basement shall be counted as a story for purpose of height regulations if it is used for business purposes or for dwelling purposes by other than a janitor employed on the premises.

Bed and breakfast: A use of a single-family dwelling, consisting of rooms maintained for the purpose of providing overnight sleeping accommodations and breakfast for paying guests.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board: The Board of Zoning Appeals of the Town of Strasburg, Virginia.

Boardinghouse, Lodging house or Rooming house: A dwelling where, for compensation, lodging and meals are provided for at least five and up to 14 persons. No provisions shall be made for cooking in individual rooms.

Building: Any enclosed or open structure, which is a combination of materials and having a roof supported by columns or walls, created principally to shelter any form of human activity or for the housing or enclosure of persons, animals, or chattels.

Accessory building: A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building.

Liner building: A building specifically designed to mask a parking garage or structure from a frontage on a public street or public space.

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

Building Height: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if it is a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Cellar: A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes. A cellar shall not be considered a story for height regulations.

Certificate of Appropriateness: An approval certificate and statement signed by the chairman of the ARB and the Zoning Administrator that certifies approval by the Board of the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any structure within the historic districts.

Collector road: A road determined by the VDOT as being a collector road.

Community Sewerage System: A community sewer system including collection and treatment facilities established by the Applicant to serve a subdivision.

Community Water System: A private water company formed by an Applicant to serve a community development. It includes water treatment and distribution facilities.

Comprehensive Plan: The adopted Town of Strasburg Comprehensive Plan.

Condominium: A system of separate ownership of individual dwelling units in a multiple-unit building or development. All the owners have a right in common to use the common elements of the building or development, with separate ownership confined to the individual units.

Cul-de-sac: A local street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Dedication: The deliberate appropriation of land by its owner for any general and/or public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Demolition: The dismantling or tearing down of all or part of any building or structure and all incidental operations.

Demolition by Neglect: Deterioration resulting from neglect of a building or structure to the extent that decay, deterioration, or defects result in the loss of integrity or produces a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself.

Development Order: The official permit, approval, denial, ordinance, resolution, recommendation or decision of an officer or agency of the Town with respect to the granting, granting with conditions, or denial of a development application or permit.

District: A portion of the Town of Strasburg within which, on a uniform basis, only certain uses of land and buildings are permitted as set forth in this UDO and within which certain lot areas and other uniform requirements are established.

Dwelling: Any structure which is designed for residential purposes, except hotels, inns, boardinghouses, lodging houses, tourist cabins, apartments, automobile trailers, and mobile homes.

Dwelling Unit: One room or rooms connected together, constituting a separate independent housekeeping establishment in a multifamily structure, 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; each unit containing independent cooking and sleeping facilities and containing not less than 500 square feet of residential floor area. Each dwelling unit shall be constructed in accordance with the requirements of the Virginia Uniform Statewide Building Code.

Multi-Family Dwelling: A structure originally arranged or designed to be composed of three or more dwelling units (an apartment house or condominium), with the number of families in residence not exceeding the number of dwelling units provided.

Single-Family Dwelling: A residential dwelling unit, other than a mobile home, designed for and occupied by one family.

Townhouse Dwelling: A townhouse is a single-family dwelling, usually of two stories, constructed as part of a series of such dwellings, all of which are attached to each other by a common wall.

Two-Family Dwelling, Duplex or Twinplex: A residential building containing not more than two dwelling units within the single building, with the units arranged one above the other or side by side, and such structure designed for occupancy by not more than two families.

Easement: Authorization by a property owner of any designated part of his property for use by another for a specified purpose.

Endorsement: The application of the reviewing and/or approving authority's stamp and the signature of the appropriate authority on the record plat.

Engineer: A licensed professional engineer, registered in the state by the state board for architects, professional engineers, land surveyors, certified interior designers and landscape architects.

Engineer: A person licensed to practice as such in the Commonwealth of Virginia.

Exterior features: The architectural style, general design, and general arrangement of the exterior of a building or other structure, including the color, type, and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and other natural features, such as trees and shrubbery.

Family: One person, or two or more persons related by blood or marriage living together, or a group of not more than six persons not related by blood or marriage but living together as a single housekeeping unit. A family may also include adopted and foster children and domestic servants.

Flood zones: Sections of land which are subject to periodic flooding and inundation as defined or approved by the Federal Emergency Management Agency (FEMA) and/or the Town of Strasburg, and are designated within the National Flood Insurance Program (NFIP). These areas are identified on the Flood Insurance Rate Map (FIRM).

Floodplain: Areas designated as having a one percent (1%) annual chance of flooding. Also referred to as the base flood or 100-year flood area. Also referred to as a Special Flood Hazard Area (SFHA). SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.

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

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Development: Any manmade 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.

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

Floodway: The channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the Town will review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur, or identify the need to adopt a floodway if adequate information is available.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

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

Moderate flood hazard areas are labeled Zone B or Zone X are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood.

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 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.

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

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% 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:

- 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
- Any alteration of a historic structure, provided that the alteration shall not preclude the structures continued designation as a historic structure.

Floor Area: The floor area of a building or buildings is the sum of the gross horizontal areas of the floors of all buildings on the lot, such areas to be measured from the interior faces of exterior walls. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but shall not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

Frontage: The minimum width of a lot measured from one side lot line to the other along a straight line at the setback line.

Garage: Accessory building designed or used for the storage of vehicles for the lot, building or use to which it is accessory.

Grade: The slope of a road, street, or other right-of-way, specified in percentage terms.

Hard surface: Concrete, "black top," macadam, or a similar surface shall constitute a hard surface.

Health Department: The Shenandoah County Department of Health, of Shenandoah County, Virginia.

Health Official: The Director of the Shenandoah County Department of Health or his designated deputy, or a representative of the Virginia Department of Health.

Highway Engineer: The resident engineer for Shenandoah County employed by the VDOT.

Historic District: Any area delineated by the Town Council as an Historic District Overlay District and consisting of public or private property within the Town containing one or more historic landmarks as established by the Virginia Department of Historic Resources, or one or more areas, neighborhoods, sites, places, structures, objects, artifacts, or buildings in which historic events occurred or reflecting significantly the lives of historic personages or great ideas or ideals of the people, having special public value because of notable architectural, economic, ethnic, military, natural, political, or social factors, such landmarks, buildings, structures or areas having been designated by the Council as being of such historic, architectural or cultural interest and significance as to warrant conservation and preservation.

Home occupation: An accessory use which is carried on entirely within a dwelling unit by the occupant and is incidental and subordinate to the dwelling use. Home occupations include, but are not limited to, rental of rooms to tourists, preparation of food products for sale off premises, professional offices such as medical, dental, legal, engineering and architectural, teaching of music, and fine arts and similar uses.

Hotel, inn, motel, motor court, motor lodge or extended stay motel: A building or group of buildings in which sleeping accommodations are provided primarily for transients on a daily, weekly, or similar short term basis, with or without meals.

Generally, there is no provision for cooking in individual rooms or suites, except for extended stay motels. May include restaurants, taverns, or club rooms, public banquet halls, ballrooms, and meeting rooms.

Improvements: All required utilities and facilities as specified in this UDO, including but not limited to streets, storm and sanitary sewers, and water lines.

Individual On-Site Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the state health department.

Jurisdiction: The area or territory subject to subdivision approval of the Town of Strasburg.

Land: Real property, with or without improvements thereon.

Land Surveyor: A person licensed to practice as such in the Commonwealth of Virginia.

Landmark: Any property (including significant trees or other plant life located thereon), building, or structure of particular historic significance. Landmarks include sites, buildings, or structures where the cultural, political, archaeological, economic, social, or artistic history of the community, state, or nation is reflected or exemplified. Landmarks may also include property which is identified with historic personages or with important events in local, state, or national history or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style, or method of construction or a notable work of construction or a notable work of a master designer or architect. Listing on the Virginia Landmarks Register and the National Register of Historic Places is encouraged for all Strasburg historic landmarks.

Landscape Architect: A person licensed to practice as such in the Commonwealth of Virginia.

LEED: Leadership in Energy & Environmental Design. Considered the most widely recognized sustainability and green building program across the globe. Administered by the U.S. Green Building Council.

Light or Lighting: Electromagnetic radiation within a range of wavelengths sufficient for visual perception by the normal unaided human eye.

Abandonment: Discontinued use of a lighting installation, or portion thereof, with no intention to resume the using such lighting. A lighting installation or portion thereof, that has not been operated for a period of four months or longer, shall be considered to be abandoned.

Architectural lighting: Outdoor lighting directed at buildings, facades, structures, monuments, and other architectural features.

Automobile service station pumping area: The drivable surface of an automobile service station, in the immediate vicinity of a fuel pump, where vehicles are parked during fueling.

Commercial lighting zone: Any lot in the following zoning districts: CC, HC, BP/LI, or lots used for commercial purposes in the PD zoning district.

Directionally shielded: A luminaire that uses shielding, lenses, or other means to provide a distinct focused beam of emitted light.

Foot-candle: Unit of illuminance. One lumen per square foot. It is the luminous flux per unit area in the Imperial system. One foot-candle equals approximately 0.1 (0.093) lux.

Full-cutoff luminaire: A luminaire having a light distribution (excluding incidental reflection from poles, mounting brackets, and other supporting structures), as determined by photometric test and certified by the manufacturer, such that no light is emitted at or above an angle of 90 degrees above nadir in any direction and the luminous flux

emitted in the band between 80 degrees and 90 degrees above nadir in all directions is no more than 10% of the total luminous flux for the luminaire. A luminaire that meets the Illumination Engineering Society of North America (IESNA) full-cutoff definition shall be considered full cutoff for the purposes of this section.

Glare: A visual disturbance produced by a distinct light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted.

HID lighting: A high-intensity discharge family of lighting that includes high-pressure sodium, mercury vapor, and metal halide type bulbs.

IESNA: Illuminating Engineering Society of North America.

Illuminance: The amount of luminous flux falling onto a unit of surface area, correlating to the perception of brightness by the human eye. Illuminance is typically measured in lumens per square foot (foot-candles) or lumens per square meter (lux).

Inclination: The angle that, for purposes of this section, is measured in degrees above the horizontal.

Installed height: The height above grade of the lowest point on an installed luminaire.

Internally illuminated sign: A sign illuminated by a light source internal to the sign enclosure which is not directly visible externally. For the purposes of this section, a neon-light sign is considered an internally illuminated sign.

Lamp: The source of light being emitted from a luminaire, such as a bulb.

Landscape lighting: Outdoor lighting directed at trees, shrubs, plants, flower beds, fountains, gardens, and other natural or landscaped features.

Light level: The illuminance as measured in accordance with the practices contained in the IESNA Lighting Handbook.

Light output: Luminous flux (see definition for Luminous flux).

Lighting installation: An arrangement of one or more luminaires including any mounting hardware, brackets, and supporting structures.

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

Luminaire: An individual lighting assembly including the lamp and any housing, reflectors, globes, lenses, shields or other components designed to block or distribute light. For the purposes of this section, an internally illuminated sign is not considered a luminaire.

Lux: Unit of illuminance. One lumen per square meter. It is the luminous flux per unit area in the metric system. One lux equals approximately ten foot-candles.

Motion-activated sensor: A sensor which causes a luminaire to become illuminated automatically upon the presence of motion or infrared radiation or a combination thereof within its field of view.

Nadir: The direction pointing directly downward from the light source of the luminaire that originates from a horizontal plane at the lowest point on the luminaire.

Neon light: Brightly colored light generated by using electric current to excite a gas or gas mixture (including neon, argon, helium, or other gases) typically contained in a tube which may be bent into various forms for use as decoration or signs. For the purposes of this section, fluorescent tubes are not considered neon light.

Outdoor display lot: An outdoor area whose primary function is the sale of displayed merchandise, often requiring accurate color perception by customers.

Organized sporting event: A prearranged sports or recreational event involving at least one group or team with a published roster and schedule.

Outdoor lighting: Light generated from an indoor or outdoor source that provides illumination to a surface, building, sign, structure, device, or other outdoor feature, which is visible to an observer located outdoors. For the purposes of this section, the light source inside an internally illuminated sign is not considered outdoor lighting.

Playing field: An open outdoor field or court used for playing sports such as baseball, soccer, football, tennis, volleyball, and basketball.

Public parking area: A drivable surface intended for use by the general public for parking of motorized vehicles.

Residential lighting zone: Any lot in the following zoning districts: AG/RR, ER, LDR, MDR, MFR or any lot used for residential purposes in the PD zoning district.

Searchlight: A lighting installation designed to project a high-intensity beam of approximately parallel rays of light that is typically used to sweep the sky for promotional purposes.

Street lighting: One or more luminaires or light installations designed to illuminate a public or private roadway or intersection.

Uplighting: Lighting applications which direct light above a horizontal plane.

Lot: A parcel of land occupied or to be occupied by a building and its accessory buildings or by a use and its accessory uses together with such open spaces as are required under the provisions of this UDO. Each lot shall have at least the minimum area required in the zoning district in which such lot is situated, and it shall front on public right-of-way which has been approved by the Town. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose of transfer of ownership or for building development.

Corner Lot or Double Frontage Lot: A lot abutting upon two or more streets. Generally, the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Interior Lot: A lot other than a corner lot.

Double Frontage Lot or Reverse Frontage Lot: An interior lot having frontage on two streets.

Lot Coverage: The ratio of the lot area occupied by buildings to the total area of a lot. The percentage determined by dividing the area of a lot occupied by the total of the footprint of the main building and the footprint(s) of any accessory building(s).

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

Lot of Record: A lot which has been recorded among the land records in the office of the Clerk of the Circuit Court of Shenandoah County, Virginia.

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

Major modification: Alterations to any portion of the exterior of an existing building or structure that does impact its overall architectural style and have a substantial effect on the character of the historic district. In general, this includes the addition or deletion of architectural features, or the replacement of architectural features using substitute materials.

Minor modification: Alterations to any portion of the exterior of an existing building or structure that does not impact its overall architectural style or the character of the historic district.

Monument: A permanent steel pin and/or iron identifying marker meeting the requirements and specifications of this UDO.

New construction: The construction of any building or structure that is independent and exclusive of an existing building or structure or part thereof.

Normal repair and routine maintenance: For the purpose of maintaining the existing condition of the building, structure, site or object, normal repair and routine maintenance involves the repair of existing materials and features with equivalent material through stabilization, consolidation and conservation of historic materials, features and workmanship when the physical condition of these character-defining features has deteriorated.

Nursing, convalescent, or rest home: A dwelling place for three or more aged, infirm, or incapacitated persons where nursing care and minor medical services only are available for residents thereof, as distinguished from a hospital or extended care facility devoted to the diagnosis, treatment, or care of the sick or injured.

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

Owner: Any person, group of person, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parking Lot: Any area used for the display of any and all types of vehicles, boats or heavy construction equipment, whether these vehicles are or are not for sale or lease, including but not limited to parking lots and display areas for automobile dealerships and service stations.

Performance Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council in an amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period. All bonds shall be approved as to form and content by the Town Attorney.

Planning Commission or Commission: The Planning Commission of the Town of Strasburg, Virginia.

Plat: Includes the terms map, plot, replat or replot; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide."

Private street: A street not to be offered for public dedication.

Public Improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded if required.

Public Sewer System: A sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the Town Council and properly licensed by the state corporation commission.

Public Water System: A water system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the Town Council and properly licensed by the state corporation commission.

Record Plat: The copy of the Final Plat which contains the original endorsements of the Town.

Related Persons: Persons who are related include husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, and first cousins (including "step" or "half" such relationships) as demonstrated by official public records such as drivers' licenses, birth or marriage certificates; or by affidavits.

Reconstruction: Any or all work needed to remake or rebuild all or a part of any building to a sound condition but not necessarily of original materials.

Recreational vehicle: A vehicle which is built on a single chassis; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

Reviewing Body. The Town staff, officer, board, committee, commission or council authorized to review and recommend or decide questions, requests or applications within their respective authority and jurisdiction.

Restoration: The act or process of accurately recovering the form, features, character, materials and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way established after March 4, 1980 and shown on a Final Plat is to be separate and distinct from the lots or parcels and adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which each right-of-way is established.

Sale or Lease: Any present or future transfer or ownership, or possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Service Station: Retail location for the sale of automotive fuels and routine service. May include a convenience store, but shall not include vehicle storage.

Sign. Any display of any letter, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose 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, any 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 one square foot in area is excluded from this definition.

Animated Sign. A sign, any portion of which rotates, moves or in any way simulates motion, by any means, including fluttering, rotating or otherwise moving, or set in motion, by movement of the atmosphere, including but not limited to streamers, pennants, propellers, or discs.

Announcement Sign. Sign, bulletin, announcement board or identification sign for schools, parks or playgrounds, churches, hospitals, clubs, multifamily dwellings or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services.

Banner Sign. A sign having characters, letters or illustrations applied to cloth, paper, flexible plastic, or fabric of any other kind, with only such material for backing.

Billboard. A panel for the display of advertisements in public places, such as alongside highways or on the sides of buildings.

Business Sign. A sign which directs attention to a business, commodity, service, activity, or product sold, conducted or offered upon the premises where such sign is located.

Changeable Copy Sign. A permanent sign with a manually changeable face or message. This includes billboards, theater signs, and monument signs with letters that may manually be replaced to change the message of the sign. It does not include electronic message boards, directly illuminated signs of any kind or signs whose informational content may be changed or altered by manual or electric, electro-mechanical or electronic means.

Commemorative Plaques and Historical Markers. Commemorative plaques and historical markers erected by a recognized historical agency or governmental body. Memorial signs or tablets and names and construction dates of buildings when cut into any masonry surface or mounted bronze plaque.

Construction Site / Opening Soon Identification Sign. Construction signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractor, funding sources and related information.

Directional Sign. A sign that is designed or erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic on a site. Displayed for the direction or convenience of the public, including signs that identify a restroom, entrance, exit, freight entrance or similar feature, and signs directing and guiding traffic on private property.

Electronic Message Sign. A sign with a fixed or changing message and/or display composed of a series of lights that may be changed through electronic means. LED (Light Emitted Diodes) is a type of electronic message sign.

Flashing Sign. Any sign directly or indirectly illuminated that exhibits changing natural or artificial light or color effects by any means whatsoever.

Flashing Sign. A sign consisting of or illuminated by flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color. Flashing signs do not always contain a written message.

Freestanding Monument Sign. A freestanding sign placed directly on the ground by means other than a support pole or brace in which the message portion is either on top of or affixed to, the support structure.

Freestanding Monument Sign. A sign permanently installed on the property and used to identify a building, its tenants or businesses located on the same site. The base of a monument sign is the structure or apparent structure in direct contact with the ground that supports or appears to support the message portion of a monument sign. A monument sign is built on-grade in such a manner that the sign and the structure are an integral part of one another. These signs typically have a minimum of two sides.

Freestanding Pole Sign. A sign that is mounted on one or more poles or similar supports where the bottom of the sign is higher than three feet above grade. These signs typically have a minimum of two sides.

Glaring Sign. Signs with light sources of such brightness as to constitute a hazardous glare, reflection or nuisance as determined by the Zoning Administrator.

Government Flag. Flags, pennants or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

Handicapped Parking Space Sign. Standardized signs designed to identify a Handicapped Parking Space.

Hazardous Sign. Signs that obstruct the visibility at intersections or block any window, door, fire escape, stairway, or any opening intended for light, air or access to any building.

Home Occupation Sign: A sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, or dwelling unit. A sign directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

Identification Sign. A sign on the premises bearing the name of a business, subdivision, the name of a group housing project or of a school, college, park, church, or other public or quasi-public facility, or a professional or firm nameplate, but bearing information pertaining only to the premises on which such sign is located. Also includes a permanent identifying signs for the purpose of indicating the name of the multifamily project and for the purpose of identifying the individual buildings within the project.

Illuminated Sign. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

Incidental sign. A wall or free-standing sign containing supplementary information limited to only the type of business, services, goods, products, or other activity available on the site where the sign is located.

Inflatable Sign. Any display capable of being expanded or powered by air or other gas and used to advertise a business, service, product or event.

Informational Sign. A sign commonly associated with, but not limited to, information necessary for the convenience of visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.

Marquee Sign. Signs advertising the acts or features to be given in a movie theater or theaters may be displayed on permanent cases or frames erected on theater buildings.

Neon Sign. Neon, LED or other non-incandescent lighted signs.

No Trespassing Sign. No trespassing signs, signs indicating the private nature of a road, driveway, or premises, and signs controlling fishing or hunting on the premises.

Off-premises Sign. A sign which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered on a parcel of land other than the one on which the sign is located.

On-premises Sign. A sign which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered on the parcel of land on which the sign is located.

Open / Hours of Operation. Signs attached to or applied directly onto the window of a business.

Outdoor Advertising Sign: Any sign of any material and any character whatsoever, which is placed (including erection, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner) for outdoor advertising purposes in any way whatsoever.

Political Election Sign. Signs erected in connection with elections or political campaigns.

Portable Sign. Any sign not permanently affixed to a building, structure or the ground. This category includes, but is not limited to, banners, inflatable signs and similar devices used to attract attention.

Public Sign. Public signs, including traffic, utility and other regulatory signs. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs. Official signs of a non-commercial nature erected by public utilities.

Real Estate / Temporary Open House Sign. Real estate signs for advertising the sale or rental of the premises.

Residential Sign. Signs that are customarily associated with residential use and that are not of a commercial nature.

Residential Subdivision Identification Sign. A sign which denotes the name of a residential subdivision, condominium or apartment complex.

Roof Sign. A sign that is mounted on the roof of a building or a sign that projects above the top wall or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Seasonal Signs or Banners. Seasonal banners displayed on private property not advertising a product, services, or the name of any business or place of business. Includes seasonal banners at shopping centers.

Security and Warning Sign. Signs posted on private property warning the public against trespassing, or similar messages.

Sign Structure. Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting a sign.

Signs Affixed to Trees, etc. Signs affixed to public trees, public fences, public posts, light poles, street signs or any other publicly owned appurtenance.

Signs Erected in or Over a Public Right-of-Way. Signs erected in or over public right-of-way or on public land except as permitted in Chapter 30 of the Town Code.

Simulated Traffic Sign. Signs that may be confused with or obstruct the view of any authorized traffic sign or signal.

Temporary Sign: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land.

Vehicle Sign. A sign on a vehicle located in any zoning district placed so that the practical effect of the sign on the vehicle is to advertise the entity or activity to which the sign refers rather than to identify the vehicle, unless the vehicle is being used off-premises in the regular course of business or is being operated, loaded, or unloaded.

Wall Sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the significant supporting structure for the sign.

Yard Sale and Other Activities Sign. Yard sale and activities signs for bake sales, carwashes or other like activities for individuals or civic, service and volunteer organizations.

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

Special Use Permit: A permit which may be granted by Town Council, upon review and recommendation of the Planning Commission, for a use permitted by the Council to occupy land and/or buildings erected thereon for a specific purpose not

permitted by right, but in accordance with standards or conditions and procedures included in this UDO or by the Town Council.

Story: That portion of a building, other than the cellar, 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.

Half-Story: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Stream: A natural watercourse containing flowing water for at least part of the year.

Ephemeral stream. Channel that holds water only during and immediately after rain events.

Intermittent stream. Streams that hold water during wet portions of the year, in most years.

Perennial stream. Streams that hold water throughout the year, in most years.

Street or Road: A strip of land, other than private driveways, serving several structures, subject to vehicular and/or pedestrian traffic, providing means of access to property; also designated as "street," "road," "lane," "drive," "avenue," "right-of-way," "highway," "boulevard," "trail," "court," "place," "terrace," etc.

Alley Street: A public right-of-way which affords pedestrian access and a secondary means of vehicular access to the side or rear of property. Also, a permanent serviceway providing a secondary means of vehicular access to the side or rear of abutting properties and not intended for general traffic circulation.

Service Drive Street: A public right-of-way generally parallel with and contiguous to a major highway, primarily designed to promote safety by eliminating pernicious ingress and egress to the major highway right-of-way by providing safe and orderly points of access to the major highway.

Street Line: The dividing line between a street or road right-of-way and the contiguous property.

Street of Record: Any street shown on any subdivision plat recorded in the office of the clerk of the circuit court, whether such street is constructed or not.

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

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. In regards to the Historic District, a structure is a resource type distinguished from a building, being a functional construction made usually for purposes other than creating shelter, including, but not limited to, a gazebo, windmill, communication tower, bridge, canal, roadway, or fence.

Subdivide: The process of creating new lots to establish a subdivision.

Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved in the division, any division of a parcel of land. Also includes re-subdivision. However, the straightening or rearranging of property lines between owners of adjoining properties shall not be considered a subdivision provided that additional lots are not thereby created and that the original lots are not reduced below minimum size required by this UDO.

Surveyor: A person licensed as such by the Commonwealth of Virginia.

Tourist court, auto court, motel, cabins, or motor lodge: 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.

Tourist home: A dwelling where only lodging is provided for compensation for up to 14 persons (in contradistinction to hotels and boardinghouses), and open to transients.

Town Council or Council: The Town Council of the Town of Strasburg, Virginia.

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

Use: The purpose or activity for which land or buildings thereon are designed or arranged, or for which land or buildings are occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this UDO.

Temporary Use: Means a use of land that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent improvement, structure or building.

Accessory Use: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Principal Use or Main Use: A use that is permitted by-right for a zoning district. Unless otherwise permitted by this UDO, to allow mixed uses, only one principal use may occur on a single lot, along with uses that are accessory to that principal use.

Variance: A reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure when the strict application of this UDO would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this UDO. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

Yard: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Front Yard: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

Rear Yard: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

Side Yard: An open, unoccupied space on the same lot as a building between the sideline of the building (excluding steps) and the sideline of the lot, and extending from the front yard line to the rear yard line.

Zoning Administrator: The representative of the Town Council who has been appointed by the Town Council to serve as the agent of the Council for the administration of this UDO. The Zoning Administrator may be, but is not limited to the Town Manager, Public Works Director if officially designated as such.

Zoning Map: The official zoning map of Strasburg, Virginia, and all amendments thereto.

Zoning Permit: A permit issued by the Zoning Administrator to the Applicant before the Applicant may proceed with any work affected by any provision of this UDO, or begin any uses of land and/or structures as permitted by this UDO.

APPENDIX A: COMPOSITE USE MATRIX

APPENDIX B: TECHNICAL DESIGN MANUAL
