

DEVELOPMENT MANAGEMENT

ORDINANCE

***TOWN OF WARSAW
VIRGINIA***

ADOPTED MAY 9, 1996

PARTS OF THE DEVELOPMENT MANAGEMENT ORDINANCE NUMBERING ARE NOT SEQUENTIAL. ONCE THE FINAL CHANGES ARE MADE TO THE CHESAPEAKE BAY PRESERVATION ACT THEN THE WHOLE ORDINANCE WILL BE RENUMBERED.

Pages 1 through 85 should take you through Section 3-4-11. Use of Mobile Units Prohibited.

Pages 86 through 128 should start Section 3-5 OVERLAY DISTRICT and take you through Section 3-11-8 NONCONFORMING USES LOCATED IN THE RESOURCE PROTECTION AREA (RPA) and ending with the sentence:

c. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

The next page following page 128 will be page 118 and it will be the table of contents for ARTICLE 4 DESIGN AND PERFORMANCE STANDARDS. This page 118 will go through page 182 and this is the Amended Section of 4-6.1 that was amended on August 14 2003 and it is the Section dealing with Low Impact Development.

After page 182 that ends with Section 4-6-3 page 167 will start again with Section 4-6-3 and the page numbering will continue from page 167 through page 250. Page 250, 257, 261, and 265 will be duplicated. The duplicated page of these four pages have a starred (*) definition that was added when Section 4-6.1 was amended in August 14, 2003.

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INTRODUCTORY PROVISIONS**

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**ARTICLE I
INTRODUCTORY PROVISIONS**

1-1 TITLE

This Ordinance shall be known as the Town of Warsaw Development Management Ordinance (DMO).

1-2 AUTHORITY

This Ordinance is adopted pursuant to the authority granted by Title 15.1, Chapter 11 of the Code of Virginia, 1950 (as amended).

1-3 PURPOSE

This Ordinance is adopted for the purpose of guiding development in accordance with the existing and future needs of the Town of Warsaw in order to improve the public health, safety, convenience and welfare of its citizens. This Ordinance is designed to plan for the future development of the Town so significant environmental, cultural and other features which contribute to the quality of life and character of the Town of Warsaw are identified and protected; transportation systems are carefully planned; new community centers are developed with adequate highway, utility, health, educational, and recreational facilities; the needs of industry and business are recognized in future growth thereby enabling the necessary expansion of the local economy and the continuing viability of the industrial and business sector; residential areas are provided with healthy surroundings for family life; significant natural lands are preserved; and the growth of the community is consonant with the efficient and economical use of public funds.

1-4 JURISDICTION

This Ordinance and the provisions contained herein shall hereafter govern all land development within the incorporated areas of Warsaw, Virginia, as now or may be hereafter established.

1-5 RELATIONSHIP TO THE COMPREHENSIVE PLAN

It is the intention of the Warsaw Town Council that this Ordinance implement the planning policies and directives of the Warsaw Comprehensive Plan.

1-6 INTERPRETATION

When the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by other provisions of this Ordinance or any other ordinance, the provisions that are more restrictive shall govern.

1-7 SEVERABILITY

The provisions of this Ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

1-8 REPEAL OF CONFLICTING ORDINANCES

All sections of the "Zoning Ordinance for the Town of Warsaw, Virginia," the "Subdivision Control Ordinance of the Town of Warsaw, Virginia," the "Chesapeake Bay Preservation Area Overlay District" of the Town of Warsaw, the "Plan of Development Process Site Plan Ordinance for the Town of Warsaw, Virginia," and "Chapter 16 of the Code of the Town of Warsaw, Water and Sewers," in its entirety (with the exception of Article III. Service Charges), and all amendments thereto, shall be and hereby are repealed. All other ordinances or parts thereof inconsistent with the terms of this Ordinance are hereby repealed insofar as such inconsistency may exist.

1-9 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption by the Warsaw Town Council.

1-10 SAVING PROVISION

The adoption of this Ordinance and repeal of previously existing ordinances and those in conflict shall not be construed as abating any legal action now pending under, or by virtue of, the prior existing ordinances, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the Town under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, by lawful action of the Town, except as specifically provided for in this Ordinance.

1-11 FILING OF CERTIFIED COPIES OF THIS ORDINANCE

A certified copy of this Ordinance shall be filed in the Office of the Town Manager and in the Office of the Clerk of the Council.

**ARTICLE 2
ADMINISTRATION AND PROCEDURES**

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**ARTICLE 2
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**ARTICLE 2
ADMINISTRATION AND PROCEDURES**

2-1 PROCEDURES FOR PROCESSING DEVELOPMENT APPLICATIONS

2-1-1 DUTIES OF THE TOWN MANAGER

The Town Manager shall be responsible for coordination of the development review and decision-making process. His responsibilities include:

- a. Administering and enforcing all provisions of this Ordinance, including serving as Subdivision Agent and Zoning Administrator.
- b. Maintaining an accurate record of all amendments to the text and maps of this Ordinance.
- c. Receiving all applications submitted to the Town of Warsaw for development permits.
- d. Reviewing every application for completeness and compliance with the provisions of this Ordinance.
- e. Determining which decision-making procedure (DMP) is specified by this Ordinance as the appropriate decision-making process, and facilitating the processing of every application.
- f. Determining which local, state, and federal agencies may be able to provide relevant information thereby ensuring a thorough and complete review of every application and advising those agencies which may want knowledge of an issued permit.
- g. Providing staff support to and enforcing all decisions made by the Warsaw Town Council, Board of Zoning Appeals, and the Planning Commission.
- h. Notifying the applicant by written notice of an approval, approval with conditions, or denial within ten (10) days of final action.
- i. Conducting inspections of buildings and other structures, and uses of land to determine compliance with the provisions of this Ordinance.
- j. Performing such other duties and functions as are required by the provisions of this Ordinance.

2-1-2 DECISION-MAKING PATHS (DMPs)

Four different types of decision-making paths (DMPs) are necessary in order to

administer the provisions of this Ordinance. These four DMPs are explained below and depicted in Exhibits 1, 2, and 3.

a. Administrative Approval - DMP-a

This decision-making path relates to all development approvals which are issued administratively by staff and do not require approval by the Town Council, the Board of Zoning Appeals, or any other board or commission appointed by Town Council. An application under DMP-a will be processed without a public hearing or notification of adjacent property owners. Staff may solicit input from other agencies, departments, boards, commissions and citizens, as well as Richmond County, as deemed necessary.

Although it is the intent of the Town to review applications with as little delay as possible, some applications may require referral to other agencies. For example, applications requiring review and approval in accordance with the erosion and sediment control provisions and/or the Chesapeake Bay Preservation provisions of this Ordinance are referred to the Richmond County Land Use Administrator for review.

The Town Manager also reserves the right to either solicit the input of Town Council on any DMP-a application or to process any application in accordance with DMP-c rather than DMP-a. However, a decision shall always be rendered within sixty (60) days of the date a complete application is submitted. A decision of the Town Manager may be appealed in accordance with the appeal provisions of Section 2-4-1.

b. Town Council Approval After A Public Hearing - DMP-b

This decision-making path relates to all development approvals granted by Town Council after the conduct of a public hearing. This DMP will involve the solicitation of comments and recommendations from staff, local boards and commissions and other governmental entities before a final decision is made. Public hearings shall be held after public notice is provided in accordance with the public notice provisions of Section 2-3.

The Town Manager shall forward a complete application to the Planning Commission which shall hold at least one (1) public hearing in accordance with the public notice requirements of Section 2-3. Following the hearing, the Planning Commission shall prepare and by motion present its recommendation, which may include recommended changes to the original application proposal, and transmit such recommendations, together with any explanatory materials, to the Town Council. The Planning Commission's recommendation shall state the public purposes upon which its recommendation is premised. Failure of the Planning Commission to submit a recommendation to the Town Council within ninety (90) days of the first meeting of the Commission after the application had been referred to it shall be deemed as a recommendation for approval, unless the application is withdrawn by the applicant prior to the expiration of such time period. Town Council will conduct

a public hearing advertised in accordance with the public notice provisions specified in Section 2-3. At the option of Town Council, a joint public hearing may be held with the Planning Commission to consider an application. Approval or denial by Town Council shall occur within forty-five (45) days after receipt of all state approvals or ninety (90) days after submission of a complete application to it with recommendation from the Planning Commission, whichever is greater. A decision by the Council may be appealed in accordance with appeal and provisions of Section 2-4-2. The applicant may relieve the Planning Commission and Town Council of rendering a decision within the time periods provided if done so in writing prior to the expiration of the time period.

c. Town Council's Approval, Public Hearing Not Required - DMP-c

This decision-making path relates to all development approvals granted by the Town Council which do not require a public hearing. DMP-c may involve the solicitation of comments and recommendations from staff, local boards and commissions, and other governmental entities before a final decision is made. Appeals may be made in accordance with the appeal provisions of Section 2-4-2.

d. Board of Zoning Appeals' Approval - DMP-d

This decision-making path relates to all zoning appeals and requests granted by the Board of Zoning Appeals (BZA). DMP-d involves the conduct of a public hearing after public notice has been provided in accordance with the public notice provisions of Section 2-3. Solicitation of comments and recommendations from the Planning Commission are mandatory before a decision is rendered. Comments and recommendations may also be solicited from staff, local boards and commissions, and other governmental entities before a final decision is made. Appeals may be made in accordance with the appeal provisions of Section 2-4-2.

**EXHIBIT 1
PLAN OF DEVELOPMENT APPROVAL PROCEDURE**

PREAPPLICATION STAGE	APPLICATION STAGE	REVIEW STAGE DECISION-MAKING PATH	ACTION STAGE
---------------------------------	------------------------------	--	-------------------------

Coordination (2-2-2)	
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(DMPa) A

Application Submitted

Deemed Complete
(2-2-4) to (2-2-6)

(DMPb) B

APPROVED

Application Submitted
(2-2-5)

DENIED

(DMPc) C

Concept Sketch
Plan/Plat
(2-2-8)

APPEAL

(DMPd) D

**EXHIBIT 2
DECISION-MAKING PATHS
(DMP DETAILS)**

DECISION-MAKING PATH/PLAN-APPROVING AUTHORITY	ACTION	RELEVANT ORDINANCE SECTIONS
DMP-a Town Manager	-Certificate of Compliance -Exempted Activities -Minor Subdivisions/site plans	2-7-1a 2-2-2 2-2-10

	-Submission Waiver	2-2-7
	-Administrative Conditional Use Permits	
	-Minor Adjustments to Approved Plans	2-2-12 2-2-13
	-Density Bonus	3-5-2g
	-Design Waiver	3-5-2h
	-Home Occupations	3-4-10c
DMP-b (Public Hearing)/ Town Council	-Major Preliminary Subdivision / Site Plan	2-2-11
	-General Development Plans	2-2-11a
	-Rezoning Requests	2-5
	-Ordinance Amendment	2-5
	-Conditional Use Permits	3-10
	-Conditional Zoning	3-9
	-Density Bonus	3-5-2g
DMP-c Town Council	-Major final subdivisions/site plans	2-2-11
	-Design waivers, exceptions	
	-Performance/maintenance guarantees	2-6
	-Appeals from decisions of the Town Manager	2-4-1
DMP-d (Public Hearing)/ Board of Zoning Appeals	-Zoning Variances	
	-Zoning Appeals	2-4
	-Zoning Interpretations	

**EXHIBIT 3
DECISION-MAKING MATRIX**

<u>ACTION</u>	<u>PUBLIC HEARING REQUIRED</u>	<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>
-Certificate of Compliance		X			
-Minor Subdivisions		X			
-Minor Site Plans		X			
-Erosion & Sediment Control Permit		X			

-Administrative Conditional Use Permits		X	
-General Development Plans	X		X
-Adjustments to Approved Plans		X	
-Preliminary and Final Subdivision (less than 10 lots)			X
-Preliminary Subdivision (10+ Lots)	X		X
-Preliminary and Final Site Plans (less than 3 acres disturbed)			X
-Preliminary Site Plans(3+ acres disturbed)		X	
-Plan and Ordinance Amendments including Rezoning	X		X
-Conditional Use Permits	X		X
-Minor Revision to DMP-b Approvals		X	
-Final Subdivisions			X
-Final Site Plans			X
-Acceptance of Guarantees			X
-Appeals of Administrative Decisions Relative to Design Standards			X
-Variance Requests	X		X
-Appeals of Administrative Decisions Relative to Zoning Provisions	X		X
-Interpretation of Zoning Map	X		X

2-2 PLAN OF DEVELOPMENT PROCESS

The administration of this Ordinance focuses upon a plan of development submission and review process which provides for the review of development proposals requiring subdivision and/or site plan submissions.

2-2-1 APPLICATION OF THE PLAN OF DEVELOPMENT PROCESS

For purposes of this Ordinance, the following activities shall be considered to be developments which shall adhere to the requirements of this section:

- a. Land disturbing activity** - Any land disturbing activity which would disturb an area 2,500 square feet or greater in size.

- b. **Subdivision** - The division of land into two or more lots.
- c. **Change in use** - A material change in the type of use of a structure or land, whether temporary or permanent, which would tangibly affect the site's natural environment, parking requirements, transportation patterns, public health, community character or economic values.
- d. **Construction, reconstruction or alteration** - A building operation involving construction, reconstruction or alteration of the size of a structure which would result in a tangible effect on the site's natural environment, parking requirements, transportation patterns, public health, community character or economic values.
- e. **Increase in land use intensity** - A material increase in the intensity of land use, such as an increase in the number or size of businesses, manufacturing establishments, offices or dwelling units in a structure or on land, when such increase would tangibly affect the site's natural environment, parking requirements, transportation patterns, public health, community character or economic values.
- f. **Mining, filling or dredging** - Commencement of any mining, filling or dredging operation on a parcel of land.
- g. **Change in effects of conditions** - In connection with the use of land, the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors or emissions of waste material.
- h. **Alteration of a floodplain** - Material alteration of a floodplain, or any area within the Resource Protection Area (RPA).
- i. **Reestablishment of an abandoned use** - Reestablishment of a use on land
(excluding forestry and farming activities) or in a structure which has been abandoned for one year or more and which use, site and structure do not conform to this Ordinance.

2-2-2

ACTIVITIES EXEMPT FROM THE PLAN OF DEVELOPMENT PROCESS

The following activities shall not be considered development requiring the submission of a plan of development to the Town Manager for review unless the activity is not permitted or is restricted in any zoning district. When requested by an applicant in writing, the Town

Manager will reply in writing formally confirming the exempt status of the proposal.

- a. **Minor land disturbing activities** - Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.
- b. **Service connections** - Individual service connections.
- c. **Underground utilities** - Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.
- d. **Agricultural activities** - Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, including agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.
- e. **Transfer of title** - A transfer of title to land not involving the division of land into parcels.
- f. **Leases and easements** - The creation or termination of leases and easements concerning development of land, or other rights, except that no easement required by this Ordinance or made a condition of plan of development approval may be terminated without the approval of the Town Council.
- g. **Legal exhibits and documents** - The recording of any documents or plats/plans expressly for the purposes of reference or attachment to a publicly recorded document when such recording does not result in subdivision of land into parcels. Such recording may include, but is not limited to, documents such as master deeds or covenants, or plats/plans for mortgage or HUD filing purposes.
- h. **Combination or recommendation of lots** - The combination or recombination of portions of previously platted lots where the total number of lots is not increased, no new streets are created, and the resultant lots do not in any way result in a newly created or diminished state of compliance with the requirements of this Ordinance.
- i. **Family subdivision** - Sale or gift of a single division of a lot or parcel to each member of the immediate family of the property owner which shall not be for the purpose of circumventing this Ordinance; the division shall be subject to the minimum lot area, dimensional and environmental requirements of this Ordinance; it shall not result in the creation of new streets, shall be surveyed and then recorded in the Richmond County Courthouse. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, including spouse, parent, grandparent or grandchild of the owner.
- j. **Exchange** - The sale or exchange of parcels between adjoining property

owners where such sale or exchange does not create additional building sites, streets, or a lot or parcel which does not meet the minimum area and dimensional requirements of this Ordinance.

- k. Well lots** - The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, or other public or private right-of-way other than a street, provided no additional building lots or streets are created.
- l. Court ordered partitions** - The partition of lands by court order.
- m. House surround lots** - Where a viable dwelling unit exists on a large tract of property, a lot may be created to include the dwelling unit provided the density of the resultant parcels shall not be greater than that permitted within the zoning district. Such a lot must meet the area, dimensional and environmental requirements of this Ordinance. An existing legal right-of-way will be sufficient to provide access to the lot as long as the lot created is precluded from future subdivision by deed restrictions and no new streets are created.
- n. Agricultural subdivisions** - Divisions of large tracts of property where the resultant parcels shall be used for bone fide agricultural, forestal or other undisturbed open space provided such parcels are served by no newly created streets, but instead are served by a private right-of-way with a minimum width of fifty (50) feet. The plats and deeds for such parcels shall show that the parcels are not for residential or any other use except for those uses stated above.
- o. Maintenance, renewal, improvement or alteration** - Work for the maintenance, renewal, improvement or alteration of any structure which involves no material change of use and is confined to the interior in its entirety or the exterior facade, excluding signs, and which further does not violate any provision of this ordinance.
- p. Incidental dwelling uses** - The use of any structure or land devoted to single family dwelling uses for any purpose customarily associated with the enjoyment of such dwelling.
- q. Home occupations within** - Home occupations confined entirely within a residential structure and clearly as a secondary use, with no advertising of the home occupation allowed on the site or on the structure, and no disruption to the normal character of the neighborhood or area.
- r. Temporary uses, non-material** - Those activities of short duration not to exceed three (3) days or of a seasonal nature which do not materially affect the site's natural environment, parking requirements, transportation patterns, public health, community character or economic values.

- s. **Structures of minimum land disturbance** - The submission of a site plan for a detached dwelling unit used solely for residential purposes and/or its accessory buildings and uses on a lot, including customary accessory buildings incidental to farms, shall not be necessary unless required as part of a conditional use permit request, or if the proposed land disturbing activity results in a land disturbance exceeding 2,500 square feet in area, or if any encroachment into or resulting in the disturbance of a Resource Protection Area (RPA) is proposed.

2-2-3 PRE-APPLICATION CONFERENCE

An applicant or the applicant's authorized representative is strongly urged to arrange a pre-application conference with the Town Manager. The purpose of the conference is to:

- a. Provide for an exchange of information regarding the development proposal.
- b. Acquaint the applicant with the substantive and procedural requirements of this Ordinance as well as applicable elements of the Comprehensive Plan.
- c. Identify policies, regulations and site features that create opportunities or pose significant constraints for the proposed development.
- d. Advise the applicant of any known state or federal permits which must be obtained.
- e. Obtain copies of all necessary application forms.

2-2-4 DEVELOPMENT PERMIT APPLICATION

An application for a development permit shall consist of the following materials in sufficient copies as determined by the Town Manager to permit an expeditious and comprehensive review:

- a. A completed development permit application form, together with the required fee, providing an explanation of intent, stating the nature of the proposed request, pertinent background information, and other information that may have a bearing on determining the action to be taken.
- b. Evidence that the property affected by the application is in the exclusive ownership or control of the applicant or that the applicant has the written consent of all partners in ownership of the affected property.
- c. Plan of development materials as required by Section 2-2-6.
- d. Additional information required by other sections of this Ordinance because of the type of development proposed, the area involved, or the impact

associated with the request.

2-2-5 SUBMISSION OF A COMPLETE DEVELOPMENT PERMIT APPLICATION

Application materials shall be submitted to the Town Manager, who shall indicate the date of submission on the application. Within ten (10) working days after the date of submission, the Town Manager shall determine whether an application is sufficiently complete to be forwarded along the proper DMP. If the Town Manager determines that the application is incomplete, or the necessary attachments or the requested number of application materials have not been submitted, he shall immediately notify the applicant of this negative determination by mail or otherwise convey an explanation to the applicant. An application for which such a negative determination has been made may be resubmitted (without additional charge if the original fee submission was as required) after it is revised to overcome the reasons for the negative determination. If a development permit application is in conformance with the submission provisions of this Ordinance, the Town Manager shall accept it, deem it to be complete, note the date of acceptance, assign an application number, and initiate application processing in accordance with the appropriate DMP.

2-2-6 DOCUMENTS TO BE SUBMITTED

a. Required Documentation

The documents to be submitted are intended to provide the plan-approving authority with sufficient information and data to ensure that the proposed development meets the zoning, and design and improvement standards contained in this Ordinance. The documents to be submitted will vary depending upon the nature of the development request and the approvals required to be obtained. The documents and details to be submitted are indicated within Exhibit 4.

b. Submission of a Community Impact Analysis

The potential impact of certain development proposals on the Town, as well as any development in close proximity to naturally or culturally significant areas, may require a more detailed level of scrutiny on the part of the plan-approving authority. If it is deemed that a project may be of potential negative impact which would compromise the integrity of the Comprehensive Plan, or be inconsistent with the purposes of this Ordinance as stated in Section 1-3, the plan-approving authority may require the submission of a Community Impact Analysis. The precise content of a Community Impact Analysis will be made specific by the plan-approving

authority in response to the specific concerns it has with the development proposal. However, the scope of issues which the plan-approving authority could request the applicant to address include, but are not limited to:

Archaeological and Historic Surveys
Cultural and Natural Resource Impact Studies
Governmental Services and/or Fiscal Impact Analysis
Groundwater Studies
Residential and Commercial Market Studies defining capacity for growth and the impact of the proposal on existing markets
Traffic Impact Analysis
Utility Analysis

c. Submission of an Environmental Site Assessment

An environmental site assessment shall be submitted in conjunction with any plan of development application which will necessitate a land disturbance exceeding 2,500 square feet in area. The environmental site assessment shall delineate the site specific geographic extent of the RPA (Section 3-5). The environmental site assessment shall be drawn at the same scale as the plan of development and shall be certified as complete and accurate by a professional engineer, a certified land surveyor or a

certified landscape architect. The environmental site assessment shall clearly delineate the following on-site environmental features:

Tidal shores;
Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
A 100-foot buffer area located adjacent to and landward of the components listed above, and along both sides of any tributary stream;
Other sensitive environmental features as determined by the Town Manager.

**EXHIBIT 4
REQUIRED SUBMISSION DOCUMENTS**

Item No.	Description	DEVELOPMENT STAGE							
		Preapplication Sketch Plan/ Plat (optional)	Minor Application Subdivision	Site Plan	General Development Plan	Major Application Subdivision		Site Plan	
						Prelim	Final	Prelim	Final

Project- Plat Information

1.	Name, address of owner and applicant.	X	X	X	X	X	X	X	X
2.	Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X
3.	Title block	X	X	X	X	X	X	X	X
4.	A key map at a scale of not less than one inch equals two thousand feet								

(1"=2000') showing location of tract with reference to surrounding properties, streets, jurisdictional boundaries, etc., within 500'; date of current survey.

X X X X X X X X

5. A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, etc. (Article 3)

X X X X X X X X

EXHIBIT 4 (CONT.) REQUIRED SUBMISSION DOCUMENTS

Item No.	Description	DEVELOPMENT STAGE							
		Preapplication Sketch Plan/ Plat (optional)	Minor Application Subdivision Plan	Major Application Site General Development Plan (GDP)	Major Application Subdivision Prelim	Major Application Subdivision Final	Major Application Site Plan Prelim	Major Application Site Plan Final	
6.	North Arrow and Scale	X	X	X	X	X	X	X	X
7.	Evidence that taxes are current.		X	X	X	X	X	X	X
8.	Appropriate certification blocks.		X	X		X	X		
9.	Appropriate signature blocks for approvals.		X	X	X	X	X	X	X
10.	Monumentation. (4-2-7)		X			X			
11.	Drawn on sheets measuring 18"x24".		X			X	X	X	X
12.	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way, and centerline curves on								

streets.		X				X	X	X	X
13. Acreage of tract to the nearest tenth of an acre (for GDP, to nearest acre).	X	X	X	X		X			X
		(general)							
14. Date of original and all revisions.	X	X	X	X		X	X	X	X
15. Size and location of any existing or proposed structures with all setbacks dimensioned	X	X	X	X	X	X	X	X	
		(general)			(general)				

**EXHIBIT 4 (cont.)
REQUIRED SUBMISSION DOCUMENTS**

Item No.	Description	<u>DEVELOPMENT STAGE</u>							
		<u>Preapplication</u> Sketch Plan/ Plat (optional)	<u>Minor Application</u> Site Subdivision Plan		<u>General</u> Development Plan	<u>Major Application</u> <u>Subdivision</u> Prelim			<u>Site Plan</u> Prelim Final
16.	Location and dimensions of any existing or proposed streets on or within 200' of site.	X (general)	X	X	X (general)	X	X	X	X
17.	Property owners and lines of all parcels within 200' identified on most recent tax map sheet.		X	X		X	X	X	X
18.	All existing and proposed lot lines (dimensional) and are of lots in sq. ft./acres.		X	X		X	X	X	X
19.	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X (if available)	X	X	X	X	X	X	X
20.	Any existing or proposed easement or land reserved for or dedi-								

cated to public use. (if available)	X	X	X	X	X	X	X	X	X
21. Development stages or staging plans.				X (general)	X	X	X	X	X
22. List of required regulatory approvals or permits. ¹		X	X	X		X			X
23. List of variances required or requested. ¹ (3-7)		X	X			X	X	X	X

**EXHIBIT 4 (cont.)
REQUIRED SUBMISSION DOCUMENTS**

Item No.	Description	DEVELOPMENT STAGE								
		Preapplication		Minor Application		Major Application				
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan	Subdivision Prelim	Subdivision Final	Site Plan Prelim	Site Plan Final	
24.	Requested or obtained design waivers or exceptions. (2-2-6, 4-1-2, 3-5-2h) ¹		X	X			X	X	X	X
25.	Payment of application fees.		X	X	X		X	X	X	X

SETTING-ENVIRONMENTAL INFORMATION

26.	Environmental Site Assessment (2-2-6c)	X	X	X	X		X	X	X	X	
27.	Topographical features of subject property from U.S.C.&G.S. map.	X		X	X					X	
28.	Existing and proposed contour intervals referenced to USGS datum (Contours to extend at least 200' beyond subject property) as follows: up to 3% grade = 1' 3% + grade = 2'							X	X	X	X

29. Boundary, limits, nature and extend of wooded areas, specimen trees, and other significant physical features.	X (general)	X	X	X (general)	X	X	X	X
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**EXHIBIT 4 (cont.)
REQUIRED SUBMISSION DOCUMENTS**

Item No.	Description	DEVELOPMENT STAGE							
		Preapplication Sketch Plan/ Plat (optional)	<u>Minor Application</u>		<u>Major Application</u>				
		Subdivision	Site Plan	General Development Plan	<u>Subdivision</u>		<u>Site Plan</u>		
					Prelim	Final	Prelim	Final	
30.	Existing system of drainage of subject site and generally, of any larger tract or basin of which it is a part.		X ³	X ³		X	X	X	X
31.	Preliminary architectural plan and elevations				X ³				X
32.	Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations.			X ³ (general location of buildings)	X	X	X	X	X
33.	Lot and block pattern, layout of streets (4-2-2)	X	X	X	X	X	X	X	
34.	New block and lot numbers confirmed with Town Manager					X			
35.	Right of way design, etc. (4-3-2)					X	X	X	X

36. Open space and recreation plans and patterns (4-9-2)	X ³ (general)	X ³ (general)	X ³	X ³	X ³	X ³	X ³
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**EXHIBIT 4 (cont.)
REQUIRED SUBMISSION DOCUMENTS**

Item No.	Description	DEVELOPMENT STAGE					
		Preapplication Sketch Plan/ Plat (optional)	<u>Minor Application</u> Subdivision	<u>Site</u> Plan	<u>Major Application</u> General Development Plan	<u>Subdivision</u> Prelim Final	<u>Site Plan</u> Prelim Final
		37. Proposed utility infrastructure plans, including sanitary sewer, septic tank and drainfields (primary and reserve), storm sewers, water, telephone, electric, and cable TV. (4-4-3, 4-6-2, 4-8-2)	X	X	X	X	X

ASSESSMENTS, IMPROVEMENTS AND CONSTRUCTION INFORMATION

38. Health Dep't permits. ¹ (4-4)	X (if available)	X	X	X	X	X	X
39. Drainage calculations, plans, etc. (4-6-2)	X ³	X ³ (general)	X	X	X	X	X
40. Erosion and Sediment Control Plan. (4-7-2)	X ³	X ³	X	X	X	X	X
41. Site identification signs, traffic control signs, and directional signs. (4-16-2, 4-3-6, 4-3-8)	X	X	X	X	X	X	X
42. Lighting plan and details.	X	X	X	X	X	X	X

(4-12-2)

43. Off street parking and plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions, etc. (4-10-2)	X	X	X	X
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**EXHIBIT 4 (cont.)
REQUIRED SUBMISSION DOCUMENTS**

Item No.	Description	DEVELOPMENT STAGE							
		Preapplication Sketch Plan/ Plat (optional)	Minor Application Subdivision	Site Plan	General Development Plan	Major Application Subdivision Prelim	Major Application Subdivision Final	Site Plan Prelim	Site Plan Final
44.	Landscape plan and details. (4-11-2)					X	X	X	X
45.	Performance standard compliance (4-15-2) ³								
46.	Easements, type and location (4-13-2) ³								
47.	Solid waste management plan including recycling facilities. (4-14-2)							X	X
48.	Emergency Service details (4-5-2) ³								
49.	Performance/Maintenance Guarantees. (2-6)		X ³	X ³				X ³	X ³
50.	Community Impact Analysis. (2-2-6b) ³								
51.	Water Quality Impact Assessment. (3-5-11) ²		X	X		X	X	X	X

Notes:

X = items required at indicated development stage.

1. Conditional approval may be granted subject to other regulatory approvals. Wetland permits, if necessary, must be obtained and submitted to the Town Manager before final approval is granted (2-2-14).
2. Must only be prepared if development proposal is within Resource Protection Area or if required by the Town Manager.
3. As and when required.

2-2-7 WAIVER OF SUBMISSION AND/OR DESIGN REQUIREMENTS

The Town Manager may waive all or some of the submission requirements for those applications within DMP-a if he has determined that a complete and thorough review of the application can be accomplished without the submittal data which is absent. The Town Manager shall document the reasons for waiving submission requirements.

The plan-approving authorities within DMP-b to DMP-d (2-1-2b to 2-1-2d) will make the final determination if a waiver from submittal requirements is warranted. The fact that the Town Manager may label an application within DMP-b to DMP-d (2-1-2b to 2-1-2d) as complete for processing does not preclude the approving entity from requesting the submission of clarifying information or additional data. The Town Manager shall not withhold an incomplete application from a plan approving authority if the applicant has requested a waiver of submission requirements.

The plan-approving authority may waive all or some of the design standards contained within Article 4 when the application of these design standards is deemed to be unnecessary to ensure compliance with the intent and purpose of the Comprehensive Plan and this Ordinance.

2-2-8 SUBMISSION OF SKETCH PLATS AND SKETCH PLANS

A conceptual sketch of a proposed subdivision or site plan is not required but is strongly recommended as an option which may help expedite the review of an application. The submission of a conceptual sketch affords the applicant the opportunity to discuss the proposal in its formative stages and receive the advice of the Town Manager relative to procedural requirements and applicable ordinance provisions. The applicant shall submit two (2) copies of the sketch along with a completed application form. The conceptual sketch should contain sufficient information accurately depicted in order to permit the Town Manager to responsively and responsibly be of assistance. The Town Manager shall return a marked up copy of the sketch plat/plan to the applicant depicting any comments and recommendations. The second marked up copy and accompanying application form will be retained for future reference.

2-2-9 SIMULTANEOUS REVIEW OF PLATS AND PLANS AND OTHER REQUESTS

- a. Where a proposed subdivision is a part of a development for which site plan approval is required, the subdivision plat and the site plan will be reviewed at the same time as nearly as possible under the requirements of these regulations.
- b. With the approval of the plan-approving agent, applications for preliminary and final approval may be combined into a single submission requesting final approval.
- c. Plats and plans may be approved conditionally pending receipt of other approvals such as variance relief, wetlands permits, conditional use permits, etc.

2-2-10 SUBMISSION OF A MINOR SUBDIVISION/SITE PLAN

Any applicant requesting approval of a proposed minor subdivision (creation of no more than two additional lots, no new roads) and/or minor site plan (activities and uses associated with an individual single family home) shall submit five (5) copies of the plan of development along with a completed application form and the prescribed fee to the Town Manager for processing in accordance with DMP-a (Section 2-1-2a).

2-2-11 SUBMISSION OF A MAJOR SUBDIVISION/SITE PLAN

All major subdivisions and major site plans shall be processed as specified below.

a. General Development Plan

Applicants of major site plans or major subdivisions shall have the option of dividing preliminary approval into two parts: Phase One -General Development Plan, and Phase Two - Preliminary Approval. This will enable the applicant to present large scale plans with a general description, but not full engineering details as part of Phase One. With conditional Phase One approval, the applicant can proceed with a higher level of confidence to Phase Two during which significant engineering expenses are generally incurred.

Ten (10) sets of all required submission materials shall be submitted to the Town Manager for distribution to the Planning Commission. The procedures of DMP-b (2-1-2b) shall be utilized.

It may be necessary for additional sets of original or revised materials to be submitted to facilitate agency reviews and for the use of the Town Council after the Planning Commission has forwarded their recommendation to

Council for final action.

b. Major Subdivision/Site Plans Approval by the Town Council

Major preliminary subdivisions resulting in the creation of 10 lots or more, and site plans on areas 3 acres or greater in size (as measured by the limits of development) shall be processed in accordance with DMP-b (2-1-2b). All other preliminary plans of development which are deemed to not be minor subdivisions/site plans as specified in Section 2-2-10 shall be processed in accordance with DMP-c (2-1-2c).

Major final plat/plan approval shall be processed in accordance with DMP-c (2-1-2c). Final approval shall be contingent upon the acceptance of any required performance and maintenance bonds as per Section 2-6 of this Ordinance.

Applicants who have provided sufficient information in their General Development Plan, as determined by Town Council, may proceed directly to final approval in accordance with DMP-c, provided no material or substantial change has been made to the plan since the last public hearing.(Amended 12-08-05)

c. Effect of General Development Plan/Preliminary Subdivision/Site Plan Approval

(1) The applicant shall have not more than twelve (12) months after receiving official notification concerning tentative approval of a general development plan to submit an application for Phase Two - preliminary approval. Failure to do so shall make the general development plan approval null and void. The Town Manager may grant an extension of this time limit for a total of no more than one (1) year if requested in writing, provided sufficient justification is given by the applicant.

(2) The applicant shall have not more than six (6) months after receiving official notification concerning approval of a preliminary plat/plan to submit an application for final plat/plan approval. Failure to do so shall make preliminary approval null and void. The Town Manager may grant an extension of this time limit for a total of not more than one (1) year if requested in writing, provided sufficient justification is given by the applicant. Remaining sections of a phased development plan shall not become null and void as long as final plats/plans are submitted for approval with no lapse exceeding three (3) years in time between the submittal of final sections.

d. Effect of Final Approval of Subdivisions and Site Plans

(1) One (1) black line print and one (1) film positive of an approved major final site plan shall be submitted to the Town Manager for filing. An approved final site plan shall be null and void if, in the opinion of the Town Manager, no significant work is done or development is made on the site within twelve (12) months after the

date of major or minor site plan approval. A single one year extension upon written request of the applicant with sufficient justification may be granted by the Town Manager.

- (2) Five (5) black line prints of an approved final subdivision plat shall be submitted to the Town Manager for signatures. When a final subdivision plat has been approved, executed and acknowledged in accordance with the provisions of this article, it shall be recorded in the Office of the Clerk of Circuit Court of Richmond County within six (6) months after final approval. No final plat of a subdivision shall be recorded unless and until it has been submitted to and approved by the Town; and no Clerk or Deputy Clerk of the Circuit Court of the County shall file or record a subdivision plat until the plat has been approved by the Town and unless the plat is submitted for recordation within six (6) months of the date of final approval by the Town. Unless the approved plat is filed for recordation within six (6) months after final approval, such approval shall be withdrawn and the plat marked void and returned to the applicant.

2-2-12 ADJUSTMENTS TO APPROVED SITE PLANS

After a site plan has been approved, minor adjustments to the site plan, which comply with the spirit of this Ordinance and with the general purpose of the Comprehensive Plan for development of the area, may be approved by the Town Manager with notice of the change given to the original plan-approving authority. Deviation from an approved site plan without the written approval of the Town Manager shall void the plan and the applicant shall be required to resubmit a new site plan for consideration.

Any major revision of an approved site plan may be made in the same manner as originally approved. Any requirements of Articles 2 and 4 of this Ordinance may be waived by the plan-approving authority in specific cases where such requirement is found to be unreasonable and where such waiver will not be contrary to the purpose of this Ordinance.

2-2-13 ADJUSTMENTS TO APPROVED SUBDIVISION PLATS

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the Town has been endorsed in writing on the plat unless authorization for such changes has been granted in writing by the Town Manager.

2-2-14 WETLAND PERMITS REQUIRED BEFORE FINAL APPROVAL

No final approval will be granted until evidence of approvals for all wetland permits required by law are submitted to the Town Manager. Applicants should contact the Virginia Marine Resources Commission and/or the U. S. Army Corps of Engineers relative to plans of development affecting nontidal wetlands.

2-3 PUBLIC NOTICE REQUIREMENTS

Prior to a public hearing as required by DMP-b and DMP-d, notice as required by this section shall be given. No final decision shall be rendered on an application requiring a public notice until notice is given. Notice of pending applications need not be advertised in full, but may be advertised by reference, provided that the place where a copy of the application or proposal may be viewed shall be included in the notice.

- a. Notice shall be published once a week for two successive weeks (at least six days apart) in a newspaper having general circulation in the Town. Notice shall specify the time and place of the public hearing, which shall be held not less than six days nor more than twenty-one days after the second advertisement shall have appeared. The Town Manager, or his designee, will arrange for the publication of the newspaper notice.
- b. When notice is required by this Ordinance, written notice shall be sent by the Town Manager, or his designee, in accordance with 15.1-431 of the Code of Virginia.
- c. Notice should also be provided by the posting of at least one sign on the property in question by the Town Manager, or his designee, at least 15 days prior to the date of the public hearing. Additional signs should be posted for properties with more than one road frontage. Signs should be posted in the following manner:
 - (1) All signs should be posted so as to assure the greatest public visibility practical.
 - (2) Signs should be posted adjacent to the street right-of-way abutting the site, no more than ten (10) feet from the edge of the right-of-way. If more than one street abuts the site, at least one sign should be posted along each abutting street. If no street abuts the site, at least one sign should be posted along the closest public street, with a note added to locate the property in direction and distance from the sign.
 - (3) Signs should be maintained in good condition until the public hearing, and should be replaced if damaged or removed as soon as practical. It shall be a violation of this Ordinance to damage or remove a public notice sign erected under these provisions, and each sign shall carry a warning to this effect.

- d. The Town Manager, or his designee who has performed notice as prescribed above, shall make affidavit to such and file it with the papers in the case.

2-4 APPEALS OF DECISIONS RENDERED

2-4-1 APPEALS OF ADMINISTRATIVE DECISIONS

- a. Any person aggrieved, or any entity of government affected by an order, requirement, decision or determination made by the Town Manager in the administration or enforcement of the provisions of this Ordinance may file an appeal.

If the Town Manager's action was in the administration and enforcement of Article 3 of this Ordinance, the appeal shall be heard by the Board of Zoning Appeals. This appellant process (DMP-d) requires a public hearing with notice provided in accordance with Section 2-3.

If the Town Manager's action was in the administration and enforcement of any other section of this Ordinance, the appeal shall be heard by the Town Council. No public hearing is required.

- b. Appeals must be filed within thirty (30) days of the date of the decision by filing with the Town Manager and the hearing board, a notice of appeal specifying the grounds for appeal. The Town Manager shall transmit all the papers constituting the record upon which the action appealed from was taken to the hearing board. An appeal shall stay all proceedings in furtherance of the appealed action unless the Town Manager certifies to the hearing board that by reason of the facts stated in his certificate, a stay would in his opinion cause imminent peril to life or property. In this case, proceedings shall not be stayed other than by a restraining order granted by the hearing board or by a court of record, on application and on notice to the Town Manager and for good cause shown.

2-4-2 APPEALS OF DECISIONS MADE BY THE TOWN COUNCIL, AND THE BOARD OF ZONING APPEALS

Every action contesting a decision of the Town Council or the Board of Zoning Appeals shall be filed within thirty (30) days of such decision with the Clerk of the Circuit Court of Richmond County.

2-5 AMENDMENTS

2-5-1 INITIATING AN AMENDMENT

- a. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Council may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property.

Any such amendment may be initiated:

- (1) By resolution of the Council;
- (2) By motion of the Planning Commission; or
- (3) By submission of an application to the Town Manager by the owner, contract purchaser with the owner's written consent, or the owner's agent for the property which is the subject of the proposed zoning amendment.

- b. If an application for an amendment has been denied by the Council, substantially the same petition shall not be reconsidered within three hundred sixty-five (365) days of the denial. This provision shall not impair the right of either the Planning Commission or the Council to propose any amendment to this Ordinance on their own motion at any time.

2-5-2 PROCESSING AN AMENDMENT REQUEST

Amendments shall be processed in accordance with DMP-b as described in Section 2-1-2b.

2-6 PERFORMANCE AND MAINTENANCE GUARANTEES

2-6-1 PERFORMANCE AND MAINTENANCE GUARANTEES REQUIRED BEFORE FINAL APPROVALS

- a. Prior to receipt of final approval for any development activity or as a condition thereof, all improvements required by this Ordinance shall be completed, or provisions made for their completion, in accordance with one of the following methods:
 - (1) Installation and completion by and at the expense of the developer;
 - (2) The furnishing by the developer to the Town Manager of a certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the Town Attorney. This guarantee should be sufficient to cover the cost of all improvements required to be installed by the developer as estimated by the Town Manager; or
 - (3) The furnishing by the developer to the Town Manager of evidence of the existence of agreements between the developer and qualified contractors for the installation and completion of the improvements and the contractors' performance guarantees for the benefit of the Town and the developer, and satisfactory to the Town Attorney, in an

amount sufficient to cover the cost of all the improvements required to be installed by the developer as estimated by the Town Manager.

- b. In the event that the developer elects to proceed by methods (2) or (3) as outlined in Section 2-6-1a above, the developer shall set a time, subject to the approval of the Town Manager, by which it is estimated the improvements will be installed and the work in its entirety completed. Unless an extension of that time is approved by the Town Manager and a new estimated date of accomplishment and completion of the improvements is established, the Town, at its discretion, may make use of the performance guarantee.

2-6-2 RELEASE OF PERFORMANCE AND MAINTENANCE GUARANTEES

a. Request for Release

Upon the completion of the installation of all improvements, the developer shall furnish a statement prepared by a certified surveyor or engineer, to the effect that all construction is in substantial conformity to the regulations and requirements of this Ordinance, and the plans as approved by the Town. If this submittal is approved by the Town, the bond, escrow or other guarantee of completion shall be released within thirty (30) days of receipt of written notice from the developer to the Town Manager, unless such developer is notified in writing by the Town Manager of a delay in such release and the reasons therefore. The Town may retain up to 25 percent of the guarantee for use in repair or improvements as may be necessary within one year of completion.

b. Partial Release of the Guarantee

Any bond, escrow or guarantee posted in lieu of payment may be released in part as construction progresses if approved as partially completed by the Town Manager when done so in accordance with a predetermined release schedule.

c. Release from Completing Guaranteed Improvements

In the event the developer has, in the opinion of the Town Manager, just cause for not completing the improvements in the entire development where a satisfactory performance guarantee has been posted, the Town Manager may release the developer from his obligation to complete all of the improvements in the development provided the developer furnishes a statement by a licensed surveyor or engineer to the effect that all construction

which has been completed, conforms to the regulations and requirements of this Ordinance and the plans as approved by the Town.

2-7 CERTIFICATE OF COMPLIANCE, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

2-7-1 DEVELOPMENT PERMITS

a. Certificate of Compliance

The Town Manager will issue a Certificate of Compliance, Part A, for those proposals which have obtained all necessary approvals and permits and comply with this Ordinance before any building permits are issued by the Richmond County Building Official. The Town Manager will also issue a Certificate of Compliance, Part B, authorizing the Building Official to issue a Certificate of Occupancy. Certificates of Compliance will also be issued for all land disturbing activities, as defined.

b. Building Permits

A building permit, obtained from the Richmond County Building Official, shall be required before any building or other structure may be erected, altered, converted, reconstructed, relocated, extended or enlarged. When issued by the Building Official, such permit shall be valid for not more than six (6) months, unless otherwise provided.

c. Existing Permits

No building permit lawfully issued prior to the effective date of this Ordinance, and in full force and effect, shall be invalidated by the passage of this Ordinance, or any amendment, but shall remain a valid permit, subject only to its own terms and provisions and the Ordinances, rules, and regulations pertaining thereto, and in effect at the time of the issuance of such permit. However, all such permits shall expire not later than six (6) months from the effective date of this Ordinance, unless actual construction shall have begun and continued pursuant to the terms of the permit.

d. Plans to Accompany Applications for Permits

All applications for a development permit shall be accompanied by an approved plan resulting from a positive determination associated with its processing in accordance with Section 2-2 of this Ordinance. The Town Manager may waive this requirement for an approved plan of development in whole or in part when such plan would be clearly unnecessary to a decision relative to the issuance of a development permit or a certificate of occupancy.

2-7-2 CERTIFICATES OF OCCUPANCY

a. No vacant land shall be occupied or used, except for agricultural uses associated with the operation of a farm, until a certificate of occupancy shall

have been issued by the Richmond County Building Official, on behalf of the Town of Warsaw.

- b. No building or other structure shall be used, occupied, or changed in use, until a certificate of occupancy has been issued by the Richmond County Building Official, stating that the building or other structure or proposed use of a building or other structure complies with the building code and the provisions of this Ordinance.

For a business and/or industrial use, a new Certificate of Occupancy shall be required for a change in occupancy or change in ownership of a continuing occupancy. Only one Certificate of Occupancy shall be required for a residential use.

- c. A certificate of occupancy shall be applied for along with the application for a building permit and shall be issued within 10 days after the erection or structural alteration of such buildings or other structures when completed in accordance with the provisions of this Ordinance.
- d. A certificate of occupancy shall be issued for a part of a building or other structure or development or section thereof if completed in accordance with the provisions of this Ordinance and the building code even though the entire building or other structure or development or section thereof has not been completed. The Richmond County Building Official must find however that such occupancy is consistent with the public health, safety and welfare.
- e. The Richmond County Building Official may issue a temporary and contingent certificate of occupancy for a period not to exceed six (6) months where, because of the unusual nature of the uses, a trial period of operation is, in the Town Manager's opinion, the most appropriate way to determine actual compliance with the provisions of this Ordinance.
- f. The Town Manager may require the applicant to post a performance guarantee as provided by Section 2-6 sufficient to guarantee the completion, by a specific time, of site improvements related to the buildings and structures for which a certificate is sought.

2-8 APPLICATION FEES AND ESCROW FUNDS
2-8-1 APPLICATION FEES

Application fees, as determined by Resolution of the Town Council, are to cover the administrative costs incurred by the Town in processing applications and are non-refundable. A schedule of fees is available from the Town Clerk.

2-8-2 ESCROW SCHEDULE

After an application is submitted to the Town Manager, the applicant may be required to execute an escrow agreement with the Town. The escrow accounts are to pay all necessary and reasonable costs incurred by the Town for the professional review of an application by a certified Engineer, Planning Consultant, Attorney, and other professionals retained by the Town to review and make recommendations on an application for development. The amounts specified for escrow are estimates which shall be paid upon request. If the amounts posted are more than those required, the excess funds shall be returned to the applicant within fourteen (14) days of the issuance of a Certificate of Occupancy for the project. In the event that more than the amounts specified for escrow are required to pay the reasonable costs incurred, the applicant shall pay all additional sums required prior to being permitted to take the next step in the approval procedure, or in any event, prior to obtaining certificates of occupancy for any, or the next, element of the project. The Town Manager shall determine whether there are sufficient amounts in the escrow fund to pay pending bills. If there are insufficient funds in escrow, the Town Manager will notify the applicant of the amounts needed. In addition to these terms, the escrow agreement may include any additional terms which are agreed to by the applicant and the Town Manager. The Town Manager shall maintain an itemized account for each application and shall, upon the request of the applicant, supply a copy of the itemized account. All charges against any escrow account shall be made by purchase order and voucher and shall be approved by the Town Manager.

2-9 VIOLATIONS, ENFORCEMENT AND PENALTIES

2-9-1 VIOLATIONS

- a. In case any lot, building or other structure is erected, constructed, altered, repaired, converted, or used in violation of this Ordinance, the Town Manager, or his designee, shall serve notice on the person committing or permitting the violation. If the violation has not ceased within a reasonable time specified by the Town Manager, action appropriate to terminate the violation shall be taken.
- b. Where there is reasonable cause to believe that violation of this Ordinance has occurred, the Town Manager or his authorized representative may enter the premises for the purpose of inspection. Where permission to enter is withheld, the Town Manager shall seek a court order from the General District Court of Richmond County. A search warrant from a magistrate of the jurisdiction may be issued to facilitate inspection.

2-9-2 ENFORCEMENT

The Town Manager shall be vested with all necessary authority on behalf of the Town to administer and enforce this Ordinance and any approvals including conditions attached to a rezoning or amendment to a zoning map such as:

The order in writing of the remedy of any noncompliance with such conditions;

The bringing of legal action to ensure compliance with such conditions including injunction, abatement or other appropriate action or proceeding; and

Requiring the submittal of performance and maintenance guarantees as specified in Section 2-6.

After having served a notice of violation on any person committing or permitting an infraction of the Ordinance provisions specified in Section 2-9-3b(3) (infractions punishable by civil penalties) and if this violation has not ceased within the reasonable time specified in the notice, then upon the approval of the Town Attorney, the Town Manager shall cause two (2) copies of a summons to be served to the person, either by certified mail, return receipt requested, or by posting on the front door of the abode of such person.

The summons shall contain the following information:

The name and address of the person charged.

The nature of the infraction and the Ordinance provision(s) being violated.

The location, date and time that the infraction occurred or was observed.

The amount of the civil penalty assessed for the infraction.

The manner, location and time in which the civil penalty may be paid to the Town.

The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.

The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to

the Town Treasurer at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

2-9-3 PENALTIES

The owner or any person acting for the owner who assists in the violation of this Ordinance, shall each be guilty of a separate offense and upon conviction, punished as provided below.

a. Misdemeanor Violations

Any violation of the provisions of this Ordinance, other than those specified in Section 2-9-3b below, shall be deemed a misdemeanor and shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Each day such violation exists shall constitute a separate offense.

b. Infractions and Civil Penalties

- (1) A violation of Ordinance provisions identified in Section 2-9-3b(3) shall be deemed an infraction and shall be punishable by a civil penalty consisting of a fine of \$100.00. Each day such violation exists shall constitute a separate offense.
- (2) Violations pursuant to Section 2-9-3b shall be in lieu of criminal penalties unless the violation resulted in injury to any person or persons, in which case the Town Manager shall seek prosecution of a violation as a criminal misdemeanor as provided for by Section 2-9-3a. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose. The remedies provided for in this section shall be in addition to any other remedies provided by law.
- (3) Violation of the following provisions of this Ordinance shall be deemed an infraction punishable by civil penalties:
 - (a) Sections relating to satellite dish placement (3-4-10a(2)).
 - (b) Sections relating to the placement and nature of fences and walls (4-11-8, 3-4-10a(10)).
 - (c) Sections relating to the keeping of an excessive number of commonly accepted domesticated animals (3-4-10a(6)).
 - (d) Sections relating to the keeping of farm and non-domesticated animals (3-4-10a(14)).
 - (e) Sections relating to the locational requirements for accessory uses (3-4-10).
 - (f) Sections relating to home occupations (3-4-11).
 - (g) Sections relating to maintenance of site triangles (4-3-5).
 - (h) Sections only as each relates to the posting and maintenance of signs on private property (4-16).
 - (i) Sections relating to the provision of adequate lighting (4-12).

- (j) Violations of the site triangle provisions (4-3-5).
- (k) Violations of the provisions regarding weed control (4-11-9d). If the violation has not been corrected as required after notice has been duly served as provided for in Section 2-9-2, the Town Manager may proceed to have such work done as may be necessary to abate the violating condition. Any costs incurred by the Town in this regard including administrative fees shall be collected by the Town as taxes and levies are collected and all charges not so collected shall constitute a lien against the property ranking on the parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 30, Title 58.1 of the Code of Virginia.

No ordinance provision to which Section 2-9-3b(3) relates shall allow the imposition of civil penalties for the enforcement of the Uniform Statewide Building Code, land development activities relating to the construction or repair of buildings and structures, erosion and sediment control as provided in sections and provisions of sections related to the Chesapeake Bay Preservation Act.

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**ARTICLE 3
ZONING**

This Article of the Development Management Ordinance divides the Town into base and overlay zoning districts which facilitate the management of the use, placement, and spacing and size of land and buildings during the land development process while at the same time, balancing this development against regulations providing for the protection of the health, safety and welfare of the Town.

3-1 ZONING DISTRICTS

3-1-1 ESTABLISHMENT

The incorporated areas of the Town of Warsaw are divided into the following base and overlay districts: (Amended 01/30/03 to be effective July 1, 2003)

<u>Base Zoning Districts</u>	<u>Base District Designations</u>
- Limited Residential	R-1
- Residential/Office	R-12
-Residential High Density	R-18
- Limited Commercial	C-1
- General Commercial	C-2
- Industrial	M-1

<u>Overlay Zoning Districts</u>	<u>Overlay District Designations</u>
-Chesapeake Bay Preservation Management Area	CBPA
-Traditional Town	TT

3-1-2 APPLICABILITY OF ZONING DISTRICTS; EFFECT OF OVERLAY ZONING DISTRICTS

All lands existing within the Town are situated within a base zoning district and are shown on the Official Zoning Map and as listed above, and as described within Article 3, and shall be subject to applicable provisions of that district. In addition, certain lands may be situated within one or more of the overlay zoning districts listed above and as described within this Article, and shall also be subject to applicable provisions of the overlay district(s) where a certain property may be so situated that it lies within both a base zoning district and one or more overlay zoning districts, the regulations and standards of both the base and overlay zoning district(s) shall be applicable to the

development and use of such property. Where specific regulations or standards regarding a property so situated may conflict, the more restrictive regulation or standard shall be applicable.

3-1-3 STATEMENT OF INTENT OF EACH BASE AND OVERLAY ZONING DISTRICT

a. Limited Residential District (R-1)

This base district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development will occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentrations and permitted uses are limited basically to single unit dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district.

b. Residential/Office (R-12)(Amended 01/30/03 to be effective July 1, 2003, Amended 10/7/04)

This district, located between residential and commercial uses and adjacent to vacant lands where similar development is likely to occur, is characterized by an existing pattern of residential dwellings located on heavily traveled roads. The regulations for this district are designed to provide for the continuing utilization of structures for residential purposes, encourage existing residential structures to remain in place thereby maintaining the residential quality of these areas, particularly as viewed from vehicular rights of way, while allowing these structures to be reused for quiet, residentially compatible uses such as professional offices, institutional uses, *limited retail* and home occupations, and allowing new residential and residentially compatible construction on infill parcels and upon adjacent vacant lands. Residential development is restricted to a maximum of 12 units per acre in this District. Residential development is not intended to change the character of existing residential neighborhoods as a consequence of density. This district is not intended for traffic and nuisance generating commercial and industrial uses(Amended 10/7/04)

b-1. High Density Residential Development (R-18)

This District is characterized by largely undeveloped areas, where higher density Residential development could occur without affecting existing residential neighborhoods. This area should be close to shopping, commercial areas and services. Development within this area is limited to a maximum of 18 units to the acre.(Amended 01/30/03 to be effective July 1, 2003)

c. Limited Commercial District (C-1)

This base district covers that portion of the community intended for the conduct of business to which the public requires direct and frequent pedestrian and vehicular 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 the noise of congregating people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, and

restaurants and taverns positioned in close proximity to one another. New land use activities will consist primarily of the reuse of existing structures and infill construction which maintain and enhance the positive characteristics associated with the traditional mixed use, pedestrian scale of the downtown shopping district.

d. General Commercial District (C-2)

This base district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, primarily by automobile. This district allows a wide range of retailing and service uses necessary to support the needs of the region in which the Town is located. The necessary development of expansive on site parking lot areas characteristic of suburban commercial shopping districts is a predominant feature of the uses permitted in this district. It is the intent of this Ordinance to minimize the impact of traffic associated with uses in this district on the necessary development of expansive on site parking lot areas characteristic of suburban commercial shopping districts is a predominant feature of the uses permitted in this district. It is the intent of this Ordinance to minimize the impact of traffic associated with uses in this district on the quality of life of the Town and minimize the appearance of these parking areas so development within this district will have a quality which is as reflective of the small scale, pedestrian oriented Town as is possible.

e. Industrial District (M-1)

This base district is established to provide opportunities for employment generators which are desired, are situated collectively in accessible and suitable nodes of activity and blend in with, rather than supplant, the small town environment of Warsaw. This district is designed to:

- provide locational opportunities for industries with high growth which are likely to be attracted to the Town;
- provide development sites for small, medium, and large-sized industrial firms in environments conducive for business and industrial activity;
- assist the Town by attracting new employment opportunities;
- expand the fiscal capacity of the Town by broadening the tax base;
- ensure the compatible operation of productive activities and community growth;

- contribute positively to community appearance; and protect and foster adjacent residential desirability while permitting industries to locate near a labor supply;

- respect the character of the community.

f. Chesapeake Bay Preservation Overlay District (CBPA)

This overlay district is intended to protect existing high quality state waters, restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them, safeguard the clean waters of the Commonwealth from pollution, prevent any increase in pollution, reduce existing pollution, and promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Warsaw.

g. Traditional Town Overlay District (TT)

This overlay district is intended to encourage innovative and creative mixed use and/or higher density development of the highest quality. The plan of development will carefully incorporate a mix of residential, commercial, and office uses or consist of higher density residential development. The plan will respect the existing development in the area and maintain and encourage the existing small scale pedestrian character of the Town, promote high standards of design and construction, and implement the goals and objectives of the Comprehensive Plan. The TT overlay district covers all lands zoned R-1, R-2, C-1 and C-2.

3-2

OFFICIAL ZONING MAP

3-2-1

OFFICIAL ZONING MAP OF THE TOWN OF WARSAW, VIRGINIA

The Town of Warsaw is divided into districts depicted on a map entitled "Zoning Map of The Town of Warsaw, Virginia" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The official zoning map shall be identified by the signature or the attested signature of the Mayor of the Town Council, together with the date of adoption of this Ordinance. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the Warsaw Town Office, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in The Town of Warsaw.

3-2-2 AMENDMENTS TO THE OFFICIAL ZONING MAP

Whenever any amendment is made to the zoning map by action of the Town Council, such change shall be incorporated onto the zoning map at a time and in the manner as the Town Council may prescribe. Said changes shall be validated with reference to correct notation by the Clerk of the Council, who shall affix their signature thereto, thereby certifying that approved amendments to the zoning map have been correctly incorporated. The date of official action and nature of the change shall be entered on the map. Any such change shall have the effect of law 12:01 a.m., on the day following its legal adoption or on its effective date, if officially established as other than on the day following its legal adoption, whether or not it has been shown on the zoning map.

3-2-3 UNAUTHORIZED CHANGES

No changes of any nature shall be made to the zoning map or any matter shown thereon except in conformity with the procedures and requirements of this Ordinance. It shall be unlawful for any person to make unauthorized changes on the zoning map.

3-3 INTERPRETATION OF DISTRICT BOUNDARIES

In construing the official zoning map, the following rules shall apply:

3-3-1 CENTER LINES AS BOUNDARIES

Where district boundaries appear to follow mapped center lines of streets, alleys, easements, waterways and the like, they shall be construed as following such center lines as exist on the ground except where the variation of actual location would change the zoning status of a lot or parcel or portion thereof, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning of any lot or parcel or portion thereof. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its location unless ownership of the closure or vacation area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right of way or easement line. In the case of movement of any waterway, the boundary shall be construed as remaining at its location.

3-3-2 PROPERTY OR OTHER EDGE LINES AS BOUNDARIES

Where district boundaries appear to follow street, lot, property or other edge lines, they shall be construed as following such lines.

3-3-3 BOUNDARIES OTHER THAN AS ABOVE

District boundaries which appear parallel or perpendicular to, or as extensions of or connecting center lines, edge lines, or other features shown on the map shall be so construed.

3-3-4 DIMENSIONS

Where dimensions are not otherwise indicated on the zoning map, the scale of the map shall govern.

3-3-5 UNCLASSIFIED AREAS

Where areas appear to be unclassified on the zoning map, and classification cannot be established by rules set forth herein, such areas shall be considered to be classified as determined by the Town Manager until amending action, if any, is taken by Town Council.

3-3-6 INTERPRETATION IN CASES OF UNCERTAINTY

Where application of the rules set forth above fails to establish the location of boundaries with sufficient accuracy for the purposes of these regulations, the Town Manager shall determine the location, provided that no such interpretation shall be such as to divide a lot which was previously and apparently undivided by a district boundary.

3-3-7 JURISDICTIONAL BOUNDARY CHANGES

Where territory is added to the jurisdictional area of the Town, the outbound zoning boundaries of the Town shall be considered to have moved with the jurisdictional area boundary.

3-4 APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Article within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

3-4-1 USE OCCUPANCY AND CONSTRUCTION

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be constructed except in conformity with all of the regulations herein as specified for the district in which it is located. No variance shall be granted by the Zoning Board of Appeals with regard to use and density provisions. Any modification of the use and density provisions may be accomplished only through a rezoning of the property in question or an amendment to this Article; both of which are approved by the Town Council, or by the granting of a plan of development approval as provided by Section 3-5-2 (TT overlay district).

3-4-2 USES PERMITTED AND CONDITIONALLY PERMITTED BY ZONING DISTRICT

Exhibit 5 depicts those land uses permitted by right subject to plan of development approval and those uses conditionally permitted in accordance with the provisions of this Article. The uses permitted or conditionally permitted in the base zoning district underlying the CBPA Overlay Zoning District are the permitted uses underlying the CBPA. The permitted or conditionally permitted uses of the TT Overlay District supercede and replace the uses of the underlying base zoning district if the TT Overlay District is actuated.

3-4-3 USES NOT SPECIFICALLY PERMITTED

Uses not specifically permitted in any district established by this Article shall not be allowed. Persons desiring inclusion in the Zoning Ordinance of a use not specifically permitted shall apply for an amendment to the Zoning Ordinance following the provisions of Section 2-1-2B. The Town Manager, acting as Zoning Administrator, reserves the right to consult with the Planning Commission, prior to making any determination relative to the permissibility of a proposed use.

3-4-4 COMPLIANCE WITH HEIGHT, BULK AND AREA COVERAGE PROVISIONS

No building or other structure shall hereafter be erected or altered to exceed the height, bulk or area requirements of this Article. Exhibit 6 depicts the minimum lot area, lot dimension, yard requirements and height limitations for use within each zoning district.

3-4-5 REQUIRED YARD FOR ONE STRUCTURE OR USE NOT TO BE USED TO

MEET REQUIREMENTS FOR ANOTHER

No part of a yard, required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard similarly required for any other building.

3-4-5.1 ADJACENT ZONING DISTRICTS

Seven foot buffers must be maintained between differing zoning districts. Buffers may reside within setbacks and may exist entirely on a single property.(Amended 06/14/07)

**EXHIBIT 5
PERMITTED AND CONDITIONALLY PERMITTED USES BY ZONING DISTRICT**

USE	R-1	R-12	C-1	C-2	M-1	CBPA	TT
<u>RESIDENTIAL</u>							
-Accessory Attached Dwelling Units.....		CUP					
-Accessory Detached Dwelling Units.....	CUP	CUP					P
-Home occupations, as defined.....	P	P					P
-Multi-Family Dwellings, Townhouses, and Condominiums		CUP					P
-Single Family Dwellings.....	P	P					P
<u>COMMERCIAL, OFFICE & SERVICE</u>							
-Auction Houses & Flea Markets			CUP	CUP			
-Amusement Centers including billiard parlors and pool rooms, bowling alleys, dance halls, game rooms, and similar forms of amusement..			CUP	CUP			CUP
-Antique/Boutique Shops.....			CUP	P			P
-Apothecary.....		CUP	CUP	CUP			P
-Auto Sales, New.....				P			
-Auto Sales, Used.....				CUP			
-Auto Service and Repair Stations			CUP	P			
-Bakeries.....			P	P			P
-Banks and Other Financial Institutions.....			P	P			P
-Barber & Beauty Shops.....		CUP	P	P			P
-Bed & Breakfast, Owner Occupied.....		CUP	CUP				CUP
-Buildings of at least 25 years of age previously used for manufacturing whose highest and best use may no longer be manufacturing. This use is intended to provide new life to old buildings. Uses may be varied, and are not limited to retail, wholesale, warehouse, office, storage, restaurant or auction					CUP		
-Building Supply & Lumber Sales							
Inside Storage.....				P			
Outside Storage.....				CUP			
-Car Washes.....				CUP			
-Clothing Stores.....			P	P			P
-Commercial Printing.....			P	P			P
-Computer & Data Processing.....			CUP	P	P		P
-Daycare Centers.....		CUP	P	P			P
-Dry Cleaners.....			P	P			P
-Feed & Seed Sales & Storage.....			CUP	CUP	CUP		
-Florist Shop.....			P	P			P
-Funeral Homes.....		CUP	P	P			P
-Furniture Sales.....			P	P			P
-Gasoline/Convenience Stores.....			CUP	P			
-Hardware stores.....			P	P			P
-Home Appliance Repair.....			P	P			P
-Hotels & Motels.....			P	P			P
-Kennels.....				CUP			
-Laundries.....			P	P			P
-Machinery Sales & Service.....			CUP	CUP			
-Machinery Sales & Service, outside storage...				CUP			
-Manufactured Homes-Retail Sales.....				CUP			
-Marine Sales, Boat Storage.....				CUP			
-Monument Stone Sales.....			CUP	CUP			
-Pawn Shop.....			CUP	CUP			

**EXHIBIT 5
PERMITTED AND CONDITIONALLY PERMITTED USES BY ZONING DISTRICT**

USE	R-1	R-12	C-1	C-2	M-1	CBPA	TT
<u>COMMERCIAL, OFFICE & SERVICE (cont.)</u>							
-Pharmacies.....			P	P			P
-Plumbing & Electrical Supply Sales							
Inside Storage.....			P				
Outside Storage.....			CUP				
-Professional and General Offices.....		CUP	P	P	P		P
-Rental of Tools & Equipment				P			
-Restaurant and Taverns.....			CUP	CUP			P
-Retail Food Stores.....				P			P
-Retail Sales-Manufactured Homes.....				CUP			
-Retail Stores, Other.....			P	P			P
-Self Storage.....				CUP	CUP		
-Sexually Oriented Business.....				P			
-Shopping Centers/ Retail Establishments exceeding 25,000 sq. ft. of floor area.....			CUP	P			
-Sports Arenas,Gymnasiums &Fitness Centers			CUP	CUP			
-Theaters			CUP	CUP			CUP
- Assembly Halls.....			CUP	CUP			CUP
-Veterinary Hospital, Small Animal.....			CUP	CUP			
-Video Sales & Rentals.....			P	P			P
<u>INDUSTRIAL</u>							
-Assembly Operations.....				CUP	P		
-Contractor Office with Outside Storage.....					P		
-Distribution Centers.....				CUP	P		
-Machine, Tool & Die Shops.....				P			
-Manufacturing, Other with no noxious emissions..				P			
-Multi-use/Flex Space				CUP	P		
-PaperProductManufacturingfrom purchased Paper or Paperboard.....				CUP	P		
-Petroleum Storage.....					P		
-Pharmaceutical				CUP	P		
-Pottery & Ceramics & Light Wood Manufacturing.....				CUP	P		
-Processing Centers.....				CUP	CUP		
-Research & Development Facilities.....				CUP	CUP		
-Textile, Apparel Manufacturing.....					P		
-Truck Terminals.....					CUP		
-Warehouses.....					P		
-Wholesale Operations.....			CUP	CUP	P		
-Wood, Products Manufacturing.....					CUP		
<u>PUBLIC, SEMI-PUBLIC, AGRICULTURE</u>							
-Agriculture excluding Livestock.....	P	P					
-Churches & Cemeteries	P	P	P	CUP		P	
-Clubs & Lodges.....			CUP	CUP			CUP
-Colleges, Vocational Centers.....			CUP	P	P		P
-Hospitals.....				CUP	P		
-Libraries.....		P	P				P
-Nursing & Rest Homes.....			CUP	CUP	P		P
-Parks, Playgrounds and Schools.....	P	P	P				
-Public and Semi-Public Uses.....	CUP	P	P	P	P		P
-Public Utilities such as poles, lines, distribution transformers, pipes, meters, and/or other facilities necessary for provision & maintenance of local service.....	P	P	P	P	P		P

EXHIBIT 6
SCHEDULE OF BULK AND AREA REQUIREMENTS
(Amended 06/14/07)

ZONING DISTRICT	MINIMUM AREA Sq.	MINIMUM LOT (FEET) Width at Setback Line Ft.	MINIMUM YARD (FEET) ¹			MAX.HEIGHT (FEET) ²	
			Depth - Front ⁷	Rear Side	Total Both One Sides		
R-1	15,000 ³	90	30	35	15	30	35
R-12 ⁶ , R-18 ⁶	15,000 ⁵	90	30	25	25	50	35
TOWNHOUSE⁷							
C-1	None	None	None	20 ⁶	20 ⁶	NONE	35
C-2	None	None	30	50	25	50	45
M-1	None	None	20	50	25	50	45
TT	SEE SECTION 3-5-2						

FOOTNOTES

1. SPECIAL PROVISIONS FOR CORNER LOTS

The side yard on the side facing the side street shall be thirty (30) feet or more from the street right of way for both main and accessory building. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of ninety (90) feet or more.

2. HEIGHT REGULATIONS

Buildings may be erected up to the height indicated measured from grade, except that: The height limit for buildings may be increased ten (10) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

A public or semipublic building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antenna, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

EXHIBIT 6 SCHEDULE OF BULK AND AREA REQUIREMENTS (CONT.)

(Amended 06/14/07)

3. **MINIMUM LOT SIZE FOR LOTS SERVED BY PUBLIC WATER AND SEWER.**
4. **MINIMUM YARD ONLY WHEN THE YARD IS ADJACENT TO PROPERTY ZONED R-1 OR R-12.**
5. **THE MINIMUM FRONT YARD SETBACK FROM A VEHICULAR RIGHT OF WAY MAY ALSO BE CALCULATED BY TAKING THE AVERAGE SETBACK OF THE STRUCTURES ON THE LOTS TO EITHER SIDE OF THE PARCEL IN QUESTION FOR INFILL DEVELOPMENT IN THOSE SITUATIONS WHERE THE AVERAGE ESTABLISHED SETBACK IS LESS THAN THE MINIMUM FRONT YARD SETBACK STIPULATED IN THIS EXHIBIT. HOWEVER, WHERE THERE IS A STIPULATED MINIMUM FRONT YARD SETBACK REQUIREMENT, THE AVERAGE FRONT YARD SETBACK SHALL NEVER BE LESS THAN ONE-HALF OF THE REQUIRED MINIMUM FRONT YARD SETBACK.**

6. **R-12, R-18 INTERIOR SETBACKS**
 - A. **18 FEET FROM CURB*****
 - B. **22 FEET SIDE YARD*****
 - C. **22 FEET BETWEEN UNITS**********COMMON AREAS CAN BE INCLUDED IN SETBACK**

7. **TOWNHOUSE SPECIAL CONDITONS**
 - A. **MINIMUM LOT AREA FOR EACH UNIT SHALL BE 2000 SQUARE FEET LESS CREDIT FOR COMMON SPACE AND BUFFER**
 - B. **LOTS SHALL NOT BE DEVELOPED BEYOND 70% UNLESS EXCEPTION MADE IN CONJUNCTION WITH 7A**
 - C. **MINIMUM LOT WIDTH OF 22 FEET**
 - D. **EACH TOWNHOUSE UNIT SHALL HAVE DIRECT ACCESS TO A PRIVATE YEAR YARD/PATIO AREA VIA A DOORWAY**
 - E. **EACH TOWNHOUSE UNIT WILL HAVE A MINIMUM OF 200 SQUARE FEET OF PRIVACY AREA SCREENED VISUALLY BY FENCES, WALLS OR PLANTINGS**

8. **NO INDIVIDUAL TOWNHOUSE SHALL HAVE DIRECT ACCESS TO A PUBLIC ROAD OR TRAVEL WAY SERVING PROPERTIES OTHER THAN THE PROPOSED DEVELOPMENT.**

3-4-6 REDUCTION OF LOTS OR LOT AREA BELOW THE MINIMUM PROHIBITED

No lot or lot area existing at the time this Ordinance becomes effective shall be

reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

3-4-7 REDUCTION OF YARDS BELOW THE MINIMUM PROHIBITED

No yard existing at the time this Ordinance becomes effective shall be reduced in dimension below the minimum requirements set forth herein. Unless excepted by Exhibit 6, all yards created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

3-4-8 SPECIAL YARD REGULATIONS

Except for permitted accessory buildings, a required yard shall be open and free from any building. A bay window which is not more than ten (10) feet wide may extend no more than (3) feet into a required front, side or rear yard. The ordinary projections of chimneys and flues may extend into a required yard. Additionally, mechanical or HVAC equipment may be located in a required side or rear yard, but on corner lots shall not project beyond the required side yard on any street side of the corner lot.

3-4-9 ACCESSORY USES

Accessory uses and structures shall be permitted in any zoning district, unless qualified herein, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.

a. Accessory Uses Permitted in Conjunction with Residential Uses

The following accessory uses shall be permitted in conjunction with residential uses:

- (1) An accessory detached dwelling unit which is positioned within the rear yard at least ten (10) feet from a property line and is clearly accessory in size to and architecturally compatible with the principal dwelling. An accessory detached dwelling unit may only be created or continued in use so long as it or the principal dwelling is occupied by the lot owner. Accessory dwelling units shall not be counted toward the total permitted lot yield.

- (2) Antenna structures for radio, television, and other noncommercial purposes subject to the following provisions:

A freestanding antenna which does not exceed fifty (50) feet in height shall be permitted only on a lot which is in excess of two (2) acres in

size.

A satellite dish antenna provided it does not exceed twelve (12) feet in diameter and fifteen (15) feet in height, is located in a rear yard only and no part of a dish antenna shall be closer than fifteen (15) feet to any lot line. These provisions shall not apply to any dish antenna used by a cable company possessing a valid franchise issued by the Warsaw Town Council.

- (3) Barns or other structures that are customarily associated with an agricultural use present on the property.
- (4) Carports, garages, utility sheds, and similar storage facilities customarily associated with residential living.
- (5) Child's playhouse, without plumbing.
- (6) Doghouses, pens, or similar structures for the housing of not more than four (4) commonly accepted domestic animals over the age of six (6) months. The keeping of more than four (4) such animals over the age of six (6) months shall be deemed a private kennel.
- (7) Home occupations as permitted and regulated in Section 3-4-10.
- (8) Parking or storage of small cargo or utility trailers, recreational vehicles and similar equipment, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, provided such equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot. The wheels or other transporting devices shall not be removed except for necessary repairs and/or seasonal storage, and storage shall not be permitted within the front yard setback.
- (9) Outdoor recreational facilities such as swimming pools, tennis courts, basketball courts, private boat docks, piers or boat houses, provided that the use of such facilities shall be limited to the occupants of the premises and guests for whom no admission or membership fees are charged.
- (10) Fences or walls provided that:
 - fences or walls located in rear yards shall not exceed six (6) feet in height;
 - fences or walls located in front or side yards shall not exceed four (4) feet in height, provided however, that a fence not exceeding six (6) feet in height may be extended from the rear yard into any side

yard only if a side entrance exists and then only to a point not more than five (5) feet beyond any side entrance to the main residential building;

-electrical fences and fences using barbed wire shall be prohibited in residential areas. "Invisible" fences for pet control are permitted.

The above fence and wall standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this Ordinance; and the above provisions notwithstanding, the Town Manager may authorize the erection of a fence not exceeding eight (8) feet in height in a rear yard or in a side yard area, but not closer to the front of the lot than the front of the principal building, when such fence is determined to be necessary, in the opinion of the Town Manager, for purposes of screening views from or into windows located on the side of the subject residence or for rear yard privacy purposes. In addition to the above, such privacy fences not exceeding eight (8) feet in height may be extended further into a side or front yard area when considered necessary in the opinion of the Town Manager to provide screening for existing residential development.

- (11) Roadside sales of produce provided that such operations shall be limited to the sale of produce grown or raised on the premises and shall provide off-street parking for not less than two (2) vehicles.
- (12) Yard/garage sales subject to the following provisions:
 - Items offered for sale shall be limited to those which are owned by an occupant of the premises or authorized participants and which are normally and customarily used or kept on a residential premises. Such items shall not have been specifically purchased or crafted for resale.
 - Participation in such sale shall be limited to the occupant of the premises and not more than four (4) non-occupants. For the purpose of this section, participation shall be construed to mean the offering for sale of items owned by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale.
 - Such sales shall be limited to two (2) in any given calendar year. The duration of any single sale shall not exceed three (3) consecutive days.
- (13) Craft sales/shows subject to the following provisions:

-Items offered for sale shall be limited to those which have been made or crafted by the participants as a hobby or a vocation as distinguished from items which are made in the conduct of a home occupation

-Participation in such sales/shows shall be limited to an occupant of the premises and not more than four (4) non-occupants. For the purposes of this section, participation shall be construed to mean the offering for sale of items made or crafted by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale or show;

-Not more than one (1) such sale/show shall be conducted on a premises in any given calendar year. For the purposes of this section, the duration of any sale/show event shall be limited to five (5) days within a period of ten (10) consecutive days;

-Such sales and show may be conducted only upon authorization by the Town Manger by the issuing of a Temporary Special Permit. The Town Manager shall make his determination with respect to approval or denial of said application within ten (10) working days of its submission and shall consider the following in making said determination:

--The proposed location of the sale and the probable impact on adjacent land uses;

--The ability of the structure in which such sale will be conducted to accommodate safely the numbers of persons likely to patronize such event;

--The ability of the streets in the immediate vicinity of such residential property to accommodate adequately and safely the traffic and parking demand anticipated to be associated with such an event without disruption to normal traffic circulation and emergency access needs.

--In the event the Town Manager determines that the conduct of such craft sale or show at the proposed location would adversely affect the surrounding land uses, the normal and essential traffic circulation needs of the immediate vicinity, or the safety and welfare of participants, patrons or the general public, the application for the temporary special permit shall be denied.

- (14) Farm animals (such as cows, pigs, hogs, goats, sheep, mules, and other livestock, chickens and other fowl, bees, and similar utilitarian animals) shall not be permitted.

Horses may be permitted provided that residential lots shall be at least three (3) acres for the first horse and for each additional horse, one additional acre must be provided.

b. Accessory Buildings on Residential Lots

Accessory buildings on residential lots:

-Shall not exceed twenty-four (24) feet in height, and shall not contain more than one and one-half (1-1/2) stories, but in no case shall it exceed the height of the main building.

-Shall not occupy more than thirty percent (30%) of the rear yard area in residential areas.

-Shall be located at least three (3) feet from side lot lines, and at least five (5) feet from rear lot lines unless regulated by Section 3-4-9a(1) for accessory dwellings in which case a ten (10) feet setback shall be maintained.

-Shall not be erected on a lot more than one (1) year in advance of the principal building.

-Structures attached to a principal building by any wall or roof construction, or located within ten (10) feet of any principal building, shall be considered a part of the principal building and shall observe all yard regulations applicable thereto.

c. Accessory Uses Permitted in Conjunction with Commercial and Industrial Uses

The following accessory uses shall be permitted in conjunction with commercial and industrial uses:

- (1) Fences or walls provided that:

-Fences or walls located in side or rear yards shall not exceed eight (8) feet in height

-Fences or walls located in front yards shall not be permitted

The above standards shall not be deemed to prohibit any fences or

walls which may be required for screening, security or safety purposes by other sections of this Ordinance.

- (2) Uses intended specifically for the use and benefit of the employees or patrons of the principal use such as snack bars, cafeterias, recreation facilities or similar uses.
- (3) Apartments and other residential living arrangements with Conditional Use Permit. (Amended 8/11/05)
- (4) Incidental repair, installation or assembly facilities for products or equipment used or sold in the operation of the principal use, unless specifically prohibited under the applicable district regulations.
- (5) Incidental storage facilities for goods and materials offered for retail sale on the premises.
- (6) Motor vehicle fuel dispensing pumps, pump islands, or service kiosks installed for an utilized exclusively by vehicles owned and/or operated by commercial or industrial establishments to which they are accessory.
- (7) Factory outlets and retailing provided the use is clearly incidental to the permitted use and products sold originated at the site.
- (8) Day care or nursery facilities.
- (9) Antenna structures for radio communication purposes or other information or data transfer purposes associated with a business, or industrial operation. Antenna structures in excess of 100 feet in height shall be permitted only by conditional use permit issued by the Town Manager. Satellite dish antennas shall not exceed twelve (12) feet in diameter and fifteen (15) feet in height. Dish antennas shall only be permitted in rear yards and on roofs. No part of a dish antenna shall be closer than five (5) feet to any lot line. When located on a roof, such antenna shall be set back from all edges of the roof a distance equal to or greater than the height of the building. All dish antennas and the construction and installation thereof shall conform with applicable requirements of the United Statewide Building Code. No dish antenna may be installed on a portable or moveable device. These provisions shall not apply to any dish antenna used by a cable company possessing a valid franchise issued by the Town of Warsaw.
- (10) Other uses and structures of a similar nature which are customarily

associated with an incidental to commercial or industrial uses.

d. Location Requirements

Except where other provisions of this Ordinance require a greater setback, the following requirements shall apply to the location of all accessory uses or structure in residential, commercial and industrial areas.

- (1) With the exception of statues, arbors, trellises, flagpoles, fences, walls or roadside stands, accessory buildings or structures shall not be located closer to the front lot line than the principal building in residential, commercial and industrial areas.
- (2) There shall be no side and rear yard requirements for fences or walls.
- (3) There shall be no rear yard requirement for docks, piers or boathouses, however, a setback of ten (10) feet from side lot lines, or extensions thereof into bodies of water, shall be observed.
- (4) Roadside stands shall be set back at least ten (10) feet from any right of way.

3-4-10 HOME OCCUPATIONS

a. General Conditions

A home occupation is an accessory use of any dwelling unit for gainful employment by the home occupant involving the manufacture, provision or sale of goods and/or services; and conducted in a dwelling unit or in an accessory building on the same lot as the dwelling unit by members of the family residing on the premises. All home occupations shall be subject to the following provisions, unless this Ordinance provides otherwise elsewhere:

- (1) No person other than members of the family residing on the premises shall be engaged on the premises in such operation.
- (2) The home occupation shall be clearly incidental and subordinate to the residential use of the property.
- (3) There shall be no change in the outside appearance of the building or premises or other evidence of the conduct of such home occupation from the street or adjacent properties.
- (4) There shall be no on-premises sales of goods or materials to the general public.

- (5) The home occupation shall not generate traffic, sewerage or water use in excess of that which is deemed acceptable in a residential neighborhood.
- (6) No mechanical or electrical equipment or flammable or toxic substances shall be utilized other than that which would customarily be utilized in the home in association with a hobby or avocation not conducted for gain or profit.
- (7) Any demand for parking generated by the conduct of a home occupation shall not adversely affect the quality of life of adjacent landowners.
- (8) The home occupation shall not require extended alterations, or the outdoor storage or use of machinery or equipment that creates noise, odor, smoke, dust or glare or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property.

b. Home Occupations Permitted as a Matter of Right

Permitted home occupations shall include the following as well as similar activities and land uses:

- (1) Artists, sculptors, and photographers
- (2) Authors and composers
- (3) Dressmakers, seamstresses, tailors
- (4) Day care or babysitting for not more than four (4) children
- (5) Home crafts such as model making, rug weaving, cabinet making, furniture refinishing, or ceramics
- (6) Office facility of a clergyman
- (7) Office facility of a resident salesman, sales representative or

manufacturer's representative

- (8) Office facility for resident accountants, architects, artists, brokers, computer programmers, consultants, counselors, dentists, physicians, engineers, lawyers, insurance agents, real estate agents or similar professionals
- (9) Tutoring, music or voice lessons or similar services for not more than four (4) persons at a single time
- (10) Food preparation for catering purposes
- (11) Other activities and uses which the Town Manager determines can be operated in complete accordance with the intent and purpose of this Ordinance

c. Home Occupations Permitted by Conditional Use Permit

The Town Manager may authorize, by conditional use permit, the following and materially similar types of home occupations subject to the specified conditions.

- (1) Home Occupations with limited on-premises retail sales or personal services such as barber and beauty shops, hobbyists, and other materially similar activities and land uses involving on- premises retail sales and personal services provided that:

All public contact related to such use shall be limited to the period between 8 a.m. and 8 p.m., Monday through Saturday, unless otherwise specified by the Town Manager.

Parking as required shall be provided in addition to those otherwise required for the residential use of the property.

The type and extent of items to be displayed, stored, or sold, or personal services to be offered on the premises shall be specifically stipulated by the Town Manager in authorizing any such use permit.

In no case shall the area devoted to sales, storage, display, or conduct of such home occupation exceed 25 percent of the floor area of the residence.

d. Prohibited Home Occupations

The following uses shall not be permitted as accessory home occupations:

- automobile repair, servicing, salvage or storage
- funeral chapel or funeral homes
- gift shops
- medical or dental clinic or hospital
- restaurant or other eating establishments
- commercial stable or kennel
- veterinary clinic
- contracting business requiring on-site storage of materials and/or construction equipment
- other activities and land uses which the Town Manager determines to be materially similar to the activities listed above.

3-4-11 USE OF MOBILE UNITS PROHIBITED

The use of mobile units and travel trailers within the corporate limits of the Town of Warsaw is prohibited; except in industrial districts (Limited M-1) where such use is permitted with a conditional use permit issued in accordance with DMP-b (Section 2-1-2b). Travel trailers may be garaged, parked or otherwise stored within the Town but shall not be used for permanent or temporary occupancy.

3-5 OVERLAY DISTRICT REGULATIONS

**3-5-1 DEVELOPMENT PROVISIONS FOR LAND DISTURBING ACTIVITIES
WITHIN THE CHESAPEAKE BAY PRESERVATION AREA (CBPA)
OVERLAY DISTRICT**

a. Findings of Fact

The Chesapeake Bay and its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the Town of Warsaw and the Commonwealth of Virginia. The health of the Bay is vital to maintaining the Town of Warsaw’s economy and the welfare of its citizens.

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

b. Purpose and Intent

This ordinance is enacted to implement the requirements of Section 10.1-2100 et seq., of the Code of Virginia, the Chesapeake Bay Preservation Act, and amends the Town of Warsaw Development Management Ordinance. The intent of the Town of Warsaw and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, which might reasonably be expected to inhabit them; (3) safeguard the clear waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Warsaw.

This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts

provided for by this ordinance. The regulatory, review and approval procedures will be as provided for in the applicable sections of this Development Management Ordinance.

This ordinance is enacted under the authority of Section 10.1-2100 et seq. (the Chesapeake Bay Preservation Act and Section 15.2-2283 of the Code of Virginia. Section 15.2-2283 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section [62.1-255](#)."

c. Definitions.

The following words and terms used in these regulations have the following meanings, unless the context clearly indicates otherwise.

"Agricultural lands" means lands that are currently, (i.e., natural or native vegetation has been removed,) used and managed primarily for the commercial sale of crops and livestock and consists of a minimum of five acres.

"Best Management Practices" (BMP's) means a practice, or combination of practices, that are determined by a state or designated area wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

"Buffer area" means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

"Chesapeake Bay Preservation Area" means any land designated by the Town of Warsaw pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-et seq., and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

"Construction footprint" means the area of all impervious surfaces, including but not limited to buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.

"Development" means the construction, or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

"Diameter at breast height" means the diameter of a tree measured outside the bark at a point 4.5 feet above the ground.

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

“Highly erodible soils” means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

“Highly permeable soils” means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U.S. Department of Agriculture National Resources Conservation Service.

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

“Intensely Developed Areas” means a portion of a Resource Protection Area or Resource Management Area designated by the Town of Warsaw where little of the natural environment remains and where development is currently concentrated.

“Lot coverage” means the impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc.

“Nonpoint source pollution” means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and use.

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

"Noxious Weeds" means weeds such as Johnson Grass, Kudzu, and multiflora rose.

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

“Public Road” means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-603.1 et seq. of the Code of Virginia). This definition

includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by the Town of Warsaw in accordance with the standards of the Town of Warsaw.

"Redevelopment" means the process of developing land that is or has been previously developed.

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

"Resource Protection Area (RPA)" means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

"Silvicultural activities" means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

"Substantial alteration" means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

"Tidal shore" or "shore" means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

"Tidal wetlands" means vegetated and nonvegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

"Water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

"Wetlands" means tidal and nontidal wetlands.

d. Areas of Applicability

(1) The Chesapeake Bay Preservation Area Overlay District shall apply

to all lands identified as CBPAs as designated by the Council of the Town of Warsaw and as shown on the Warsaw Chesapeake Bay Preservation Act Delineation Map. The Warsaw Chesapeake Bay Preservation Act Delineation Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.

- (a) The Resource Protection Area includes:
 - Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

 - A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsection (a) above, and along both sides of any tributary stream.

(2) The Resource Management Area is composed of the following land categories: floodplains; highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the Resource Protection Area.

- (a) The Warsaw Chesapeake Bay Preservation Delineation Map shows only the general location of CBPAs and should be consulted by persons contemplating activities within prior to engaging in a regulated activity. The specific location of RPAs on a lot or parcel shall be delineated on each site or parcel as required under Section “i” of this Article through the review and approval of the plan of development process or as required under Section “k” through the review and approval of a water quality impact assessment.
- (b) Portions of Resource Protection Areas and Resource Management Areas designated by the Town of Warsaw as Intensely Developed Areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section “j” (Performance Standards).
- (c) If the boundaries of a Chesapeake Bay Preservation Area include only a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply with the requirements of the Overlay District. The division of property shall not constitute an exemption from this requirement.

e. Use Regulations

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

f. Lot Size

Lot size shall be subject to the requirements of the underlying zoning district(s), and/or the provision of the TT Overlay District provided that any lot shall have sufficient area outside the RPA to accommodate an intended development and comply with the performance standards of this ordinance.

g. Development Criteria for Resource Protection Areas.

(1) Land development in Resource Protection Areas may be allowed only when permitted by the Town Manager and if it (i) is water-dependent; or (ii) constitutes redevelopment; (iii) constitutes development or redevelopment within a designated Intensely Developed Area; (iv) is a new use subject to the provisions of Section j.3.b of this Article; (v) is a road or driveway crossing satisfying the conditions set forth in Section g.1.c below or (vi) is a flood control or stormwater management facility as noted in the **Chesapeake Bay Preservation Act**.

(a) A new or expanded water dependent facility may be allowed provided that the following criteria are met:

1. It does not conflict with the comprehensive plan;
2. It complies with the performance criteria set forth in Section “j” of this Article;
3. Any nonwater- dependent component is located outside of the RPA; and
4. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided

(b) Redevelopment on isolated redevelopment sites outside of locally designated Intensely Developed Areas sites shall be permitted only if there is not increase in the amount of impervious cover and no further encroachment within the RPA and it shall conform to the stormwater management requirements outlined under Section j.2.(7) and the erosion and sediment control requirements outlined under Section j.2.(4) of this Article.

(c). Roads and driveways not exempt under Section “n” and which, therefore, must comply with the provisions of this Article, may be constructed in or across RPAs if each of the following conditions are met:

1. The Town Manager makes a finding that there are reasonable alternatives to aligning the road or drive in or across the RPA;
2. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;
3. The design and construction of the road or driveway satisfy all applicable criteria of this Article;

4. The Town Manager reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under Section “I” or subdivision plan.

(d) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in the RPA provided that the following conditions are met:

1. The Town of Warsaw has conclusively established that the location of the facility within the RPA is the optimum location;
2. The size of the facility is the minimum necessary to provide necessary flood control, stormwater management, or both;
3. The facility is consistent with the Town of Warsaw’s approved stormwater management program [insert name of approved document];
4. All applicable permits for construction have been obtained from the appropriate state and federal agencies;
5. The Town of Warsaw has approved the project prior to construction; and
6. Routine maintenance will be performed to assure that these facilities continue to perform as designed.
7. The Town has an approved Phase I modification storm water management plan.(011107)

(2) A water quality impact assessment as outlined in Section “k” of this Article shall be required for any proposed land disturbance, development or redevelopment within Resource Protection Areas and for any other development within Resource Management Areas when required by the Town Manager because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section “k” of this Article.

h. Conflict with other Regulations

In any case where the requirements of this Article conflict with any other provision of this Ordinance or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

i. Interpretation of Resource Protection Area Boundaries

(1) Delineation by the Applicant.

The site-specific boundaries of the Resource Protection Area shall ordinarily be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Town Manager and in accordance with Section 2-2. The Warsaw Chesapeake Bay Preservation Act Delineation Map shall be used as a guide to the general location of Resource Protection Areas.

(2) Delineation by the Town Manager.

The Town Manager, or his designee, when requested by an applicant wishing to construct a single family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Town Manager may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as

needed to perform the delineation.

(3) Where Conflict Arises Over Delineation.

Where the applicant has provided a site-specific delineation of the RPA, the Town Manager, or his designee, will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Town Manager may render adjustments to the applicant's boundary delineation, in accordance with Section 2-2. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section 2-4.

j. Performance Standards

(1) Purpose and Intent.

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

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

(2) General Performance Standards for Development and Redevelopment.

(a) Land disturbance shall be limited to the area necessary to provide for the proposed use or development as follows:

- i. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. The Town Manager shall review and approve the construction footprint through the plan of development. These limits shall be clearly shown on submitted plans and physically marked on the development site.
- ii. The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.
- iii. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Town Manager.

- (b) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.
 - i. Existing trees over two (2) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed when approved by the Town Manager. Other woody vegetation on site shall also be preserved outside the approved construction footprint.
 - ii. Site clearing for construction activities shall be allowed as approved by the Town Manager through the plan of development process outlined under Section “I” of this Article.
 - iii. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected 5 feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- (3) Land development shall minimize impervious cover consistent with the use or development .
- (a) Grid and modular pavements shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Town Manager.
 - (b) Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or parcel as noted on the approved plan of development. (site plan, plot plan, other approved plan)
- (4) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500square feet, including construction of all single-family houses, septic tanks, and drain fields, shall comply with the requirements of the Erosion and Sediment Control Handbook of Richmond County.
- (5) All development and redevelopment within RMAs and RPAs that exceeds 2500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of this Ordinance.
- (6) All on-site sewage disposal systems not requiring a NPDES permit shall be

pumped out at least once every five years, in accordance with the provisions of the local Health Code. Note: Alternatives for pump-out are also permitted including the installation of a plastic filter in the outflow pipe from the septic tank as long as the filter satisfies the standards established in the Sewage Handling and Disposal Regulations under 12 VAC 5-6-10 et. seq. as administered by the Virginia Department of Health or owners of on-site sewage treatment systems may submit, every five years, documentation certified by a sewage handler permitted by the Virginia Department of Health that the septic system has been inspected and is functioning properly and does not need to be pumped out.

(7) A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the local Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 and such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or the construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer. As an alternative, alternating drainfields may be installed in lieu of the 100 percent reserve drainfield provided that the following conditions are met:

- a) Each of the two alternating drainfields shall have at a minimum, an area of not less than 50 percent of the area that would otherwise be required if a single primary drainfield were constructed.
- b) An area equaling 50 percent of the area that would otherwise be required for the primary drainfield site must be reserved for subsurface absorption systems that use a flow diversion device, in order to provide for future replacement or repair to meet the requirements for a sewage disposal system and that expansion of the primary system will require an expansion of this reserve area.
- c) The two alternating drainfields shall be connected by a diversion valve that has been approved by the local Health Department, is located in the pipe between the septic tank and the distribution boxes and is used to alternate the direction of the effluent flow to one drainfield or the other at a time.
- d) Such diversion valves shall not be used for sand mounds, low-pressure distribution systems, repair situations when the installation of a valve is not feasible or and other approved system for which the use of a valve would adversely affect the design of the system as determined by the local Health Department.
- e) The diversion valve shall be a three-port, two-way valve of approved materials.
- f) There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.
- g) The valve shall not be located in driveways, recreational courts, parking

- lots, or beneath sheds and other structures.
- h) The valve shall be used to alternate the drainfields every 12 months.
- i) Local government shall notify the property owners that the drainfields must be alternated.

(8) For any use or development, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.)

- a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load; based on the calculated average land cover condition of the Town of Warsaw;
- b. For sites within Intensely Developed Areas or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Town Manager may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:
 - 1. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
 - 2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
 - 3. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service

(9) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Town Manager, in accordance with Section “I”, of this Article.

(10) Land upon which agricultural activities are being conducted shall undergo a soil and water quality conservation assessment. Such assessments shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this Article.

(3) Buffer Area Requirements.

To minimize the adverse effects of human activities on the other components of Resource Protection Areas (RPA), state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be designated as the landward component of the Resource Protection Area, in accordance with Sections “d” (Areas of Applicability) and “I” (Plan of Development) of this Article. Notwithstanding permitted uses,

encroachments, and vegetation clearing, as set forth in Section 106 and this section, the 100-foot buffer area is not reduced in width.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

(1) Permitted modifications to the buffer area.

(a) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only, subject to approval by the Town Manager, to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:

- i. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
- ii. Any path shall be constructed and surfaced so as to effectively control erosion.
- iii. Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the Town Manager pursuant to sound horticultural practices.
- iv. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

(2) Permitted encroachments into the buffer area

(a) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Town Manager may, through an administrative process, permit encroachments into the buffer area in accordance with Section “I” (Plan of Development) and the following criteria:

- i. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
- ii. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
- iii. The encroachment may not extend into the seaward 50 feet of the buffer area.

(b) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and October 9, 2003, the Town Manager may

permit encroachments into the buffer area in accordance with Section “I” and the following criteria:

- i. The lot or parcel was created as a result of a legal process conducted in conformity with the local government’s subdivision regulations;
- ii. Conditions or mitigation measures imposed through a previously approved exception shall be met;
- iii. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
- iv. The criteria in subsection 2 above shall be met.

(3) The Council of the Town of Warsaw may waive the requirement for the re-establishment of vegetation within the RPA buffer on redevelopment sites within IDAs in accordance with Section “I” (Plan of Development).

(4) On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area-Agricultural activities may encroach into the buffer area as follows:

- a. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management – is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq. administered by the Virginia Department of Conservation and Recreation.
- b. Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as “T”, as defined in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U. S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the “Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq. administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.
- c. The buffer area is not required to be designated adjacent to agricultural drainage ditches if

the adjacent agricultural land has in place at least one best management practices as considered by the local Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land – either erosion control or nutrient management.

- (5) When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the full 100-foot wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

k. Water Quality Impact Assessment

A. Purpose and Intent

The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands in RPAs and other environmentally sensitive lands; (ii) ensure that, where land disturbance, development or redevelopment does take place within RPAs and other sensitive lands, it will be occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands; (iii) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; (iv) provide for administrative relief from terms of this Article when warranted and in accordance with the requirements contained herein; and (v) specify mitigation which will address water quality protection.

B. Applicability

A water quality impact assessment shall be required (i) for any proposed land disturbance, development or redevelopment activity within a Resource Protection Area as permitted consistent with § “F.1” of this Article, (ii) any buffer encroachment as provided for in Section “j.3.(2)” of this Article; (iii) for any other development in Resource Management Areas as deemed necessary by the Town Manager due to the unique site characteristics or intensity of the proposed use or development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

C. Minor Water Quality Impact Assessment

A minor water quality impact assessment pertains only to land disturbance, development or redevelopment activity within a CBPA which causes no more than 5,000 square feet of land disturbance and/or which proposes to encroach into the landward 50 feet of the 100 foot buffer area as permitted under Section “j.3.(2)” of this Article. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings and any required best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale which shows the following:

- (1) Location of the components of the Resource Protection Area, including the 100foot buffer area and the location of any water body with perennial flow;
- (2) Location and nature of the proposed encroachment into the buffer area, including, type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
- (3) Type and location of proposed best management practices to mitigate the proposed encroachment;

- (4) Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification;
- (5) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

D. Major Water Quality Impact Assessment

A major water quality impact assessment shall be required for any development which (i) exceeds 5,000 square feet of land disturbance within CBPAs and proposes to encroach into the landward 50 feet of the 100 foot buffer area; (ii) proposes to disturb any portion of the seaward 50 feet of the 100 foot buffer area or any other component of an RPA; or (iii) is located solely in a RMA when deemed necessary by the Town Manager. The information required in this section shall be considered a minimum, unless the Town Manager determines that some of the elements are unnecessary due the scope and nature of the proposed use and development of land.

The following elements shall be included in the preparation and submission of a major water quality impact assessment.

- (1) All of the information required in a minor water quality impact assessment, as specified in Section “**k.3**”;
- (2) A hydrogeological element that:
 - a) Describes the existing topography, soils, and hydrology of the site and adjacent lands.
 - b) Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
 - c) Indicates the following:
 - 1. Disturbance or removal of wetlands and justification for such action;
 - 2. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies;
 - 3. Disruptions to existing hydrology including wetland and stream circulation patterns;
 - 4. Source location of and description of proposed fill material;
 - 5. Location of dredging and location of dumping area for such dredged material;
 - 6. Estimation of pre- and post development pollutant loads in runoff;
 - 7. Estimation of percent increase in impervious surface on site, type(s) of surfacing material used;
 - 8. Percent of site to be cleared for project;
 - 9. Anticipated duration and phasing schedule of construction project;
 - 10. Listing of all requisite permits from all applicable agencies necessary to develop project. .
 - d. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigative measures include:
 - 1. Additional proposed erosion and sediment control concepts beyond those normally required under § “**j.2.(4)**” of this Article; these additional concepts may include the following: minimizing the extent

of cleared area; perimeter controls; reduction of runoff velocities; measures to stabilize disturbed areas; schedule and personnel for site inspection;

Proposed storm water management system for nonpoint source quality and quantity control;

(3) A vegetative element that:

- a. Identifies and delineates the location of all woody plant material on site, including all trees on site two inches or greater diameter at breast height or, where there are groups of trees, said stands may be outlined.
- b. Describes the impacts the development or use will have on the existing vegetation. Information should include:
 1. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;
 2. Clear delineation of all trees and other woody vegetation which will be removed;
 3. Description of all plant species to be disturbed or removed.
- c. Describes the proposed measures for mitigation. Possible mitigation measures include:
 1. Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used;
 2. Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
 3. Demonstration that Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used;
 4. Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
 5. Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overload flow benefits from such vegetation.
 6. Demonstration that indigenous plants are to be used to greatest extent possible.

E. Submission and Review Requirements

- (1) (Five) copies of all site drawings and other applicable information as required by Subsections C and D above shall be submitted to the Town Manager for review.
- (2) All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor.
- (3) A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Town Manager in conjunction with Section “I”, (Plan of Development) of this Article.
- (4) A major water quality impact assessment shall be prepared and submitted to and reviewed by the

Town Manager in conjunction with a request for rezoning, special use permit, or in conjunction with Section “I”, of this Article, as deemed necessary by the Town Manager.

- (5) As part of any major water quality impact assessment submittal, the Town Manager may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Town Manager will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Town Manager, provided that such comments are provided by CBLAD within 90 days of the request.

F. Evaluation Procedure

- (1) Upon the completed review of a minor water quality impact assessment, the Town Manager will determine that any proposed modification or encroachment into the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:
- a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - b. Impervious surface is minimized;
 - c. Proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;
 - d. Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
 - e. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
 - f. The development, as proposed, is consistent with the spirit and intent of this Article;
 - g. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a major water quality impact assessment, the Town Manager will determine whether or not the proposed development is consistent with the spirit and intent of this Article and make a finding based upon the following criteria:
- a. Within any RPA, the proposed development is water-dependent or redevelopment;
 - b. The percentage of existing wetlands disturbed by the development. The number of square feet or acres to be disturbed.
 - c. The development will not result in significant disruption of the hydrology of the site;
 - d. The development will not result in unnecessary destruction of plant materials on site;
 - e. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
 - f. Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve “no net increase” in pollutant loadings;
 - g. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;
 - h. The design and location of any proposed drainfield will be in accordance with the requirements of Section “j”;
 - i. The development is consistent with the spirit and intent of the Overlay District;
- (3) The Town Manager shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Town Manager based

on the criteria listed above and in subsections (1) and (2).

- (4) The Town Manager shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Town Manager based on the criteria listed in subsections (1) and (2).

I. Plan of Development Process

Any development or redevelopment exceeding 2500 square feet of land disturbance shall be accomplished through a plan of development process prior to any development preparation activities onsite, such as clearing and grading of the site and the issuance of any building permit, to assure compliance of all applicable requirements of this Article.

A. Required Information.

In addition to the requirements of this Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Town Manager. The Town Manager may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

- (1) A site plan in accordance with the provisions of this Ordinance;
- (2) An environmental site assessment.
- (3) A landscaping plan;
- (4) A stormwater management plan;
- (5) An erosion and sediment control plan in accordance with the provisions of Richmond County.

B. Environmental Site Assessment.

An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.

- (1) The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
 - a. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
 - b. A 100 foot buffer located adjacent to and landward of the components listed in subsections a. through d. above, and along both sides of any water body with perennial flow;
 - c. Other sensitive environmental features as determined by Town Manager.
- (2) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.
- (3) The environmental site assessment shall delineate the geographic extent of the Resource Protection Area on the specific site or parcel as required under § d.2 and “i of this Article;
- (4) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This requirement may be waived by the Town Manager when the proposed use or development would result in less than 5,000 square feet

of disturbed area.

C. Landscaping Plan.

A landscaping plan shall be submitted in conjunction with site plan review and approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel will be permitted without an approved landscaping plan.

Landscaping plans shall be prepared and/or certified by a design professional practicing within their areas of competence as prescribed by the Code of Virginia.

(1) Contents of the Plan.

a. The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site 2 inches or greater diameter at breast height (DBH) shall be shown on the landscaping plan, or where there are groups of trees, said stands may be outlined instead. The specific number of trees 2 inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create the desired construction footprint shall be clearly delineated on the landscaping plan.

b. Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.

c. Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in Section j.3.(1)(a), shall be shown on the plan. Vegetation required by this ordinance to replace any existing trees within the buffer area shall be also be depicted on the landscaping plan.

d. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscaping plan.

e. The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

f. The landscaping plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.

g. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.

(2) Plant Specifications.

a. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition

of the American Standard for Nursery Stock, published by the American Association of Nurserymen.

- c. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a 3 planted trees to 1 removed. Replacement trees shall be a minimum 1 1/2 inches DBH at the time of planting.
- d. Use of native or indigenous species.

(3) Maintenance.

- a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Article.
- b. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Article.

D. Stormwater Management Plan.

A storm water management plan shall be submitted as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.

(1) Contents of the Plan.

The storm water management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the stormwater management plan must contain the following:

- a. Location and design of all planned stormwater control devices;
 - b. Procedures for implementing non-structural stormwater control practices and techniques;
 - c. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
 - d. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification;
- (2) Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.
- (3) All engineering calculations must be performed in accordance with the procedures outlined in the current edition of the Virginia Stormwater Management Handbook.
- (4) The plan shall establish a schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Town of Warsaw then a maintenance agreement shall be executed between the responsible party and the Town of Warsaw.

E. Erosion and Sediment Control Plan

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article

and in accordance with Richmond County's erosion and sediment control requirements in conjunction with site plan or subdivision plan approval.

F. Final Plan

Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in this Ordinance.

- (1) Final plans for all lands within CBPAs shall include the following additional information:
 - a. The delineation of the Resource Protection Area boundary, including the 100-foot buffer component;
 - b. Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the Town Manager;
 - c. All wetlands permits required by law;
 - d. A maintenance agreement as deemed necessary and appropriate by the Town Manager to ensure proper maintenance of best management practices in order to continue their functions.
- (2) Installation and Bonding Requirements.
 - a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.
 - b. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the Town of Warsaw a form of surety satisfactory to the Town Manager in an amount equal to the remaining plant materials, related materials, or installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.
 - c. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the Town of Warsaw.
 - d. All required storm water management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town of Warsaw. The Town of Warsaw may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
 - e. After all required action of the approved site plan has been completed; the applicant must submit a written request for final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Town Manager, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following receipt of the applicant's request for final inspection. The Town Manager may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

G. Administrative Responsibility.

Administration of the plan of development process shall be in accordance with this Ordinance. The Town Manager shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The Town of Warsaw shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

H. Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the plan of development process is disapproved or recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Board of Zoning Appeals. In granting or denying an appeal, the Board of Zoning Appeals must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Article. If the Board of Zoning Appeals finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

m. Nonconforming Uses and Noncomplying Structures.

The lawful use of a building or structure which existed on September 5, 1990 and which is not in conformity with the provisions of the Overlay District may be continued in accordance with this Ordinance. (Amended 01-11-07)

No change or expansion of use shall be allowed with the exception that:

- (1) The Town Manager may grant a nonconforming use and/or waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:
 - a. There will be no increase in nonpoint source pollution load;
 - b. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirement of this Article.
- (2) An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the Town Manager and shall include for the purpose of proper enforcement of this Article, the following information:
 - a. Name and address of applicant and property owner;
 - b. Legal description of the property and type of proposed use and development;
 - c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
 - d. Location and description of any existing private water supply or sewage system.
- (3) A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.
- (4) An application for the expansion of a nonconforming principal structure may be approved by the Town Manager through an administrative review process provided that the following

findings are made:

- a. The request for the waiver is the minimum necessary to afford relief;
- b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
- c. The waiver is in harmony with the purpose and intent of this Article and does not result in water quality degradation;
- d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
- e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
- f. Other findings, as appropriate and required by The Town of Warsaw are met; and
- g. In no case shall this provision apply to accessory structures.

n. Exemptions.

1. Exemptions for Public Utilities, Railroads, Public Roads, and Facilities

Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Article. The exemption of public roads is further conditioned on the following:

- a. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

2. Exemptions for Local Utilities and other service lines.

Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both, by a local government or regional service authority shall be exempt from the Overlay District provided that:

- a. To the degree possible, the location of such utilities and facilities should be outside the Resource Protection Areas;
- b. No more land shall be disturbed than is necessary to provide for the proposed utility installation;
- c. All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
- d. Any land disturbance exceeding an area of 2,500 square feet complies with all of Richmond County's erosion and sediment control requirements.

3. Exemptions for Silvicultural Activities.

Silvicultural activities are exempt from the requirements of this Article provided that

silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in “Virginia’s Forestry Best Management Practices for Water Quality.”

4. Exemptions in Resource Protection Areas.

The following land disturbances in Resource Protection Areas may be exempt from the Overlay District provided that they comply with the requirements listed below in subdivisions 1 through 4 below: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities.

- a) Any required permits, except those to which this exemption specifically applies, shall have been issued; and
- b) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; and
- c) The intended use does not conflict with nearby planned or approved uses.
- d) Any land disturbance exceeding an area of 2,500 square feet shall comply with all of Richmond County’s erosion and sediment control requirements.

o. Exceptions.

1. A request for an exception to the requirements of Sections “f” and j.3 of this Article shall be made in writing to the Board of Zoning Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the Resource Protection Area through the performance of a water quality impact assessment which complies with the provisions of Section “k”.

2. The Town of Warsaw shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with §15.2-2204 of the Code of Virginia, except that only one hearing shall be required.

3. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Board of Zoning Appeals finds:

- a) Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the Overlay District;
- b) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; The exception request is the minimum necessary to afford relief;
- c) The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
- d) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

4. If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board of Zoning Appeals shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.

5. A request for an exception to the requirements of provisions of this Article other than Sections “f” and “j.3” shall be made in writing to the Town Manager. The Town Manager may grant these exceptions provided that

- a. Exceptions to the requirements are the minimum necessary to afford relief; and

- b. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purposed and intent of this Article is preserved.
- e. Exceptions to § j.2 may be made provided that the findings noted in § 0.3 are made.

3-5-2 DEVELOPMENT PROVISIONS FOR USES WITHIN THE TRADITIONAL TOWN (TT) OVERLAY DISTRICT

a. Where and When Permitted

Land development proposed in accordance with this section shall only be permitted on lands zoned R-1, R-12, C-1 and C-2. Review of the plan of development shall be in accordance with the provisions of Section 2-1-2b of the Ordinance. Any proposal deemed to be inconsistent with the goals and objectives of the Comprehensive Plan and this Ordinance shall not be approved.

b. Minimum Size of the Development Parcel

There is no minimum lot size for the development parcel proposed for the TT development. A master plan for the entire site showing the existing conditions on adjacent properties shall be prepared and included with a plan of development submitted.

c. Amount of Residential Floor Space

A minimum of forty percent (40%) of the total floor area shall be devoted for residential uses.

d. Density

Residential density shall not exceed three (3) dwelling units per net developable acre unless additional density is earned as provided by Section 3-5-2g. The acreage of lands which are classified as wetlands, located within a 100-year floodplain, or possessing slopes in excess of twenty-five percent (25%), shall not be used to calculate allowable residential development density.

Maximum residential density shall not exceed eight (8) dwelling units per develop able acre.

The acreage associated with first floor commercial/office space and related parking shall also not be counted toward residential density.

e. Lot Area, Lot Width, and Yards

There are no minimum or maximum standards established in order to allow the developer the opportunity to maximize creativity in the design.

f. Height Limitations

The maximum height of any structure shall be as specified in the base zoning district.

g. Density Bonus Provisions

In order to encourage site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites, and to provide land developers with the opportunity to positively influence community growth and the quality of life, the plan-approving authority may award a density bonus, hereby enabling residential density to increase from three (3) to no more than eight (8) dwelling units per net acre develop able acre if any combination of the following are provided or are proposed for the development:

- (1) Preparation of a development design of superior quality resulting from the most sensitive placement of structures, the highest quality of landscaping and architectural design, and a most desirable living environment for future residents and users of facilities provided.
- (2) Construction of sidewalks and/or bike/hike paths within or outside of the development.
- (3) Development of an educationally-oriented facility such as a nature trail available to the public.
- (4) Dedication of land accepted by the Town for use as a park site or other public facility site.
- (5) Development of a park for the residents and/or users of the development.
- (6) Development of quality outdoor plazas and other pedestrian-oriented spaces.

- (7) Development of a recycling plan/program for any major plan of development.

For all improvements upon which a density bonus has been based, the Town, when it deems it to be necessary and appropriate, may require the submission of a performance guarantee as provided for in Section 2-6.

- h. Waiver of Provisions of Article 4-Design and Performance Standards**
It may be necessary and appropriate for the plan-approving authority to waive compliance with the standards of Article 4 as provided for in Section 4-1-2 in order to approve a Traditional Town design plan. No waiver shall be authorized which compromises the integrity of surrounding neighborhoods or the environment or is inconsistent with the intent and purpose of the Comprehensive Plan and this Ordinance..
- I. Revisions to Approved TT Plans of Development**
Revisions to approved plans of development shall be processed in accordance with the requirements of Section 2-1-2b of this Ordinance.

3-6 BOARD OF ZONING APPEALS (BZA)

3-6-1 MEMBERSHIP

- a. Composition**

A Board of Zoning Appeals (BZA) shall consist of five (5) members and a maximum of two alternates who are residents of the Town, and shall be recommended by the Town Council and appointed by the Circuit Court of Richmond County. The BZA shall serve without pay. Members shall be removable for cause upon written charges and after a public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. (Amended 05/09/02)

- b. Term of Office**

The term of office shall be for five years; except that the first term of the fourth and fifth members appointed shall be for a term of four years and three years respectively. One of the five members may be an active member of the Town Planning Commission. Vacancies occurring in the BZA shall be filled for the unexpired term only. (Amended 05-09-02)

- c. Disqualification**

BZA members shall disqualify themselves from participating in any way

upon a matter before the Board in which their financial interests or those of their immediate family are directly involved.

d. Officers

The BZA shall elect annually its own chair and vice- chair who shall act in the absence of the chair. Through its chair, the BZA may administer oaths and compel the attendance of witnesses.

3-6-2 POWERS

Pursuant to the authority granted by the Code of Virginia, Chapter 11, Article 8, Section 15.1-494 and the processing path described in Section 2-1-2d of this Ordinance, the BZA shall have the following powers:

a. Hear and Decide Appeals

The BZA shall hear and decide appeals from any order, requirement, decision, interpretation, or determination made by an administrative officer in the administration or enforcement of Article 3 of this Ordinance.

b. Grant Variances

The BZA shall authorize upon appeal and application in specific cases such variances from the terms of Article 3 of this Ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of this Article will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done in accordance with the provisions of this Ordinance.

c. Other Powers

- (1) The BZA shall hear and decide all other matters referred to and upon which it is required to pass as provided by the provisions of this Article.
- (2) The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

3-6-3 DUTIES

The BZA shall perform the following duties as are necessary to ensure the proper, accurate, and timely disposition of all matters brought before it.

a. Operational Procedures

- (1) The BZA shall create, alter and rescind rules and forms for its procedures, as it deems necessary, consistent with the ordinances of this Town and the general laws of the Commonwealth.
- (2) The meetings of the BZA shall be held at the call of its chairman or at such times as a quorum of the Board may determine.
- (3) All meetings of the BZA shall be open to the public.
- (4) A quorum shall be at least three (3) members.
- (5) A favorable vote of three (3) members of the BZA 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 BZA is required to pass.
- (6) 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. The BZA shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Town Manager and shall become public records.

b. Other

The BZA shall:

- (1) Employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical support services as deemed necessary and within the limits of funds appropriated by the Town Council.
- (2) Perform any additional activities as set forth in this Article.

3-6-4 GUIDING PRINCIPLES

The BZA in exercising the powers and duties granted and imposed by Article 3 shall be guided by the following standards which shall be in addition to any other standards imposed by this Ordinance:

- a. the proposal shall be in harmony with the policies embodied in the adopted Comprehensive Plan

- b. the proposal shall not detract or be discordant with the small town character or diminish the quality of life of the residents of the Town
- c. the proposal shall be in harmony with the general purpose and intent of the applicable zoning district regulations including those associated with properties located within a Resource Protection Area (RPA) or Resource Management Area (RMA)
- d. the proposal shall not adversely affect the use or development of neighboring properties and shall be in accordance with all applicable zoning district regulations and any applicable provisions of the adopted Comprehensive Plan.

3-7 VARIANCE RELIEF

3-7-1 APPLICATION FOR A VARIANCE

An application for a variance shall be filed with and on forms furnished by the Town Manager and shall include such information as the Town Manager shall require as necessary to enforce the provisions of this Article. Applications for a variance shall be processed as described in Section 2-1-2d.

3-7-2 FINDINGS NECESSARY BEFORE THE ISSUANCE OF A VARIANCE

Variances may be granted by the BZA only after making specific findings of fact based on the evidence before it. These findings of fact are as follows:

- a. The property was acquired in good faith
- b. On the effective date of this Ordinance, the property is:
 - exceptionally narrow, or
 - exceptionally shallow, or
 - of exceptional size, or
 - exceptionally shaped, or
 - has exceptional topographic conditions
 - other extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
- c. The condition or situation of the subject property or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Town

Council as an amendment to this Article.

- d. The strict application of this Article would produce undue hardship, and such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- e. The strict application of this Article would effectively prohibit or unreasonably restrict all reasonable use of the property, and the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
- f. Authorization of the variance will not be of substantial detriment to adjacent property; the character of the zoning district will not be changed by the granting of the variance; and the variance will be in harmony with the intended purposes of this Ordinance and in keeping with the public interest.

3-7-3 VARIANCES NOT AUTHORIZED

No variance shall be granted that would have the effect of:

- a. Increasing the density permitted in a zoning district; or
- b. Permitting any use not specified by the provisions of this Article in the zoning district in which the property is located; or
- c. Altering any definition set forth in this Ordinance as it relates to this Article.

3-7-4 CONDITIONS ATTACHED TO VARIANCES

Any variance granted by the BZA shall be the minimum variance necessary to afford relief, and to this end, the BZA may permit a lesser variance than applied for. The BZA may also prescribe such conditions or restrictions applying to the approval of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated into the certificate of compliance and the building permit. The BZA may require a performance guarantee to insure that the conditions imposed are being and will continue to be complied with. Failure to comply with such conditions and restrictions shall constitute a violation of this Ordinance, and may constitute the basis for denial or revocation of a certificate of compliance, building permit or certificate of occupancy.

3-7-5 LAPSE OF VARIANCE APPROVAL

A variance granted under the provisions of this Article shall automatically lapse if substantial construction, in accordance with the plans for which such variance was granted, has not been completed within one year from the date of granting such variance or, if judicial proceedings to review the BZA's decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

3-8 PLANNING COMMISSION

3-8-1 MEMBERSHIP

The Planning Commission shall consist of seven (7) residents of the Town appointed by the Town Council for four (4) year terms.

3-8-2 POWERS AND DUTIES

With the staff support of the Town Manager, the Planning Commission shall prepare and recommend for approval to the Town Council the Comprehensive Plan, the Official Map, Capital Improvement Program, and ordinances related to orderly growth and development.

In addition, the Planning Commission shall:

- a. Exercise general supervision of, and make regulations for, the administration of its affairs;
- b. Prescribe rules pertaining to its investigations and hearings;
- c. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Town of Warsaw;
- d. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;
- e. Make recommendations to the BZA on matters related to BZA administration of this Article;
- f. Make recommendations to the Town of Warsaw concerning the operation of the Commission and the status of planning within its jurisdiction;
- g. Prepare, publish and distribute reports, ordinances, and other material relating to its activities;
- h. Prepare and submit an annual budget in the manner prescribed by the Town Council;

- i. If deemed advisable, establish an advisory committee or committees.

3-9 CONDITIONAL ZONING

3-9-1 PURPOSE

It is the general policy of the Town, in accordance with the laws of the Commonwealth of Virginia, to provide for the orderly development of land, for all purposes through the use of zoning and other land development regulations. Frequently where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases more flexible and adaptable zoning methods are needed to permit land uses, and at the same time to recognize the effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method, to cope with situations found in such zones, through conditional zoning whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not applicable to land similarly zoned. The provisions of this section are not to be used for the purpose of discrimination in housing.

3-9-2 PROFFER OF CONDITIONS

Any owner of property making application for a change in zoning or an amendment to the zoning map, as provided by Section 2-5 as part of the application may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zoning sought in the rezoning application. Any such proffered conditions must be made prior to any public hearing before the Planning Commission and the Town Council and shall be subject to the following limitations:

- a. The rezoning itself must give rise to the need of the conditions;
- b. The conditions shall have a reasonable relation to the rezoning;
- c. The conditions shall not include a cash contribution to the Town;
- d. The conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities except for the dedication of any street, curb, gutter, sidewalk,

bicycle trail, drainage, water or sewage systems;

- e. The conditions shall not include payment for or construction of offsite improvements except for a pro rata share of water, sewage and drainage facilities;
- f. No condition shall be proffered that is not related to the physical development or physical operation of the property; and
- g. All conditions shall be in conformity with the Comprehensive Plan.

3-9-3 EFFECT OF CONDITIONS

Upon the approval of any such rezoning, all conditions proffered and accepted by the Town Council shall be deemed part thereof and nonseverable there from and shall remain in force until amended or varied by the Town Council in accordance with Section 15.1-491.6 of the Code of Virginia, as amended. All such conditions shall be in addition to the regulations provided for in the zoning district by this Article.

3-9-4 ZONING MAP NOTATION AND RECORDS

Each conditional rezoning shall be designated on the Zoning Map by an appropriate symbol designed by the Town Manager.

In addition, the Clerk of the Council shall keep and maintain a conditional zoning index which shall be available for public inspection and which shall provide ready access to the ordinance creating such conditions.

3-9-5 SUBMITTAL REQUIREMENTS

Each application for rezoning which proposes conditions to be applied shall be accompanied by the following items beyond those required by conventional rezoning requests:

- a. A statement detailing the nature and location of any proffered conditions and those proposed circumstances which prompt the proffering of such conditions.

- b. A signed statement by both the applicant and owner in the following form:

"I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."

3-9-6 PROCEDURAL REGULATIONS AND REQUIREMENTS

Proffered conditions shall include written statements, development plans and materials proffered in accordance with the provisions of this Article and approved by the Town Council in conjunction with the approval of a change in zoning or an amendment to the zoning map.

Upon approval, any plan of development 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 in the absence of substantial conformance. For the purpose of this section, substantial conformance shall mean conformance which leaves a reasonable margin for adjustment due to final engineering data but conforms with the general nature of the development, the specific uses and the general layout depicted by the plans and other materials presented by the owner and/or applicant.

3-10 CONDITIONAL USE PERMITS

3-10-1 PURPOSE AND INTENT

Uses permitted by a conditional use permit uses are those which, if not specially regulated, can have an undue impact or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a conditional use permit, these uses may be allowed to locate within designated districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this Ordinance.

3-10-2 REVIEW STANDARDS FOR CONDITIONAL USE PERMITS

All applications for conditional use permits shall be reviewed using the following general criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it wishes to locate.

- b. The use shall be in harmony with the uses permitted by right in the zoning districts and shall not adversely affect the use of neighboring properties.
- c. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- d. The use shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
- e. The use shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- f. The use shall be in accord with the purpose of this Ordinance and the Comprehensive Plan.
- g. The use shall be adequately served by essential services such as streets, drainage facilities, fire protection, and approved water and sewerage disposal facilities.
- h. The use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, cultural, scenic, or historic importance.

3-10-3 SPECIAL CONDITIONS

- a. In granting any conditional use permit, conditions necessary to assure that the proposed use will conform with the requirements of this section and will continue to do so may be imposed. A surety bond or other guarantee of performance acceptable to the Town may be required in order to ensure compliance with the imposed conditions.
- b. Reasonable conditions may be imposed as deemed necessary to protect the public interest and welfare. Such conditions may include, but need not be limited to:
 - (1) More restrictive sign standards

- (2) Additional open space, landscaping or buffering requirements
- (3) Additional yard requirements
- (4) Special lighting requirements
- (5) Limitation on hours of operation
- (6) Additional off-street parking and loading requirements
- (7) Abating or restricting noise, smoke, dust or other elements that may affect surrounding properties
- (8) Improvements to prevent traffic congestion
- c. Time limits or expiration dates for a conditional use permit, including provisions for periodic review and renewal may also become a condition of the conditional use permit.

3-10-4 CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

- a. An application for a conditional use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Town Manager and shall be accompanied by the filing fee. Application forms are available from the Town Manager.
- b. If the request for a conditional use permit has been denied by the Town, substantially the same request shall not be reconsidered within three hundred sixty-five (365) days of the date of denial.
- c. The application shall include the following information:
 - (1) A plan of development in accordance with Article 2; if no plan of development is associated with the request, submission requirements shall be as required by the plan approving authority;
 - (2) A description of the proposed use, and where applicable, the hours of operation and the proposed number of employees;
 - (3) When deemed necessary, the plan-approving authority may require a community impact analysis as specified in Section 2-2-6b.

3-10-5

CONDITIONAL USE PERMIT GENERAL PROVISIONS

- a. After approval of a conditional use permit application, the applicant shall have one year to begin the use as approved, provided that the Town may allow, at the time of approval, a longer period than one year. If the use has not begun within one year (or other time period as set by the Town), the conditional use permit shall be void, and the use may not thereafter be begun except upon approval of another conditional use permit application.
- b. After approval of a conditional use permit application, the use approved may intensify and /or expand, provided that any conditions attached to the approval shall not be violated. If intensification and/or expansion will violate any attached conditions, a new conditional use permit shall be obtained before such intensification and/or expansion may occur.
- c. All uses permitted by a conditional use permit shall require plan of development approval in accordance with the provisions of Section 2-2.
- d. If an approved conditional use ceases operation for a period of twelve consecutive months, for any reason, the conditional use permit shall become void, and thereafter the use may only be conducted after another conditional use permit application has been approved.

3-10-6

REVOCATION OF CONDITIONAL USE PERMITS

The Town Council may by resolution initiate revocation of a conditional use permit. After review by the Town Manager and after consideration and recommendation by the Planning Commission, the Town of Warsaw shall act on the proposal to revoke the conditional use permit. Grounds for revocation shall include (but not be limited to) the following:

-A change in conditions affecting the public health, safety and welfare since adoption of the conditional use permit; or

-Repeated violations of this Ordinance, including any conditions attached to the conditional use permit, by the owner/operator of the use; or

-Fraudulent, false or misleading information supplied by the applicant (or his agent) for the conditional use permit; or

-Improper public notice of the conditional use permit public hearing(s) when the permit was considered in accordance with DMP-b.

-An error or mistake in fact that led to an arbitrary and unreasonable decision made by the plan-approving authority when approving the conditional use permit.

3-11 NONCONFORMING USES

3-11-1 CONTINUATION OF NONCONFORMING USES OF LAND AND/OR STRUCTURES

Where at the time of passage of this Ordinance or any amendments thereto, the lawful use of land and/or structures exists which would not be permitted thereafter by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- a. No nonconforming use and/or structure shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No nonconforming use and/or structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use and/or structure at the effective date of adoption or amendment of this Ordinance, unless the move results in decreasing the degree of nonconformity or results in conformity with the requirements for the district.
- c. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with a nonconforming use of land. No additional uses of a nature which would be prohibited generally in the district involved shall be permitted.
- d. Any nonconforming use may be extended throughout any parts of a building which were arranged or designed for the use at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any land outside such building.
- e. When any nonconforming use, or structure and use in combination, is replaced by a permitted use and /or structure, the use shall conform to the regulations for the district, and no nonconforming use and/or structure shall be permitted to resume.
- f. Where nonconforming status applies to a use and/or structure, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this section is defined as damage to an

extent of more than 50 percent of the replacement cost immediately prior to the time of destruction. No nonconforming use shall be established after destruction; as defined, has occurred.

g. If any nonconforming use and/or structure of land ceases for any reason for a period of more than two years, any subsequent use of such land and/or structure shall conform to the regulations specified by this Ordinance for the district in which the site is located.

h. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

i. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

3-11-2 CHANGES IN DISTRICT BOUNDARIES

Whenever the boundaries of a zoning district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Section.

3-11-3 PERMITS

a. In order to establish the ability to continue as per Section 3-11-1, all nonconforming uses shall apply for nonconforming use certification on forms provided by the Town Manager within one (1) year after the adoption of this Ordinance. Certification shall be issued promptly upon the written request of

the owner or operator on a nonconforming use.

b. The construction or use of a nonconforming building or and area for which a permit was issued legally prior to the adoption of this Ordinance, may proceed, provided such building is completed within one (1) year, or such use of land

established within thirty (30) days after the effective date of this Ordinance.

3-11-4 NON-CONFORMING LOTS OR RECORD

In any zoning district, permitted structures may be erected or enlarged on any single lot of record, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals in accordance with DMP-d. Such lot of record must be in separate ownership and not of continuous frontage with other lots in the same ownership.

3-11-5 PROHIBITION AGAINST THE CREATION OF LOTS BELOW WIDTH AND AREA REQUIREMENTS FOR THE ZONING DISTRICT

No lot or parcel or portion thereof shall be used or sold in a manner diminishing Compliance with lot width and area requirements established by this Ordinance, nor shall any division be made which created a lot below the minimum requirements stated in this Article.

3-11-6 HIGHWAY REALIGNMENT OR CONDEMNATION

Any lot, which by reason of realignment of a State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would no longer be permitted under the terms of this Ordinance shall be considered a nonconforming use or structure as that term is used in this Ordinance.

3-11-7 USES UNDER CONDITIONAL USE PERMIT PROVISIONS ARE NOT NON-CONFORMING USES

Any use which is permissible as a conditional use permit in a district under the terms of this Ordinance shall not be deemed a nonconforming use, but shall without further action be considered a conforming use.

3-11-8 NONCONFORMING USES LOCATED IN THE RESOURCE PROTECTION AREA (RPA)

No change or expansion of a nonconforming use shall be allowed with the exception that:

- a. The Town Manager may grant a nonconforming use and development waiver

remodeling
that:

for structures on legal nonconforming lots or parcels to provide for
and alterations or additions to such nonconforming structures provided

- (1) There will be no increase in nonpoint source pollution load;
 - (2) Any development or land disturbance exceeding an area of 2,500 square feet complies with the erosion and sediment control requirements of Section 4-7.
- b. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Town Manager and shall include for the purpose of proper enforcement of this Ordinance, the following information:
- (1) Name and address of applicant and property owner;
 - (2) Legal description of the property (Tax Map and Parcel Number) and type of proposed use and development;
 - (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
 - (4) Location and description of any existing private water supply or sewage system.
- c. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

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**ARTICLE 4
DESIGN AND PERFORMANCE
STANDARDS**

**4-1 GENERAL LAYOUT AND DESIGN
4-1-1 PURPOSE AND INTENT**

It is the purpose and intent of Article 4 to ensure that new development is designed in accordance with the purpose, intent and direction of the Comprehensive Plan and this ordinance; is in concert with existing, desirable development patterns and designs within the Town; is responsive to the existence of significant and sensitive natural and cultural resources; is proposed so as to enable the Town to provide adequate levels of public service; and is designed to provide for the health, safety, and welfare of individuals residing, working, shopping, traveling and recreating within the Town of Warsaw.

The development shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, and spacing/setback of buildings, preservation and maintenance of natural vegetation, location of recreation area, open space, parking area, grading, landscaping, and screening/buffering. (Amended 06/14/07)

Section 4-1 is intended to assist the site and building designer by providing general guidance relative to desirable site and building design criteria for new development within the Town.

4-1-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall be in compliance with the development design and implementation requirements of Article 4. Waivers from the standards of Article 4 may be granted by the plan-approving authority upon submission of a waiver request (See Section 2-2-7).

4-1-3 GENERAL REQUIREMENTS RELATING TO OVERALL DESIGN AND UTILITY OF LAND

The following requirements, are intended to establish the general direction and tone of land development as envisioned by this Ordinance.

a. Suitability of Land for Development

- (1) Any land described as unsuitable for building sites shall be clearly indicated on the plan of development and shall not be used to satisfy the minimum lot size requirements as prescribed by Article 3 of this Ordinance.

- (2) Land is topographically unsuitable for building sites if it possesses steep slopes which will require extensive grading or unusual construction practices in order for development to take place, or which would provide less than 10,000 useable square feet of contiguous building area with slopes of less than 15 percent.
- (3) Land is unsuitable for development if it is characterized by potentially injurious conditions resulting from special soil and water conditions such as shrinking and swelling clays and/or marine clays, unless such conditions can be rendered harmless by standard development and construction practices.
- (4) Land is generally unsuitable for development if it is within areas identified as the habitat of rare and endangered species, wetlands, and sites of historic, scenic or archaeological importance.
- (5) Wetlands, as defined in the Virginia Wetlands Zoning Act, or any land subject to periodic flooding shall not be developed for residential occupancy nor for any other use which might involve danger to health, life, or property, or which would aggravate the flood hazard. Any such land within the proposed development shall be restricted against buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation.
- (6) Lots shall not be created which do not have access provided over suitable terrain so as to provide reasonable means of ingress and egress.

b. Building Design

- (1) Architectural style and building materials are not restricted, however, extremes of style not indigenous to the Town are not encouraged if visible from public rights-of-way. Commercial buildings are encouraged to utilize architectural styles and materials which are "traditional" resulting in structures possessing a residential quality. Examples of this include gable roofs, dormer windows, muted colors, and horizontal siding or brick.
- (2) Buildings are encouraged to be in scale and harmonious with existing neighboring buildings and areas.
- (3) Materials are encouraged to be harmonious with adjoining structures.
- (4) A minimum of different types of exterior wall materials should be

used. Materials should be selected for suitability to the type of building and design in which they are used.

- (5) Building materials should be of durable quality.
- (6) Definite transitions between changes of building material and in building planes are encouraged while maintaining an overall simple geometry for the building mass.
- (7) Exterior building components such as windows, doors, eaves, and parapets should have balanced proportions.
- (8) All sides of a structure should receive design consideration. A facade unrelated to the rest of the building is not in keeping with an acceptable design.
- (9) Colors should be harmonious, and accents, if used, should be compatible.
- (10) All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and down spouts should be recognized as architectural features and be treated to match the color of the adjacent surface or be of a complementary color.
- (11) Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public right of way or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with materials harmonious with the building.
- (12) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from the view of any public right of way with materials harmonious with the building.
- (13) Monotony of design in single or multiple building projects should be avoided. Variation of detail, form and siting should be used to provide visual interest. In multiple building projects, variable siting of individual buildings shall be used to prevent a monotonous appearance.

c. Relationship of Buildings to Site

- (1) Projects should reflect the character of the site upon which they are

located. Compatibility to grade conditions, degree of exposure to passers-by, the context of adjacent structures, exceptional views, tree masses, and size of the lot are some of the factors to be considered.

- (2) The site should be planned to accomplish a desirable transition with the street scape, and to provide for adequate landscaping, safe pedestrian movement, and parking areas. All plans shall demonstrate a concern for the conservation of energy by their sensitivity to factors such as the orientation of a building, the use and location of glass, and the use of landscape materials on the site.
- (3) Miscellaneous structures and street hardware should be designed to be part of the architectural and landscape design concept. The materials should be compatible, the scale should be appropriate, and the colors should be in harmony with buildings and surroundings.
- (4) Building wall extensions, plantings, berms or other means shall be used to minimize the visual impact of parking lots from the view from public rights of way and adjacent residential areas.
- (5) Fencing, when proposed, should be included on the plan of development and should be consistent with the general plan for the site.
- (6) The design of fences and screening walls should give specific consideration to the relief of monotony, such as breaking up major fence lengths with complementary landscaping.
- (7) Newly installed utility services, and service revisions necessitated by exterior alterations, should be underground.
- (8) Grades of walks, parking spaces, terraces, and other paved areas should provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

d. Relationship of Project to Adjoining Areas

- (1) Designers should demonstrate a harmony in texture, lines, and masses between all adjacent buildings. Monotony should be avoided.
- (2) The height and scale of each building should be compatible with its site and existing and anticipated adjoining buildings.
- (3) Adjacent buildings of different architectural styles should be

compatible by such means as screens, sight breaks and materials.

- (4) Attractive landscape transition to adjoining properties or compatible use characteristics should be provided.
- (5) Project features which may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be buffered from adjacent properties.
- (6) Development or project names should not duplicate or nearly duplicate the name or sound of any existing or approved development within the Town or Richmond County and also within surrounding jurisdictions in which automatic emergency response areas exist. All proposed development and street names shall be subject to approval by the plan-approving authority.

e. Landscape and Site Treatment

- (1) Natural or existing topographic patterns shall be preserved and enhanced when it contributes to the beauty and utility of a development. Modification to topography will be permitted where it contributes to good appearance and utility.
- (2) Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade, energy conservation, sound absorption, dust abatement and reduction of glare.
- (3) Landscape treatment shall be provided to enhance architectural features, strengthen vistas, provide shade and nuisance buffers.
- (4) Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
- (5) Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of attractive appearance shall be used.
- (6) Parking areas and related traffic ways shall be enhanced with landscaped areas, including trees or tree groupings.
- (7) Plants shall be protected by appropriate curbs, tree guards, or other

devices when positioned in locations where they will be susceptible to injury by pedestrian or vehicular traffic.

- (8) Where landscaping is used as screening, it should be equally effective in winter and summer.
- (9) In areas where general planting will not prosper, other materials shall be used, such as indigenous species and fences.
- (10) Landscape screening shall be of a height and density so that it provides the full desired effect within three years growing time.

f. Signs

- (1) Every sign shall have appropriate scale in its design and in its visual relationship to buildings and surroundings.
- (2) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- (3) The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- (4) The number of colors and graphic elements on a sign shall be held to the minimum needed to convey the sign's major message, and shall be composed in proportion to the area of the sign face. The listing of individual services rendered or items offered for sale, and the use of telephone numbers, arrows, and multiple logos on a sign are generally unacceptable.
- (5) Identification signs of a prototype design and logos shall conform to the criteria for all other signs.
- (6) Each sign shall be compatible with signs on adjoining premises, and shall not compete for attention.

g. Lighting

- (1) All exterior lighting should balance the need for energy conservation and light pollution with the need for safety and security.
- (2) Where decorative exterior floodlighting is used, it shall consist of an appropriate composition of brightness relationships, textures, and restrained colors to dramatize a setting and extend the hours of the

setting's usefulness. Floodlighting fixtures shall be located and shielded so that their presence is minimized.

- (3) All exterior lighting shall be part of the architectural/security and landscape design concept. Light fixtures, standards and all exposed accessories shall be concealed or be harmonious with other project design materials.
- (4) Exterior lighting shall not be designed to permit an adverse effect upon neighboring properties.
- (5) Free standing parking lot and internal access route lighting should be color corrected, high pressure sodium vapor luminaries.

h. Maintenance Considerations

Continued quality of appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive for easy maintenance and upkeep.

- (1) Buildings and appurtenances, including signs, shall be cleaned and painted or repaired as required to present a neat appearance.
- (2) Deteriorated, worn, or damaged features shall be rebuilt or replaced. Illuminated elements of buildings and signs shall be replaced as required to maintain the effect for which designed.
- (3) Landscape materials, other than plantings, which have deteriorated or have been damaged or defaced, shall be properly repaired or replaced.
- (4) Plantings should be kept watered, fed, cultivated, and pruned as required to give a healthy and well groomed appearance during all seasons. Plant materials which have deteriorated or died shall be replaced with healthy plantings.
- (5) Parking areas should be kept in good repair, properly marked, and clear of litter and debris.
- (6) Vacant property shall be kept free of refuse and debris, and shall have the vegetation cut periodically during the growing season if located in developing areas. No landscape design, plant materials, or other

exterior design feature of the site approved by the Town shall be significantly modified as a result of maintenance procedures, unless approved by the Town Manager.

- (7) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
- (8) Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design.

I. Preservation of Natural Features

- (1) Natural features such as trees, hilltops and views, natural terrain, open waters and natural drainage lines shall be preserved whenever possible in designing any development.
- (2) Topsoil shall not be removed from areas intended for lawn or open space. Topsoil removed during the course of construction shall be redistributed on to these areas and shall be stabilized by approved seeding and/or planting.
- (3) A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading or construction requirements necessitate removal of trees, in which case these lots shall be replanted with trees to reestablish the tone of the area.
- (4) The removal of trees or the clearing and grading of land by the developer shall be generally permitted only to accommodate the construction and installation of those improvements.
- (5) Any proposed grade changes shall be compatible with the established grade of adjacent areas.
- (6) The developer shall preserve significant and sensitive natural resources including unique or irreplaceable land types such as wetlands.
- (7) The indiscriminate and excessive cutting of trees, which may potentially result in increased surface drainage or run-off and soil erosion shall be avoided.

4-2 LAND DIVISION DESIGN STANDARDS

4-2-1 PURPOSE AND INTENT

The purpose of managing lotting layout is to promote efficiency and economy in the process of land division; to provide the proper arrangement of lots in relationship to each other, to existing and planned streets, and other features of the Comprehensive Plan; to protect environmentally sensitive areas, historic and archaeological sites, and steep slopes; to guard against flooding, erosion and sedimentation; to afford adequate open spaces for recreation, light, and air, including the convenient distribution of population and traffic; and to ensure the adequacy of streets, public utilities and other public facilities. Toward this end, this Section:

- establishes design and improvement standards for the division of land in the Town of Warsaw;
- ensures that purchasers of lots, tracts and parcels purchase a commodity that is accessible and generally suitable for the intended use;
- ensures orderly and safe spacing, size, shape, design, and distribution of lots for residential, commercial, industrial and other uses.

4-2-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans prepared for subdivision approval shall comply with the submittal requirements of Exhibit 4 in Section 2-2-6 and the development design shall comply with the design provisions of this Ordinance.

4-2-3 GENERAL REQUIREMENTS

a. Preservation of Resources

Streets and lots shall be designed and situated to preserve the favorable characteristics of the site and to minimize alteration of the natural and culturally significant site features. Unique and fragile elements, including but not limited to, floodplains, wetlands and steep slopes shall be preserved where practical, with development targeted for environmentally stable areas.

b. Provision of Open Space

The subdivision layout shall be designed in accordance with the principles and standards contained in this Ordinance with the objective of achieving the most advantageous design of the subdivision and adjoining areas. Open space-providing layouts and design techniques are encouraged.

- c. **Compliance with Zoning Provisions of Article 3**
The subdivision layout shall be in full compliance with all applicable zoning provisions of Article 3, including any limitations on area, dimensions, number or location of lots.
- d. **Compliance with the Comprehensive Plan**
The subdivision layout shall conform in all essential respects with the goals, objectives and directives of the Comprehensive Plan.
- e. **Availability of Water and Sewer (Amended 05/10/01)**
No land shall be subdivided unless there is public water and sewer available to every lot within the subdivision. In instances where water and sewer is planned, but not yet available, council may permit subdivision, provided a written agreement is reached with the developer to provide at his costs for development in accordance with Section 4-4 of the Development Management Ordinance.

4-2-4

LAYOUT OF STREETS AS RELATED TO LOT AND BLOCK CONFIGURATION

- a. **Compliance with Section 4-3 and Other Provisions of this Ordinance**
The location, alignment, grade, width and drainage of all streets and roads shall comply with the design standards and specifications for roads, streets, drainage, water and sewer construction and improvements as specified in this Ordinance and applicable specifications of the VDOT.
- b. **Street Layout Shall Promote the Economic Use of the Site**
The street layout shall be designed to create desirable building lots and building sites while respecting existing topography, avoiding impact on wetlands, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent feasible for a reasonable economic use of the land.
- c. **Access**
Every lot shall be served from a street constructed to standards of the Virginia Department of Transportation or as prescribed in Section 4-3 of this Ordinance.
- d. **Facilitation of Proper Block Configurations**
Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.
- e. **Separation of Lots from Major Thoroughfares and Arterial Roads**

Where the division of land adjoins a major thoroughfare or arterial road, the plan-approving authority may require that measures to be taken to reduce the impact of heavy traffic on the proposed lots abutting or fronting upon such thoroughfare, to minimize the number of points of vehicular conflict, and to afford separation of through and local traffic, by means of one of the following methods:

- (1) By providing vehicular access to such lots by means of a local street or service drive separated from the highway by a planting strip at least 30 feet in width and connecting therewith at infrequent intervals.
- (2) By designing reverse frontage lots having access only from a parallel local street or feeder street with vehicular access to such lots from the major thoroughfare and arterials prohibited by deed restrictions or other means.
- (3) The combination of driveways into shared driveways between lots.

The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the plan-approving authority giving consideration to topography and other physical conditions, the character of existing and contemplated development within the development and its surroundings, and other pertinent factors.

f. Dual Frontage by Means of Rear Alleys

Alleys may be provided in residential, commercial and industrial areas to provide rear access to lots where required by design, utility or service needs. In the absence of alleys, easements may be provided for utility lines and/or drainage facilities along rear lot lines if it affords a more appropriate, efficient and resource protecting design.

4-2-5 BLOCKS

a. Size

Residential blocks shall normally not exceed 1,200 feet in length, or be less than 400 feet in length, between street lines. In any residential block more than 800 feet in length, a crosswalkway of not less than 10 feet in width may be required where necessary to provide convenient access to schools, recreation areas, and other community facilities.

b. Shape

Irregularly shaped blocks, indented by cul-de-sacs or looped streets, are acceptable given the need to protect resources, to provide common open space and to afford as many lots with adjacency to open space.

c. Non-Residential Blocks

Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including adequate provision for off-street parking and for the loading and unloading of delivery vehicles.

4-2-6 LOTS

a. General Design

Lot arrangement, design, and orientation, shall be such that each lot shall possess a satisfactory building site, be properly related to topography and the character of surrounding development, and contribute to the development of quality neighborhoods and working environments.

b. Dimension and Size

The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located. Where public water supply and/or public sewerage are not available or are not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer after appropriate tests have been performed, which dimensions may be greater than required under the zoning regulations.

c. Depth to Width Ratio

Excessive lot depth in relation to lot width shall be avoided. Except for unusual topographic conditions or in response to the position of environmental and/or cultural resources, a ratio of depth to width of two to one shall be considered a desirable maximum. A ratio of depth to width exceeding four to one shall be discouraged.

d. Access

Every lot shall abut upon, and/or have access to, a street or road as herein defined.

e. Double Frontage and Reverse Frontage Lots

Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separate development from major thoroughfare and arterial roads. These lots may require greater lot depths than normally deemed acceptable by this Ordinance.

f. Corner Lots

Corner lots shall provide sufficient width for minimum required setbacks from both streets as required by Section 3-4-4.

g. Side Lot Lines

Generally, side lot lines shall be approximately at right angles or radial to the street line, except where a variation to this requirement will provide an improved street or lot layout or is responsive to the topographic or resource features of the site.

h. Remnants

Remnants or parcels of land below minimum area in size, shall be added to adjacent lots, developed into parks or permanent open space, or otherwise disposed of rather than allowed to remain as unusable parcels.

i. Adjacent Lands in Separate Ownership Being Subdivided

Where the land covered by a subdivision includes two or more parcels in separate ownership, and where the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed shall be deposited with the Clerk of the Court and held with the final plat until the subdivider is ready to record same, and both shall then be recorded together.

4-2-7

MONUMENTS

a. Concrete or Stone

Permanent reference monuments shall be of stone or reinforced concrete, be at least 24 inches in length and 4 inches square or 8 inches in diameter with a suitable center point and shall be set flush with the finished grade. These

monuments shall be located at all street corners, at all points where street lines intersect exterior boundaries and at single points and points of curvature and tangency in each street.

b. Metal

Monuments of metal pipe shall be at least 5/8 inch in outside diameter. Monuments of solid metal rod shall be one-half inch or more in diameter. These monuments shall be at least 18 inches in length, be set in place flush with the finished grade at all intersections of alleys with streets, at all point on alleys, and boundary lines where there is a change in direction or curvature, and at all lot corners.

c. Rough Staking for Utility Installation

Prior to setting monuments, rough staking is permitted for purposes of installing utilities.

d. Inspection

Upon completion of subdivision streets, sewers and other improvements, the developer shall make certain that all monuments required by this Ordinance are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Town Manager before any improvements are accepted by the Town.

e. Replacement

Any person, developer, builder, firm or corporation shall take the necessary precautions to protect all monuments and metal markers during construction. Any monument which is moved or destroyed shall be immediately reported to the Town Manager and shall be replaced by the developer.

4-2-8 CEMETERY DEVELOPMENT

A cemetery shall be considered a division of land for the purposes of this Ordinance and shall be subject to the same general standards and review procedures as any other division but need not comply with the specific design standards for streets, blocks and lots as required for other divisions of land. Any cemetery hereafter established, whether intended for public or private use, shall make provision for public access by a right-of-way at least 50 feet in width.

Columbariums may be included in cemeteries. When stand alone buildings or monuments are used as columbariums they must be setback a minimum of 25 feet from property lines. However, columbariums located within fence structures may be located on property lines and must follow same guidelines as provided in Section 3-4-9a(10) of the Development Management Ordinance for fences.(Amended November 4, 2004)

4-3 VEHICULAR RIGHTS OF WAY

4-3-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to facilitate the development of circulation systems which permit the safe, efficient, and orderly movement of vehicular traffic.

4-3-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

All plans of development proposing the construction of new roads or private roads and driveways which intersect roads within the system of roads maintained by the Virginia Department of Transportation (VDOT) must submit sufficient data and plans to comply with the submission requirements of the Resident Engineer as well as to demonstrate compliance with the submission requirements of Section 2-2-6 and the zoning and design requirements of this Ordinance.

4-3-3 GENERAL REQUIREMENTS

a. Comprehensive Plan Requirements

Transportation systems shall be designed in accordance with future densities and intensities as envisioned by the Comprehensive Plan.

b. Designed for Present and Future Needs

Road systems shall be designed to meet but not exceed the needs of present and future populations served, to have a simple and logical pattern which respects resources and the natural terrain, and presents an attractive streetscape.

c. Hierarchical Road System

Roads shall be laid out in accordance with a hierarchical design whereby roads are defined by function and traffic levels.

d. Developer's Responsibility to Complete Street Construction

All vehicular rights of way approved by the Town shall be fully constructed by the developer in accordance with the approved plans. The Town, at its discretion, can require the posting of performance and maintenance
as provided for in Section 2-6 of this Ordinance.

guarantees

4-3-4 STANDARDS OF DESIGN

a. Street Alignment

- (1) Provision shall be made, wherever practicable, for the continuation of principal existing or platted streets into adjoining areas.
- (2) Streets in predominantly residential subdivisions shall be designed to discourage _____ through _____ traffic.
- (3) Off-set or jog streets shall be avoided unless the distance from centerline to centerline of intersecting streets is at least 150 feet apart.
- (4) The angle of intersection between streets shall be as close to a right angle as possible. No intersection shall have more than (4) street approaches.
- (5) Streets of less than the full right-of-way required by this ordinance shall not be permitted. However, where half streets exist on adjoining property, the remaining right of way requirement shall be platted.
- (6) Wherever a proposed subdivision adjoins a major thoroughfare or arterial road, the plan-approving authority may require that access to private property be provided as stipulated in Section 4-2-4e.
- (7) All developments of one hundred (100) or more dwelling units shall have at least two (2) means of ingress and egress. A boulevard type of street design providing a minimum ten-foot (10') wide median between lanes or other design generally achieving the same purpose may be accepted by the plan-approving authority as satisfying this requirement when the provision of two (2) separate means of ingress and egress is determined to be difficult or undesirable. Alternative access by means of bike/hike paths are encouraged and may serve in lieu of a second means of ingress and egress if it can be demonstrated to the satisfaction of the plan-approving authority that the bike/bike path system will reduce the number of motorized vehicular trips to and from the development.
- (8) Reserve strips restricting access to streets or alleys will not be permitted.

b. Street and Alley Design

- (1) The right-of-way width for Major Streets shall conform to

the widths designated on the Major Street plan, either in existence or proposed.

- (2) All streets shall be constructed in accordance to VDOT standards. Five foot wide sidewalks shall be constructed on each side of the street unless exempted by Council. (Amended 06/05/03) (Amended 06/29/06)
- (3) The right-of-way width for streets shall not be less than fifty (50) feet. Rights of way which are forty (40) feet in width and meet standards for tertiary roads may be permitted on a case by case basis.
- (4) Cul-de-sacs or dead-end streets shall provide a terminal turn-around having a radius of not less than fifty (50) feet. Cul-de-sacs should not exceed twelve hundred (1200) feet in length exclusive of the turn-around.
- (5) Streets that terminate temporarily, and thereby take on the character of a dead-end street, shall be provided with a temporary terminal turn-around having a radius of not less than fifty (50) feet.
- (6) Islands positioned within the center of the cul-de-sac turn-around, which possess an eighteen (18) foot radius or less, are encouraged to be installed if a property owners' association with the capacity to maintain the landscaped center islands is to be created and notations to this effect shall be clearly indicated on the approved plan and documents recorded in the Courthouse and filed in the Town Hall.
- (7) Alleys not less than sixteen (16) feet in right-of-way width may be provided in the rear of all commercial and industrial properties unless other provisions are made for parking and service. Alleys may be provided in residential subdivisions if it can be determined by the plan-approving authority that the property owners' association has the capacity to maintain the alleys.
- (8) Transportation system design shall be such that alleys are not used by vehicular traffic desiring to bypass roads more suitable for their passage.

c. Street Grade

Grades shall conform to the current requirements of the VDOT.

-3-5

SIGHT TRIANGLES

a. Site Triangle Area Defined

Sight triangle shall be required at all intersections. Sight triangles shall include the area on each corner that is bounded by the pavement edge lines from the sight points to their point of intersection and the connecting line (hypotenuse) between the sight point location along a street. The distance between the point of intersection of the pavement edge lines and the sight points shall be determined as shown in Exhibit 7.

**EXHIBIT 7
SITE TRIANGLE AREA REQUIREMENTS**

<u>Street Classification</u>	<u>Distance from Point of Intersection(Feet)</u>
Local Streets	25
Arterial Roads(Routes 3 & 360)	50

b. Site Triangle Area Clearance

Signs, plantings, structures and other obstructions which would obscure or impede sight lines between three feet (3') and six feet (6') in height above grade shall be prohibited within the sight triangle area. Streetside shade trees planted 40-50 feet on center along rights of way are exempt from this requirement as are VDOT-approved traffic control signs.

c. Site Triangles Depicted on the Plan of Development

The sight triangle shall be clearly shown and its purposes noted on the Final Plat.

4-3-6 REGULATORY AND TRAFFIC SIGNS

a. Developer Responsible for Providing Signs

The developer shall be responsible for the provision of all regulatory and traffic signs required to maintain and ensure traffic safety during and after construction of improvements. This shall include the provision of temporary or permanent regulatory and traffic signs during construction, if required by the plan-approving authority after consultation with the VDOT.

b. Signs Erected Prior to the Issuance of Building Permits

All intersections of development streets with existing public roadways shall

be provided with appropriate STOP or YIELD signs, as determined by VDOT, prior to the issuance of any building permits for any structure on a lot contained within the development.

4-3-7 STREET NAMES

a. Avoid Duplication

Names of proposed streets shall not duplicate or nearly duplicate the name, spelling or sound of any existing or approved street name within the Town or County or within any portion of an abutting jurisdiction which is in an automatic and mutual emergency response area and/or where such a mutual emergency response agreement has a reasonable potential to be established.

b. Continuation of Street Names

Proposed streets which align with planned, recorded or existing streets shall bear the name of the planned, recorded or existing streets. The plan-approving authority, however, may require the use of a different street name when it is determined that such action is in the best interest of public safety.

c. Street Names of Plan of Development

Street names shall be indicated on every plan of development and the record plat and shall be approved by the plan-approving authority.

d. Street Name Changes

Names of recorded or existing streets shall not be changed except by resolution of Town Council.

4-3-8 STREET SIGNS

a. Street Signs to be Installed at Intersections

Permanent street identification signs of a design approved by the plan-approving authority shall be installed at all intersections by the developer. Permanent street signs shall have reflective backgrounds and lettering and shall conform with the size standards indicated on Exhibit 8 based on the existing or anticipated posted speed limit of the roadway to which the sign faces:

b. Street Signs for Private and Public Streets

Unless otherwise approved by the plan-approving authority, streets within the state system shall have signs with green reflective backgrounds. Private roads shall have signs with white reflective backgrounds.

c. Erection of Street Signs before Certificate of Occupancy

Prior to the issuance of any certificates of occupancy, permanent street identification signs shall be installed by the developer at all street intersections through which access to the lot in question is possible.

**EXHIBIT 8
STREET SIGN SPECIFICATIONS**

<u>Speed Limit</u>	<u>Minimum Sign Size</u>	<u>Lettering Height Upper Case</u>
35 mph or less	5x24-36"	4"
36 mph or more	8x36-45"	6"

4-10 OFF STREET PARKING AND LOADING

4-10-1 PURPOSE AND INTENT

The purpose and intent of the regulations established herein is to ensure that access to a development site from adjacent vehicular rights of way are designed so as to interfere as little as possible with traffic flow on these rights of way, permit vehicles a rapid and safe ingress and egress to the site and ensure the provision of an adequate number of parking spaces. Pedestrian and vehicular traffic movement within the development site, with particular emphasis on the provision and layout of parking areas, off street loading and unloading facilities and on site driveway patterns shall be reviewed to ensure that all parking spaces are usable, safe and conveniently arranged, and that the site is efficiently designed.

4-10-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Every plan of development shall include a parking and loading design plan. The design plan shall include the:

- location and width of existing and proposed streets, entrances and exits servicing the site, including the type of pavement;
- location of all off-street parking areas and off-street loading facilities, showing the number, location and dimensions of parking spaces, loading areas, curb stops, bumpers, traffic aisles, traffic patterns, curb radii and type of pavement and curbs with construction details;
- location of existing and proposed curbs, sidewalks, bike paths, bike storage areas, etc.

4-10-3 GENERAL REQUIREMENTS

a. Minimum Parking Space Requirements to be Maintained

- (1) All required off-street parking and loading spaces shall be maintained for parking or loading use for as long as the principal use for which such spaces were established shall remain.
- (2) No enlargement of a building, structure or use shall be made in such a way as to reduce the number of existing parking or loading spaces below the minimum number required unless provisions are made elsewhere on the premises to replace any required spaces which may have been removed. Additional parking or loading spaces shall be provided to accommodate any additional demand created by such enlargement.

b. Parking in the Front Yard Restricted

Off-street parking areas shall be located within the rear and side yards only unless the applicant can demonstrate to the satisfaction of the plan-approving authority that off-street parking is necessary between the building and public right of way, or that front yard off-street parking is substantially buffered from the view of public rights of way. This requirement shall not apply to single family dwellings.

c. Required Parking Spaces to be On Site

Parking spaces shall be on the same lot or tract of land as the building or use to be served unless the plan-approving authority approves collective off-street parking facilities for two (2) or more buildings or uses on adjacent or contiguous lots. The plan-approving authority may count available on street parking spaces in front of a use towards the required parking space count.

d. Fractional Space

Where fractional spaces result when calculating the minimum required number of parking and loading spaces, the parking or loading spaces required shall be construed to be the next highest whole number.

e. Loading Areas Not For Use as Parking Areas/Vice-Versa

No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

f. Constructed Parking Spaces Shall be No More Than the Minimum Required

Minimum off-street parking and loading requirements as required by this Section may only be exceeded where it can be demonstrated to the satisfaction of the plan-approving authority that such additional parking facilities are necessary for the operation of a proposed use.

g. Parking Space and Loading Area Requirement Adjustment

Where it can be demonstrated that the parking and/or loading and unloading requirements of this Section will result in more parking spaces than actual needs require, the plan-approving authority may permit a portion of the proposed parking and/or loading areas to remain unimproved. Such unpaved

area shall remain reserved for future parking/loading needs. If conditions in use or actual operation of the proposed use vary and additional parking/loading areas are needed, the Town Manager is empowered to require such unpaved area to be improved as needed.

4-10-4 OFF-STREET PARKING REQUIREMENTS

a. Minimum Number of Spaces

(1) Factors Used in Determining the Minimum

The minimum number of off-street parking spaces with proper access from a public right-of-way or driveway shall be as depicted on Exhibit 9. In determining minimum parking space requirements for uses not covered in this Article, the plan-approving authority shall be guided by the number of persons to be employed onsite or by the use; the number of persons expected to reside in, visit, or patronize the building or use, and the need for safe and convenient loading space for visitors, patrons and goods. *In instances where Exhibit 9 requirements appear excessive, Council may authorize exception. (Amended 2/14/08)*

(2) Shared Parking

The required parking space for any number of separate uses may be combined in one facility. Generally, the required space assigned to one use may not be assigned to another use; thus, the total available spaces should be the sum of required spaces for each of the individual uses. Shared parking facilities where parking available is below the minimum requirements for each separate use, as depicted on Exhibit 9, shall be allowable when the functional nature of the uses allow for differing peak hour demands. The number of spaces required in such a shared facility other than those specifically noted in Exhibit 9 shall be determined by the plan-approving authority after review of a parking study submitted by the applicant. Any such combined use will require the recording of a perpetual easement, in form and substance acceptable to the plan-approving authority.

b. Size of Spaces

Parking spaces shall be sized in accordance with the dimensions provided in Exhibit 10. Small car spaces may be provided for up to thirty (30) percent of all required spaces for nonresidential uses.

c. Design of Parking Spaces/Access Points for the Physically Handicapped

- (1) Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways and entrances. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps, and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance. Parking spaces for the physically handicapped shall be provided in accordance with Exhibit 11.
- (2) Parking spaces for the physically handicapped shall be identified by signs, each of which shall not exceed two square feet in area. These signs should generally be located eight (8) feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structure, or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six (6) feet.
- (3) Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet. Curb cuts shall be

EXHIBIT 9
OFF-STREET PARKING SPACE REQUIREMENTS

<u>Development Type</u>	<u>Required Parking Spaces</u>
<u>Residential Uses:</u>	
Single family detached dwelling	2 for each dwelling unit
Duplex dwellings	2 for each dwelling unit
Townhouses, Manufactured Housing	2 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking
Multi-family dwellings	1.5 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking
Housing for the elderly and physically handicapped	1 for each 2 dwelling units
Group quarters:	
Lodging and rooming houses	1 for each room rented
Nursing homes	1 for each 2 beds
Transient lodgings:	
Hotels/motels:	
1-100 bedrooms	1 for each bedroom
101-200 bedrooms	100 spaces plus .9 for each bedroom over 100
201-300 bedrooms	190 spaces plus .8 for each bedroom over 200
301 and over	270 spaces plus .7 for each bedroom over 300
Meeting rooms, banquet rooms and restaurants within a hotel/motel	1 for each 350 square feet of non-room floor area
Bed and Breakfast	1 for each guest room plus 2 additional spaces

EXHIBIT 9
OFF-STREET PARKING SPACE REQUIREMENTS

Development Type

Required Parking Spaces

Business:

Low Parking Generation Group

3.33 per 1000 sq. ft. gross leasable area

This group consists of furniture stores, carpeting and floor covering stores, retail upholstery stores, printing, publishing, and business machine sales, and similar uses which, because of their large areas of display space, generate relatively small demands for parking space.

Normal Parking Generation Group

5 per 1000 sq. ft.

This group consists of retail sales and service establishments that generate an average parking demand, and includes any such uses which are not classified in low or high parking generation groups, and are not specifically listed elsewhere in this Section.

High Parking Generation Group

7 per 1000 sq. ft. gross leasable area

This group includes food stores, convenience stores, drug stores, variety stores, and similar uses which, because of the type of activity, require unusually large amounts of parking space.

Auctions and flea markets

Minimum of 100 parking spaces

Automobile sales and rental establishments

1 for each 500 square feet of enclosed sales/rental floor area, plus 2 for each service bay

Service Station

4 for each bay and work area

Car Wash

10 for each washing lane

Banks/Savings and Loan

1 for each 300 square feet, 8 stacking spaces for the first drive-in window and 2 stacking spaces for each additional drive-through lane

Shopping centers, but excluding theaters

1 for each 250 square feet of floor area

Restaurant

1 for each 3 seats

Fast Food Restaurant

1 for each 25 square feet plus 8 stacking spaces for the drive-through

Outdoor sales and display

1 for each 500 square feet of open sales and display area

EXHIBIT 9
OFF-STREET PARKING SPACE REQUIREMENTS

Development Type

Required Parking Spaces

Wholesale, inventory and storage
uses not otherwise classified

1 for each 1000 sq. ft. of floor area devoted to
enclosed storage

Office uses:

Offices, but not including
medical offices

1 for each 300 sq. ft. of
floor area

Medical uses:

Doctor's or dentist's office,
clinic, and out-patient clinic

1 for each 200 sq. ft. of
floor area

Hospital

2 for each bed, plus 1 for each 200 sq. ft. of floor area
devoted to patient services

Veterinary hospital

1 for each 400 sq. ft. of floor area

Service uses:

Personal Service Business

1 for each 200 sq. ft. of floor area

Laundry, Self-service

1 for each 200 sq. ft. of floor area

Dry-cleaning establishment

1 for each 400 sq. ft. of floor area

Funeral home

1 for each 4 seats in chapels or parlors with fixed seats;
1 for each 100 sq. ft. of floor area for assembly rooms
without fixed seats that are used for services

Educational Uses:

Day care center, nursery
school

1 for each 200 sq. ft. of floor area

Elementary, middle and
high schools

2 per classroom plus 1 per
staff member

EXHIBIT 9 OFF-STREET PARKING SPACE REQUIREMENTS

Development Type

Required Parking Spaces

Junior colleges, colleges, and universities

1 for each 5 classroom seats plus 20 spaces for visitors, plus 1 per every 3 seats in an auditorium or multi-purpose room

Institutional uses:

Churches and other places of worship; and civic, fraternal, political, private, religious, and social nonprofit organizations

1 for every 3 seats of maximum seating capacity in the main place of assembly

Cultural, Entertainment, and Recreational uses:

Auditoriums, assembly halls, community centers, dance halls, and theaters

Fixed seats

1 for each 4 seats based on maximum seating capacity

Without fixed seats

1 for each 100 sq. ft. of floor area

Amphitheaters, sports arenas, stadiums or gymnasiums

1 for each 100 sq. ft. of floor area

Art galleries, libraries, museums

1 for each 400 sq. ft. of floor area

Bowling

4 for each alley

Golf course or miniature golf course

2 for each hole

Industrial uses:

Manufacturing, assembly, finishing and other uses

1 for each 800 sq. ft. of floor area

Warehouse/storage,

1 for each 5000 sq. ft. storage area

**EXHIBIT 10
PARKING SPACE DIMENSION REQUIREMENTS**

<u>Parking Angle</u>	<u>Standard Space</u>		<u>Small Car Space</u>		<u>Handicapped Space</u>	
	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Stall Width</u>	<u>Stall Depth</u>
45E	9'	17.5'	7.5'	17'	12'	17.5'
60E	9'	19'	7.5'	17.5'	12'	19'
75E	9'	19.5'	7.5'	17.5'	12'	19.5'
90E	9'	18'	7.5'	16'	12'	18'

Parallel parking spaces shall be sized as follows:

Standard	7.5 X 21 feet
Small Car	6 X 19.5 feet
Handicapped	11 X 22 feet

provided within thirty (30) feet of each accessible entrance sidewalk to the structure, at all pedestrian sidewalk intersections, and elsewhere to provide reasonably direct circulation within each development. Curb cuts shall not be more than one hundred fifty (150) feet apart.

- (4) Sidewalks shall be scored or textured to indicate the location of doors to blind persons. Exterior sidewalks shall not be obstructed. They shall have a side slope not greater than one (1) inch in four (4) feet and a grade of not more than one (1) foot in twenty (20) feet. Wherever sidewalks cross driveways, parking lots, or other sidewalks, they shall blend to a common level.
- (5) Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.
- (6) The grade of parking spaces for the physically handicapped shall not be more than one (1) foot in twenty (20) feet.

d. Arrangement and Marking of Parking Spaces

- (1) All off-street parking areas shall be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Directional arrows and traffic signs shall be provided for traffic control. Individual parking spaces shall be clearly defined with durable, contrasting lines. Each space or area for small car

parking must be clearly marked with a sign to indicate the intended use.

- (2) All off-street parking shall be designed so that vehicles can turn around on site and enter the public right of way or vehicular travelways outside of parking bays in such a manner as to completely eliminate the necessity of backing into the street.
- (3) Parking areas shall be separated into modular parking bays or lots containing not greater than sixty (60) spaces each. Single row or line of spaces within a bay should be separated from access or circulation drives by ten (10) foot wide landscaped medians for the full length of a bay and at the ends of parking rows.
- (4) A major loop driveway should be developed around the parking areas. All parking should be located in bays generally perpendicular to driveways or roads. A one-way directional movement, if employed, shall flow counter-clockwise.

4-10-5 DRIVEWAY AND AISLE DESIGN

Plans of development with on-site parking areas shall be designed with an integrated and effective system of driveways and aisles. Entrances from public vehicular rights of way shall be kept to a minimum and shall comply with the requirements of VDOT. Access to outparcels created from and developed with the site of a shopping/office complex shall utilize the interior vehicular circulation network of the shopping/office complex as their point of vehicular access rather than utilize a public vehicular right of way.

Aisles shall be designed as shown on Exhibit 12.

EXHIBIT 11
PARKING SPACE REQUIREMENTS FOR
THE PHYSICALLY HANDICAPPED

<u>Total Parking Spaces in Lot</u>	<u>Required Minimum Number</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total
Over 1,000	20, Plus 1 for each 100 over 1,000

**EXHIBIT 12
PARKING LOT AISLE WIDTHS**

<u>Adjacent Space Parking Angle (Degrees)</u>	<u>Aisle Width One-Way Traffic (Feet)</u>	<u>Aisle Width Two-Way Traffic (Feet)</u>
0 parallel parking	12	24
30	12	24
45	14	24
60	18	24
90 perpendicular parking	24	24

4-10-6 LOADING/UNLOADING AREAS

a. Applicability

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, sufficient off-street loading and unloading areas must be provided in accordance with this section to accommodate the delivery or operations in a safe and convenient manner. Determination of the applicability of this section shall be made by the plan-approving authority.

b. Required in Loading/Unloading Areas

Loading/unloading areas shall be provided within the design of major plans of development. The number of berths (each berth consists of a space at least twelve (12) feet wide and forty (40) feet long, with fourteen (14) feet of overhead clearance) within the loading/unloading area shall be as shown in Exhibit 13.

EXHIBIT 13

LOADING/UNLOADING AREA REQUIREMENTS

<u>Floor Area</u>	<u>Required Loading Area</u>
Up to 4,000 square feet	1 loading area (1 berth if served by tractor trailers)
4,001 to 20,000 square feet	1 berth
20,000 to 40,000 square feet	2 berths
40,000 to 100,000 square feet	3 berths
Each 80,000 square feet over and above 100,000 square feet	1 additional berth

c. Inability to Meet Standards of Section 4-10-6b

Whenever there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can practically be used for loading and unloading, then the developer need only comply with this Section to the extent reasonably possible as determined by the plan-approving authority.

d. Noninterference and Screening

Access to and from, and the location of the loading/unloading areas, shall not interfere with the movement and/or parking of customer vehicles. Loading and unloading areas shall be screened from public view.

4-10-7 SURFACING REQUIREMENTS FOR OFF-STREET PARKING AND LOADING AREAS

a. Paving Standards

All off-street parking and loading area, including aisles and driveways, shall be constructed and maintained with an all-weather impervious material unlikely to cause substantial maintenance problems. Surface areas shall be properly graded and composed of asphalt, porous asphalt pavement, concrete or other material approved by the plan-approving authority, including porous paving. Surfaces should approximate the following all-weather surfacing detail:

- (1) Parking Spaces - Two (2) inches of asphalt surface applied over eight (8) inches of a graded, compacted aggregate #1 or #2 subgrade.

- (2) Driveways - One and one-half (1-1/2) inches of asphalt surface applied over a five (5) inch BM-2 asphalt base on top of an eight (8) inch compacted aggregate #1 or #2 subgrade. Grid and Modular pavements are encouraged for parking areas, alleys, and other low traffic driveways

The plan-approving authority may increase or decrease the required surfacing treatment depending upon anticipated usage, the nature and weight of anticipated traffic, as well as the stability and bearing capacity of the on-site soils.

b. Exceptions to the Paving Requirements

Exceptions to this requirement are driveways serving single family detached dwellings; parking, loading and storage areas onto which customer vehicles are not permitted; and existing commercial and industrial uses. Any changes to existing commercial and industrial uses requiring an increase in public parking spaces must be accomplished in conformance with the requirements of this Section.

4-10-8 MAINTENANCE OF OFF-STREET PARKING AND LOADING AREAS.

a. Maintenance Requirements

Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe, and good condition.

b. Repairs by the Town Authorized

The Town Manager may authorize repairs for such improvements if, after proper notice, the owner fails to maintain improvements and such conditions constitute a hazard to health and safety. The imposition of a lien shall be applied to the subject property and shall be enforced and collected by the Town.

4-4 WATER AND SEWER FACILITIES

4-4-1 PURPOSE AND INTENT

The provisions of this section are intended to ensure that adequate water and sewer facilities are available to serve any permitted use of land associated with habitation or occupancy.

4-4-2 GENERAL REQUIREMENTS

a. Unlawful Disposition of Human Excrement

No person in the town shall deposit any human excrement upon the surface of the ground or in any place where it may endanger a source of drinking water or be accessible to flies or animals.

b. Powers of Health Officer as to Toilet Facilities and Sewage Disposal Systems

It shall be unlawful for any person to install or have installed toilet facilities or a sewage disposal system in the town not connected to facilities of the town without having first obtained a permit from the health officer. The health officer shall decide the capacity and design and shall approve the location of such toilet facilities or sewage disposal system prior to installation.

c. Abatement of Offensive Private Sewer System

Upon complaint of any person that a private sewer system is so situated or maintained as to be offensive, the mayor may, upon summoning the owner or occupant of the premises upon which such system is situated and satisfying himself of the correctness of the complaint, order the same to be removed at once. If such owner or occupant fails to comply with such order, he shall be guilty of a misdemeanor.

d. Structures Completed Before October 3, 1973

Structures completed before October 3, 1973, must comply with the requirements of Section 4-4 at such time as the Town's water and sewer facilities are available and ready for use, subject, however, to the following exceptions:

- (1) **Metering:** Separate metering shall not be required for any dwelling or commercial unit if the owner agrees to pay, and pays, the charges as set forth by the Town.

- (2) **Historical Structures:** Any structure built before 1875 and deemed by Town Council to be an historical or architectural landmark may be exempted from the provisions of this ordinance upon application by the owner thereof.
- (3) **Hardship, Structures without water or sewer:** Any structure, or unit within a structure, which is without water or sewer on October 3, 1973 may be exempted from the provisions of this ordinance where Town Council finds that requiring the owner to comply would create an economic hardship and would not otherwise be economically feasible.
- (4) **Hardship, Structures with Water and Private Septic Systems:** Structures which were connected to the Town's public water system and were equipped with private septic systems on October 3, 1973, may be exempted from connecting to the Town sewerage system where Council finds that due to the construction of the structure, extraordinary cost would be incurred by such connection resulting in an economic hardship on the owner. Such exemption shall continue only for so long as such private septic system is acceptable under applicable health regulations. Where the Town's public sanitary sewers are available but not used, the owner shall pay a sewer hookup fee and bi-monthly sewer bills based upon water consumed.

e. Location of a Private Sewer System Dangerous to Drinking Water; Exposure to Flies:

No person shall construct, maintain or permit on any premises owned by him any private sewer system not prohibited by ordinance of the town which may possibly endanger any source of drinking water, or which allows flies to have access to human excrement.

f. Maintenance of Private Sewer System

All private sewer systems not prohibited by ordinances of the Town shall be kept in a sanitary condition.

g. Connections Required; Policy Regarding Extensions Generally

- (1) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, constructed subsequent to October 3, 1973, and situated within the franchise territory at a distance not greater than two hundred and fifty feet from any Town owned sanitary sewer line or water main, which can be served by

a gravity sewer and to which water and sewer service is available, shall be required to install suitable toilet and disposable liquid waste facilities therein and to connect such facilities directly with the public sewer and to the public water main, when the Town or developer, as the case may be, shall have provided all easements or rights-of-way, if any are required, in which to connect to such public sewer line or water main; provided, that the owner shall be required to construct such line at his own expense. Each dwelling unit or commercial unit within any such house, building or property shall be separately metered.

- (2) Structures completed before October 3, 1973, must comply with this section at such time that the Town's water or sewer facilities are available and ready for use; provided, that any structure built prior to 1875 and deemed by the Council to be an historic or architectural landmark may be exempted from the provisions of this chapter upon application by the owner thereof; provided, further, that separate metering shall not be required for each dwelling or commercial unit constructed prior to October 3, 1973, if the owner agrees to pay, and pays, the charge as set forth by the Town.
- (3) Except as otherwise provided in this Section, every house used as for human habitation, every building operating a wholesale or retail mercantile business, every warehouse, every public building, every recreation or tourist camp, transient lodging house, trailer camp or other place where human beings congregate or are employed in the Town shall be provided by the owner thereof with toilet facilities deemed adequate by the health officer.
- (4) Any person failing to comply with this Section, and any person who shall have failed to comply with the provisions of this Section at the expiration of two years from the date that sewer service becomes available to such person shall be deemed guilty of a misdemeanor. Each day of any such failure shall constitute a separate offense.
- (5) No water or sewer line shall be hereafter extended unless and until the property owners whose properties maybe, or will be, served by such extension have agreed in writing to pay to the Town their pro rata share of the actual cost of installation of such lines, which cost shall be paid either at the time of installation or, at the election of the property owners subject to the approval of the Council, over a period of five years, in five equal installments, carrying interest on the unpaid balance at such rate as may from time to time be set by the Council,

and by such agreement make the same a lien on their property, upon recordation of the same in the Clerk's office of the Circuit Court of

Richmond. The costs of such recording shall be paid by such property owner.

- (6) Where one or more of the property owners mentioned in Section 4-4-2g(4) refuses to agree to pay for the extension of water or sewer lines as provided in such subsection, one or more of the property owners requesting such extension may pay the share of the person who so refuses. Thereafter, any person who requests connection to either water or sewer which has been paid for by those other than the person owning the property shall pay to the Town his pro rata share of the cost of the line, which will be returned by the Town to the party who has actually paid for the installation or extension of the line, and the person requesting the connection shall also pay to the Town the hookup fee. The cost of any extension shall be figured from the point where the extension joins the existing line to the point of termination.
- (7) Anything in this Section to the contrary notwithstanding, the Town may extend its water and sewer lines within the franchise territory as a capital improvement without landowner assessments, and the cost of any such extensions shall be paid from the Public Works reserve fund of the Town, if such a fund shall have been established, or from such other sources as do not include General Funds of the Town, and in no event shall any such extension be funded from the Town's General Revenue Funds. The extension is deemed a capital improvement when Town Council determines that such extension will make its water and sewer systems available to multiple additional users, will provide additional trunk or lateral lines and will promote substantial economic growth in the franchise territory and its environs.

h. Developer to Provide Water and Sewer Facilities for New Subdivisions or Developments; Agreements Between Developer and Town Manager for Offsite Construction; Review of Plans

- (1) The developer of any new subdivision intended for residential or commercial use, or any combination thereof, or the developer of any industrial site shall construct all sanitary sewers and domestic fresh water distribution lines within his subdivision or development at his own expense. Immediately upon completion and acceptance of the construction work, the sanitary sewer and water facilities with necessary easement shall become the property of the Town.
- (2) Where a public water main or sanitary sewer is not available to a new

subdivision or development, the developer shall construct necessary water mains and sewer mains and connect his sanitary sewers to one or more

suitable private sanitary sewage pumping stations. Sufficient easements shall be provided as per Section 4-13-3b of this ordinance. Immediately upon completion and acceptance of such construction works, the water and sewer works systems shall become the property of the Town.

- (3) Where construction by the developer of an offsite trunk or lateral sewer or water line is deemed to be necessary, feasible or advisable to connect the applicable systems of the subdivision or development to the suitable facilities of the Town, the financial responsibility of the developer, location and details of such construction shall be determined in conference by the developer and Town Manager. All agreements so established shall be in writing and acknowledged by both the developer and the Town Manager. Each such proposed item of offsite construction shall be a separate matter for discussion and agreement.
- (4) The Town Manager shall, in conjunction with the engineers, review and approve, or revise the design plans if necessary to conform with standards acceptable to the Town Manager, as hereinafter specified, for all projects proposed for development, extending and/or constructing water mains and sanitary sewer lines and all pertinent connections, structures and accessories proposed thereto within the Town and/or those lying outside the town which will connect to the facilities of the Town, prior to any construction of such projects.

4-4-3 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS AND APPROVAL PROCEDURES FOR UTILITY SERVICE REQUEST

In addition to submitting data evidencing compliance with the requirements of Section 2-2-6 and this Section, plan of development submittal requirements must satisfy the requirements of any state regulatory agency reviewing water and sewer proposals.

a. Town Manager to Review

The Town Manager shall accept, review and render decisions on applications for water and sanitary sewer service to the premises described in the application from any person who is the owner of or legally represents the owner of land or who is a tenant of land within the franchise territory. The Town Manager reserves the right to approve, revise, request additional data,

design or information on or to disapprove any such application or plans pertinent thereto which, in the opinion of the Town Manager, is in the best

interest of the Town.

b. Information Obtainable From Town Manager

Any developer or owner who proposes to submit an application to the Town for review and approval of plans and specifications for construction of facilities classified hereinafter in Sections 4-4-3d,e and f may examine this Ordinance at the Office of the Town Clerk or obtain copies from the Town Clerk at a reasonable cost.

c. Existing or New Buildings, etc. Immediately Adjacent to the Town's Utility System

Applications for water or sewer service for any existing or proposed new individual or multiple dwelling or commercial establishment to which the Town service facilities are immediately adjacent and available shall be made in duplicate on a form prescribed and furnished by the Town Manager for the purpose of such application. Each form shall be accompanied by measurements, maps, drawings and such other data as will clearly establish and indicate the physical location within or with respect to the location of the premises for which the application is submitted and the location on the premises of the services applied for.

d. Buildings, etc., Not Classified as New Subdivisions and Requiring New Trunk, Lateral or Principal Lines

(1) Application shall be made in writing to the Town Manager in instances where service is desired for either water or sewer facilities, or both, for any individual building or group of buildings, whether intended for use for residential or commercial purposes, which are not classified as being the development of a new subdivision or section thereof, which will require the design and construction by the owner of new trunk, lateral or principal lines and any necessary appurtenances thereto in order to reach and connect onto applicable existing facilities of the Town and which such new construction, in its entirety, shall ultimately be accepted as an integral part of the facilities of the Town.

(2) Such application shall be accompanied by four sets of detailed plans showing accurate plan and profile design drawings of the lines and location, design and identification of all appurtenances and accessories pertinent thereto. It is preferable that such plans show on the same sheet the plan and profile design of the contiguous sections of street or easement and

proposed utility, as is indicated by the application.

- (3) Such design and detailed plans and all subsequent revisions thereof shall be prepared and properly signed by a civil engineer registered in the Virginia.

e. Residential or Commercial Subdivisions, etc.

- (1) Where construction of water and sanitary sewer facilities is proposed by a developer or owner of any new residential subdivision or commercial area, or any combinations thereof, and the facilities are ultimately intended to be accepted into the jurisdiction of the Town as a part of the Town's public utilities system, application for review of the design and plans for all such proposed construction shall be submitted to the Town Manager.

- (2) Such application shall be accompanied by:

- Four prints of the record plat of the subdivision or applicable section thereof, which shall bear the approval of the Town Council.

- Four sets of detailed plans showing accurate plan and profile design drawings, the proposed lines and the location, design and indication of all their appurtenances and accessories. It is preferable that such plans show on the same sheet the plan and profile design of the contiguous sections of new street or easement and proposed water and/or sewer facilities. Such design and detailed plans and all subsequent revisions thereof shall be prepared and properly signed by a civil engineer registered in Virginia.

- If any facilities other than pipelines and their appurtenances are proposed by the applicant or required by the Town Manager for the complete and satisfactory operation of the proposed utilities, such as water storage or pumping equipment, sewage treatment plants, sewage pumping stations or other like equipment, the application shall be accompanied by four sets of detailed plans and specifications on design, equipment, materials and construction of such facilities. Such plans and specifications and all subsequent revisions shall be prepared and properly signed by a civil engineer registered in Virginia. Final approval of plans and specifications by the Town Manager will be contingent on approval of such plans by all applicable health

authorities.

f. Industrial Uses

- (1) Application for proposed water and sewer facilities to serve any type of industrial establishment within the franchise territory shall be submitted to the Town Manager. Volume of utility requirements, types of industrial wastes to be discharged, proposed facilities for pretreatment of industrial wastes and other data pertinent to the industry shall accompany the application.
- (2) Water and sanitary sewer services to serve industrial establishments shall conform to the most relevant and applicable requirements of 4-4-3 as may be governed by the location of the proposed industrial site.
- (3) Any design, plans and specifications, required as stipulated in Section 4-4-3f(2) above, and all subsequent revisions thereof, shall be prepared and properly signed by a civil engineer registered in the Virginia.

g. Construction to Conform to Approved Plans

- (1) On receiving an application for water or sewer service as prescribed in this Section, the Town Manager will, within sixty days, approve, with or without revision, or disapprove the application and return one set of the submitted plans to the applicant so marked to indicate the action taken by the Town Manager.
- (2) Construction of any such approved service facilities shall conform strictly with the returned application plans and notations indicated thereon by the Town Manager.
- (3) On receiving an application, the Town Manager will review all data, designs, plans and/or specifications and indicate thereon any revisions, additions, changes or deletions, as considered necessary in order that the proposed construction shall conform to the standards and best interest of the Town.
- (4) After receiving the returned set of plans and/or specifications from the Town Manager, the applicant shall prepare revised plans and/or specifications to conform with such revisions indicated by the Town Manager and resubmit four sets of the revised plans and/or specifications to the Town Manager.
- (5) On receipt of the revised plans and/or specifications, the Town Manager shall check them for conformity with the initially marked revisions. If satisfactory, one of the revised sets of plans and/or specifications shall be

returned to the applicant with written approval for construction, contingent upon approval of all applicable health authorities and the submission of required guarantees as provided for in Section 2-6. If for any reason, a disagreement between the Town Manager and the applicant arises relative to the interpretation of the terms and requirements of this policy, the applicant may file an appeal in accordance with Section 2-4-1 for a determination to be made by the Town Council. Such decision shall be rendered at the next regularly scheduled meeting of Town Council following filing with the Council of written notice of such appeal.

- (6) Construction of any public utility facility under the jurisdiction of the Town, and all its appurtenances and accessories, shall be in strict conformance with the final approved set of plans and/or specifications stipulated in the paragraph immediately above.

h. Fees for Construction of Sewer Service Lines.

Fees for permission to construct sewer service lines shall be as prescribed by the Town Council and shall be paid at the time of application for service.

i. Request for Permission to Deviate from the Approved Plans.

- (1) In the event an applicant desires to deviate from the plans and/or specifications which have been approved by the Town Manager for construction, or to make any changes or revisions therein, the applicant shall make such request to the Town Manager in writing and state the reasons for his request. Revised plans, specifications and other substantiating data shall accompany the request in such manner, form and quantity as was required for the original application.

The procedure for all parties concerned for processing any such request for deviation from or changes and revisions in initially approved plans and/or specifications for construction shall be the same as stipulated for the original application for the project.

j. As-Built Plans

After completion of construction of the public utility facilities from approved plans on any project classified in sections 4-4-3d to 4-4-3f, the developer or owner responsible for the construction shall prepare

as-built plans, based on accurate, field obtained information, to show actual conditions of the finished construction. The as-built plans shall be revisions in and permanently indicated changes on the original tracings or master

sheets from which were made the plans and/or specifications approved by the Town Manager for construction.

The as-built plans shall show, but may not be limited to, the following:

(1) Water Line Construction

- Scale accuracy location in plan of the line and all installed fittings, such as elbows, tees, crosses and reducers, and all cradle encasement or special construction.
- Exact measurement to show positive location of all house services, valve boxes, blind or blank-flanged fittings and plugged terminals of lines.
- The measurements taken for these positive locations shall be taken from adjacent and available fixed and permanent objects such as fire hydrants, centers of sanitary or storm sewer manhole casting covers, corners or lines extended of buildings, power poles, etc.
- In lieu of recording such positive locations on the plans, the Town Manager will accept such locations shown by neat, legible and separate no-scale sketches with all measurements thereon, when all such sketches or diagrams are recorded in a progressive sequence and clearly identified in a hardcover, permanently bound, field type notebook.

(2) Sewer Line Construction

- Scale accuracy location of manhole invert and top casting elevations and numerical notation of the exact elevations of the same as determined by field survey after construction. Elevations shall be in datum of the Town.
- Scale accuracy indication of lengths and grades of lines between manholes and numerical notation of the exact lengths and grades, as determined after construction.
- Scale accuracy location of concrete cradle, encasement or special construction.
- Location of house services by measurement from the manhole immediately downgrade.

(3) Sanitary Sewage Treatment Plants and Pumping Stations, Water Pumping Stations, All Other Comparable Construction and Building Structures

- Accurate indications of all approved deviations from or changes in location or type of equipment installed and material used.

- Accurate listings of the name of the manufacturer of all operating equipment installed, together with model or style numbers, ratings capacities and other pertinent information shall be provided.

- At least three complete sets of operation and maintenance manuals of all operating equipment, and all certificates of inspections, approvals, warranties and guarantees of equipment, materials and installations thereof, required by the project specifications which were approved by the Town Manager shall be provided.

k. Town's Responsibility For Accepting Sewerage

The Town's responsibility for accepting sewerage shall begin at the point where sewerage enters the established utility easement or, in the event of easement intrusion, on the Town's side of any and all appurtenances installed for individual use.

4-4-4 METER INSTALLATION, RIGHT OF ENTRY

a. Generally

(1) Water meters for new customer services shall be installed on the premises, where practicable, in a location which will assure against freezing or damage. They shall be installed as near as possible to the point of entry of the water service pipe. Customers shall be responsible for the cost of repairs from the meter to the premises.

(2) Water meters installed on the premises shall be used with an outside reading device installed in a location agreeable to the Town Manager and the property owner. The owner shall provide the Town with a finished premises grade elevation for

setting the meter.

- (3) Water meters installed on the premises shall not be covered or so obstructed as to prevent ready access for maintenance or repairs.
- (4) After proper installation of water meters, all meters shall be sealed by the Town, and such seals shall not be broken except by permission of the Town Manager.
- (5) No water meter shall be moved or relocated except by Town employees.
- (6) Meters which cannot be installed on the premises will be installed at or near the property line.
- (7) The Town shall not be held responsible for water damage caused by burst water meters or connections.
- (8) In case of meter damage causing leakage, the customer may shut off the water by turning the valve off inside the meter box.

b. Town Employees to Supervise Connections to Water or Sewer Mains; Town Employees or Authorized Plumbers to Turn on Water Service

- (1) It shall be unlawful for anyone except employees of the Town or persons approved by the Town Manager, under the supervision of the Town, to make any connection with the water or sewer mains of the town water or sewer systems. Any person violating this Section shall be guilty of a misdemeanor.
- (2) It shall be unlawful for anyone other than Town employees or plumbers with permission to turn on water service at the water meter or property line connection.

c. Right of Entry of Town Manager and Agents

The Town Manager or his duly authorized agent shall have the authority to enter at reasonable times any lot or house wherein town water or sewer service is used to determine if there is any waste of water or malfunctioning system, and to inspect the plumbing.

d. Authority of Town Manager to Regulate Use of Water During Emergency.

Whenever the public water supply diminishes to the extent that, in the judgement of the Town Manager, the public health, safety and welfare are in danger, he may declare the existence of a water emergency. Whenever such emergency is declared, the public shall be notified by the publication of an emergency proclamation once a day for two successive days in a newspaper of general circulation throughout the area served or by the distribution of printed circulars in the area served. Such proclamation shall contain all the rules and regulations governing the use of water throughout the length of such period, and anyone violating any of the provisions thereof shall be guilty of a misdemeanor.

4-4-5

CONSTRUCTION MATERIALS AND METHODS

a. Generally.

- (1) Materials, workmanship and procedures used in water and sewer construction work performed pursuant to this Section shall be in accordance with the standards and specifications established or approved by the Town Manager and all applicable health authorities.
- (2) During the progress of the work, the Town Manager or the duly authorized engineers, inspectors or others who are directly concerned with the work shall have access to the locations of construction for the purpose of establishing to their satisfaction that the projects are being constructed to town requirements and in accordance with approved plans and specifications.
- (3) After completion of the facilities, and on written request of the developer or owner responsible for the construction, the Town Manager shall make a final comprehensive inspection of the completed projects and shall be satisfied as to conformance to plans and specifications before accepting the facilities to become a part of the public utilities system of the Town.

b. Final Inspections

- (1) At the completion of construction of any project of public utility facilities on any project classified in sections 4-4-3d, 4-4-3e or 4-4-3f, the developer or owner responsible for the construction shall notify the Town Manager, in writing, that the work has been completed. Together with the notification of completion, there shall

be submitted to the Town Manager all as-built plans, specifications and such other data and addenda relative thereto which is required by Section 4-4-3j.

- (2) On receipt of the notification and as-built information as required, the Town Manager or his representative shall make a final comprehensive inspection of the constructed facilities, examining in detail for conformance of the work with approved plans and specifications, alignment of sewer lines, infiltration leakage, workmanship, operation of equipment and other factors to the satisfaction of the Town Manager and best interest of the Town.
- (3) A responsible representative of the developer or owner shall accompany the Town Manager on the final inspection. The developer or owner shall furnish whatever labor is necessary for conducting the final inspection.
- (4) Deficiencies which are found to exist during the inspection shall be pointed out to the developer's or owner's representative. Subsequent to the inspection, the developer or owner shall be furnished, in writing, a summary of the deficiencies found and corrections of which are required.
- (5) On notification that all construction deficiencies have been completed, the Town Manager will inspect all such work.

c. Acceptance of New Construction.

The Town Manager shall accept newly constructed water and sanitary sewer service facilities, classified in Sections 4-4-3d, 4-4-3e and 4-4-3f, on satisfaction of the following conditions:

- (1) That all requirements of section 4-4-5b have been fulfilled in the opinion of the Town Manager.
- (2) That all matters relative to specific contracts between the developer or owner and the Town Manager are in order.
- (3) That payment has been made by the developer or owner for all fees relative to applications and inspections.
- (4) That a civil engineer registered in the Virginia certifies that the work has been completed in accordance with the approved plans and

specifications.

- (5) That explicit understanding exists between the developer or owner and the Town Manager that the developer or owner shall be responsible for and obligated to correct any deficiencies in construction for a period of one year from the date of acceptance of the facilities by the Town. This condition shall be stipulated in the written form of acceptance issued by the Town Manager after a maintenance guarantee, as required by Section 2-6, is submitted to and deemed acceptable by the Town Manager.
- (6) Acceptance of the newly constructed facilities, when approved by the Town Manager, shall be made in writing to the developer or owner responsible for the construction. The issuance of the written form of acceptance of any such facilities shall constitute an irrevocable agreement between the developer or owner responsible for construction and the Town Manager, acting for the Town and any of its officers, agents, servants or employees, shall be saved harmless by the developer or owner from liability and responsibility of any nature and kind for costs of or payments on labor, equipment or materials used in construction of the accepted facilities or on account of any patented or unpatented invention, process, article or appliance manufactured for or used in construction of or for the intended operation of the accepted facilities.

4-4-6 PROHIBITED DISCHARGES

a. Generally

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any public sanitary sewer.

b. Water/Waste Materials Prohibited to be Discharged into Any Public Sanitary Sewer

Except as hereinafter provided or under conditions specifically approved and detailed in writing by the Town Manager, no person shall discharge or cause to be discharged into any public sanitary sewer any of the following water or wastes:

- (1) Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease.
- (2) Any gasoline, benzene, naphtha, fuel oil or other flammable or

explosive liquids, solid or gas.

- (3) Any garbage resulting from preparation, cooking and dispensing of food which has not been properly shredded in approved household garbage grinding units.
- (4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (5) Any waters or wastes having a PH value lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (6) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.
- (7) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance.

c. Grease, Oil and Sand Interceptors

- (1) Grease, oil and sand traps or interceptors shall be provided by the owner when, in the opinion of the Town Manager, they are necessary for the proper handling of liquid wastes containing any of the ingredients prohibited in section 4-4-6 or any other of a flammable or harmful nature; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Manager and engineers. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas and watertight.
- (2) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

d. Administrative Approval for the Admission and Treatment of Certain Waters

- (1) The admission or proposed admission into the public sewers of any waters or wastes resulting from any industrial or manufacturing process, products or comparable activity shall be subject to the review and approval of the Town Manager.
- (2) When necessary, in the opinion of the Town Manager, the owner of any such industrial or manufacturing establishment shall provide, at his expense, such preliminary treatment of his industrial waters or wastes as may be required to reduce objectionable characteristics or constituents or to satisfy any other condition which the Town Manager may decide is advisable in order to allow the admission of such waters or wastes into the sanitary sewers.
- (3) Plans and specifications and any other pertinent information relating to required or proposed preliminary treatment facilities shall be submitted for the review and approval of the Town Manager. No construction of any such facilities shall be started until such approval has been obtained in writing. Any such pretreatment facilities shall also be approved by all applicable health authorities.

e. Prohibited Discharges into Any Water Supply Source

It shall be unlawful to put any offensive or contaminating substance in any lake, reservoir, spring, stream, well or cistern supplying water to the Town or to any of the inhabitants of the Town, or to allow any offensive or contaminating liquid to flow into such lake, reservoir, spring, stream, well or cistern..

f. Molesting, Injuring, Interfering with, etc., Water or Sewer System Appurtenances.

It shall be unlawful for any person to deface or injure any stopcock valve, fire plug or public hydrant, sewer manhole, pipes or anything connected within the Town waterworks or sewage works; or throw or deposit any building material, rubbish or other matter on the stop box of a service pipe, valve box, fire plug, meter, sewer line or manhole; or cover up either with dirt or other

material, or to remove or injure any cap or screw of a stop box, valve, fire plug, meter, manhole or hydrant or open any of them, or in any way molest them without authority from the Town Manager; except, that in case of fire

or when cleaning the fire hose, firemen are authorized to use the fire plugs, and in cleaning or sprinkling streets, or for other Town purposes, the fire plugs, valves, etc., may be used by employees of the Town under the direction of the Town Manager.

g. Restrictions on Use of Water from Fire Prevention Devices

No water for any other purpose than fire prevention or protection shall be taken from or through a connection for an automatic sprinkler system or other private fire protection system, except upon permission from the Town Manager..

h. Restrictions on Water-Cooled Refrigeraton/Air Conditioning Devices

It shall be unlawful for anyone to install in one building an air conditioner, any refrigerating device or any device of any kind which uses Town water for cooling purposes or to replace any such existing air conditioner, refrigerating device or such other device or equipment, unless such device or equipment is used in conjunction with a recirculating mechanism which is designed to reuse not less than ninety percent of the water used for cooling; except, that in any one building one air conditioner, one refrigerating mechanism or one other such device using town water and having a capacity of three tons or less may be installed without such recirculating mechanism, upon approval of the Town Manager.

4-5 EMERGENCY SERVICES

4-5-1 PURPOSE AND INTENT

The purpose and intent of this Section is to ensure the adequacy of fire protection and emergency services to all citizens of the Town.

4-5-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall demonstrate compliance within the requirements of Section 4-5-3.

4-5-3 GENERAL REQUIREMENTS/FIRE PROTECTION

a. Access

All buildings on a site shall be readily accessible to emergency vehicles and apparatus.

b. Fire Lane/Fire Apparatus Space - Commercial, Industrial Uses

At a minimum, a building shall have twenty-five percent (25%) of its perimeter fronting on a public or private street or on a fire apparatus space unobstructed for at least thirty (30) feet in width. Depending upon a building's design configuration and use, as well as the location of its entrances, a fire apparatus space or a fire hydrant, this requirement may be modified by the plan-approving authority. A fire apparatus space shall be accessible from the street by a posted fire lane at least twelve (12) feet in width. Fire lanes and fire apparatus spaces shall be identified by appropriate signage and pavement markings. These areas shall not be obstructed so as to impede fire apparatus access. Fire lanes need not be separate accessways but may be incorporated as part of an individual site's access driveway system or off street parking aisles, so long as they are properly identified.

c. Fire Hydrants

Fire hydrants shall be located along all street rights-of-way in areas served by central water systems. Notwithstanding these requirements, hydrants and other fire suppression systems shall comply with all state standards. In areas not served by public water, the Town may require the installation of a deep well with a hydrant system, a screened standpipe in a perennial stream, sprinkler systems or other fire suppression systems necessary to ensure an adequate level of emergency service.

d. Plan of Development Disapproval Given Inadequate Fire Protection Capability

The Town Manager reserves the right to solicit comments from the fire department and other public safety officials during the review of a major plan of development. No plan of development will be approved if sufficient fire suppression measures are not in place to protect the health, safety and welfare of the citizenry or if adequate measures are not made a part of the development proposal. It is the responsibility of the applicant to provide whatever improvements are necessary to ensure adequate fire suppression capability for a proposed development.

e. Plan of Development Filing with the Fire Department

A copy of all approved plans of development for commercial and industrial sites shall be provided to the fire department for their information and files.

4-6 DRAINAGE

4-6-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to ensure that developments shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the development, in order to prevent inundation and damage to streets, lots, and buildings, and to improve the water quality of the Chesapeake Bay and its tributaries.

The Town of Warsaw endorses Low Impact Development (LID). All drainage plans are required to implement LID unless they can demonstrate that it is impractical by means of the LID Calculation Worksheet. (Proposed Amendment for public hearing on 08/07/03)

4-6-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

a. Compliance with Requirements of this Section

Plan of development proposals shall include the submission of sufficient evidence in the form of plans and attachments which establish that the plan complies with the requirements of this Section.

b. Stormwater Management Plan

The preliminary submission of a plan of development shall be accompanied by a storm water management plan, if and as required by the Town Manager, showing sufficient information to enable a determination to be made relative

to the improvements necessary for controlling storm water runoff, including drainage plans and flood control devices.

(Beginning of Proposed Amendment 08/07/03)

First consideration shall be given to low impact development. Development plans shall use the Low Impact Development (LID) approach for site design and stormwater management. (See references below.) Development proposals over 2,500 square feet shall include a stormwater management concept plan. This plan shall provide sufficient information to demonstrate the overall stormwater management approach and the existence of an adequate stormwater outfall for the project. This plan shall include, but is not limited to the following information:

Stormwater Concept Plan

Site area and development proposal

Site topography (including vegetation)

Soils information with sufficient geotechnical information to determine infiltration capacity

On-site and adjacent structures

On-site and adjacent wells and septic fields

Floodplains and location of any existing flooding areas on- and off-site

Wetlands and sensitive environmental areas

Existing and post-development drainage areas

Typical lot layout for subdivision

General type, size, and location of Integrated Management Practices (bioretention, etc)

General type, size, and location of conventional stormwater management facilities

Outfall location

Stormwater Site Report

Description of development

Description of construction phasing

Preliminary Stormwater Quantity Calculations using the LID calculations worksheet

Preliminary Stormwater Quality Calculations

Adequacy of Outfall Calculations

Site photographic inventory

Description of on-site vegetation

Provisions for maintenance of facilities

Applicants are encouraged to contact the Town early in the process of preparing a development proposal so that the level of detail and amount of information provided are consistent with what is needed for the LID plan review process.

The storm water management requirements are as follows:

The post-development volume of runoff associated with the 2-year 24-hour storm event shall be no greater than the pre-development volume of runoff associated with that event.

The post-development peak runoff rate associated with the 2-year 24-hour storm event shall be no greater than the pre-development peak runoff rate associated with that event.

Detention shall not be utilized as a means of providing peak runoff rate control, unless site conditions preclude the use of retention.

The Time of Concentration (T_c) for the post-development condition shall be no less than the T_c for the pre-development condition.

Exceptions involving the use of hybrid designs that combine LID and conventional practices shall be permitted consistent with the referenced LID design guidance, if it is shown to the satisfaction of the plan reviewers that site conditions prevent the exclusive use of LID practices.

Acceptable devices for maintaining the pre-development volume of runoff may include but are not limited to: retention, bioretention, infiltration trenches, soil amendments, increased vegetation density, and any other features that will increase rainfall interception and infiltration.

Applicants shall demonstrate an adequate outfall for the project in accordance with VDCR criteria. When sufficient outfall is not present, the site shall meet the above criteria for the 10-year 24-hour storm event, in addition to the 2-year 24-hour event.

In areas of flooding or inadequate outfall, additional storage volume may be required. The use of the design charts from the LID design manual (USEPA 1998-b-02) shall be used to calculate the pre- and post-development quantity requirements. Other models may be used upon acceptance by the Town.

Storm Water Quality

The storm water quality requirements will be calculated using the procedures outlined in the VDCR and CBLAD manuals. The use of treatment train approaches, where there are multiple opportunities to filter runoff, are encouraged.

Site Design Checklist
and
LID Calculations Worksheet

Edition: 5/9/2003

Site Design Checklist

Prior to developing structural stormwater practices on a site, significant reductions in stormwater quantity and quality impacts can be made through enhancements to site design. Below is a checklist of site design practices that can be used to minimize stormwater impacts. Please check the practices that you are applying to your development, and provide a separate page or map attachment where you note the extent to which each selected practices was implemented.

These practices are detailed in "Model Development Principles for the Central Rappahannock" (see references), which includes 22 development principles that were the result of a multi-stakeholder consensus process in the Central Rappahannock region.

- Minimize site disturbance. Preserve open space.**
 - o Utilize cluster development designs
 - o Utilize "fingerprint" clearing...limit the clearing and grading of forests to and native vegetation to the area needed for the construction of the lots, the provision of necessary access, and fire protection.
 - o Avoid impacts to wetlands or vegetated riparian buffers

- Reduce impervious cover**
 - o Utilize the minimum required width for streets and roads.
 - o Utilize street layouts that reduce the number of homes per unit length
 - o Minimize cul-de-sac diameters, use doughnut cul-de-sacs, or use alternative turnarounds
 - o Minimize excess parking space construction, utilize pervious pavers in low-use parking areas
 - o Utilize structured or shared parking
 - o Reduce home setbacks and frontages
 - o Where permitted, minimize sidewalk construction by utilizing sidewalks on one side only, utilizing "skinny" sidewalks, or substituting sidewalks with pervious trails through common greenspace.
 - o Substitute pervious surfaces for impervious wherever possible.

- Promote Infiltration**
 - o Where permitted, avoid the use of curb and gutter. Utilize vegetated open swales, preferably "engineered swales" with a permeable soil base.
 - o Preserve HSG Type A & B soils in-situ on the site, and utilize those soils for infiltration of runoff
 - o Where possible, promote diffuse flow or runoff over the landscape in lieu of concentrated flow.
 - o "Disconnect" runoff by routing downspout runoff across vegetated soils.
 - o Minimize compaction of the landscape. In areas where soils will become compacted due to construction equipment, specify that the soils will be "disked" prior to seeding, and amended with loam or sand to increase sorbtion capacity.

- **Increase Runoff Flow Time**
 - o Keep stormwater conveyance grades as flat as possible by creating lengthened, circuitous flow routes.
 - o Vegetate runoff conveyance channels
 - o Utilize detention practices such as check dams in conveyance channels.

LID Calculations Worksheet

Definitions

Low Impact Development (LID) - An approach to site design and stormwater management that seeks to maintain the site's pre-development rates and volumes of runoff. LID accomplishes this through the minimization of impervious cover, strategic placement of buildings, pavement and landscaping, and the use of small-scale distributed runoff management features that are collectively called "Integrated Management Practices" (IMPs).

Detention - The collection of runoff in a ponding area, depression, or storage chamber followed by its gradual release through an outlet into a receiving water body. Detention is one way to reduce a site's peak runoff rate to its pre-development peak rate for the storm event of a given magnitude, but is not an effective way to reduce the runoff volume.

Retention - The collection of runoff in a ponding area or receptacle where it is kept until it soaks into the ground through infiltration. Retention reduces the volume of runoff from a site and can also be effective in reducing the peak runoff rate if the retention volume is sufficiently large.

Time of Concentration (T_c) - The time for runoff to travel from the hydraulically most distant point of the development site to the watershed outlet or study point.

Instructions

Before beginning the LID Calculations Worksheet, **first evaluate your site design using the Site Design Checklist.** The use of the site design practices is a critical component in ensuring that the pre-development hydrology on a site can be maintained.

The following worksheet follows the process detailed in *LID Hydrologic Analysis* (see references). Designers should download a copy from the internet to assist in the completion of this worksheet.

Note: Development projects that are unable to create sufficient retention practices to maintain the predevelopment runoff volume should revisit the application of the site design practices to the site. The thorough use of site design practices will reduce post-development curve numbers, and can result in decreased stormwater detention and retention volume requirements. Additionally, modifications to the design of bioretention practices, such as the inclusion of a gravel sump, can provide additional storage volume).

Determining the LID Runoff Curve Number

(LID Hydrologic Analysis, pg 22-25)

- a. Calculate pre-development Curve Number (CN) and Time of Concentration (Tc) using TR-55 or other suitable method.

$$\begin{aligned} CN_{pre} &= \text{_____} \\ Tc_{pre} &= \text{_____} \text{ minutes} \end{aligned}$$

- b. For comparison purposes, calculate a composite curve number for the *developed site*, using the **conventional TR-55 approach**.

$$CN_{conventional} = \text{_____}$$

- c. Calculate a composite **custom LID curve number** for the site, following the approach in Section 4.3 (pages 22-24) of "LID Hydrologic Analysis*". *This is much more detailed than the conventional Tr-55 approach. This approach factors in the use of higher permeability soils for infiltration and the use of "disconnectedness" (impervious cover flowing to pervious cover). Use an R factor of "1" for bioretention practices.*

$$\begin{aligned} CN_{conventional} &= \text{_____} \text{ (from above)} \\ CN_{LID} &= \text{_____} \end{aligned}$$

$$\text{Reduction in CN achieved with site design} = \text{_____}$$

$$(CN_{conventional} - CN_{LID})$$

- d. Calculate the post-development Time of Concentration (Tc). Utilize the practices described in "LID Design Strategies"*, such as flattening grades, lengthening flow paths, etc to reduce the Tc to the predevelopment time.

$$\begin{aligned} Tc_{pre} &= \text{_____} \\ Tc_{LID} &= \text{_____} \text{ (the Tc after maximizing practices to lengthen flow travel time)} \end{aligned}$$

NOTE: For the LID approach to function effectively, the Tc_{pre} must equal Tc_{LID} .

If Tc_{LID} is higher, STOP here and incorporate practices to reduce it.

See "LID Design Strategies" for details.

Step 1: Determine the Retention Volume Required to Maintain Pre-development Runoff Volume

- a. Calculate the **Design Rainfall** for your site, per the procedure outlined on pages 36-38 of "LID Hydrologic Analysis*". This is the rainfall at which runoff would have initiated on the site, if it were vegetated with "woods in good condition".

If your calculated value for Design Rainfall is LESS THAN the 1-year 24 hour rainfall for your area, **USE the 1-year 24 hour rainfall instead.**

Design Rainfall = _____ in

- b. Use the tables in Appendix A of the "LID Hydrologic Analysis*" to calculate inches of storage volume to **Maintain Predevelopment Runoff Volume for your Design Rainfall**

Preliminary Retention Storage volume = _____
in_{across entire site} = _____ ft³

Step 2: Determine Storage Volume for Water Quality Protection

- a. Per example 4.3, ensure that the Preliminary Retention Storage Volume (Step 1.b) meets or exceeds the "**Water Quality Volume**", which is 1/2" or runoff from impervious areas on the site.

Preliminary Retention Storage Volume = _____ ft ³ (From Step 1.b)
Water Quality Volume = _____

Retention Storage Volume =

Following example 4.2 on page 29 of "LID Hydrologic Analysis*", **calculate the area of IMP's required** to be distributed evenly on the site to retain the Retention Storage Volume.

Bioretention Design Option	Area ft ²	% of site
6" ponding depth		
6" ponding depth + 12" gravel sump (= 10.8" total storage)		
8" ponding depth		
8" ponding depth + 12" gravel sump (= 12.8" total storage)		
8" ponding depth + 18" gravel sump (= 15.2" total storage)		
10" ponding depth + 18" gravel sump (= 17.2" total storage)		

*Gravel sump storage estimates assume #57 stone with 40% void space

Step 3: Determine the Storage Volume for Maintaining Peak Runoff Rate

Using the Charts in Appendix B of the “LID Hydrologic Analysis”, determine the **storage volume** required to **maintain peak Runoff Rate using 100% RETENTION storage**. (Use the chart for a Type II storm for with your design rainfall)

$$\text{Storage Volume}_{\text{(across entire site)}} \text{ Peak Rate Control (using 100\% Retention)} = \text{_____} \text{ in}$$
$$= \text{_____} \text{ ft}^3$$

Step 4: Evaluate Need for Additional Detention Storage (Hybrid Design)

Compare the volumes required for volume control and peak rate control:

If Retention Storage Volume > Storage Volume_{peak rate control (100% Retention)}...

Design site IMPs to retain (infiltrate) the Retention Storage Volume. No additional detention is required.

If Retention Storage Volume < Storage Volume_{peak rate control (100% Retention)}... (or if Retention Storage Volume is unachievable with infiltration IMPs due to site constraints) then a **HYBRID DESIGN IS REQUIRED**. Follow Steps 5,6, & 7 on pages 34-37, of “LID Hydrologic Analysis” to calculate additional detention required to meet peak runoff rate.

$$\text{Additional detention required} = \text{_____} \text{ in (across entire site)}$$
$$= \text{_____} \text{ ft}^3$$

LID Application Summary

Yes / No Site design and impervious cover reduction practices were used to the maximum extent practicable to minimize runoff volume.

Yes / No The design results in a post-development Tc equal to the pre-development Tc.

Yes / No The entire **Retention Storage Volume** will be retained and infiltrated.

Yes / No / NA If the entire **Retention Storage Volume** is not retained and infiltrated, the plans show that every practicable effort was made to implement runoff volume reduction efforts, and all potential green space areas were made hydrologically functional for retention.

Yes / No Detention practices were used to store any additional volume required to maintain the predevelopment peak rate.

References

1. *Model Development Principles for the Central Rappahannock* is available for download at <http://for.communitypoint.org/pages/download.htm>
2. *Low Impact Development National Manual. Low-Impact Development Design Strategies An Integrated Design Approach.* EPA 841-B-00-003. Available on the web at <http://www.epa.gov/owow/nps/urban.html> and via FTP at <ftp://lowimpactdevelopment.org/pub/>
3. *Low Impact Development National Hydrology Manual. Low-Impact Development Hydrologic Analysis.* EPA 841-B-00-002. Available on the web at <http://www.epa.gov/owow/nps/urban.html> and via FTP at <ftp://lowimpactdevelopment.org/pub/>

NOTE: The appendices to the hydrology document include a series of charts which are required to calculate LID storage volumes. They are not currently available in the downloadable version, but selected charts from that series are attached to the end of this document.

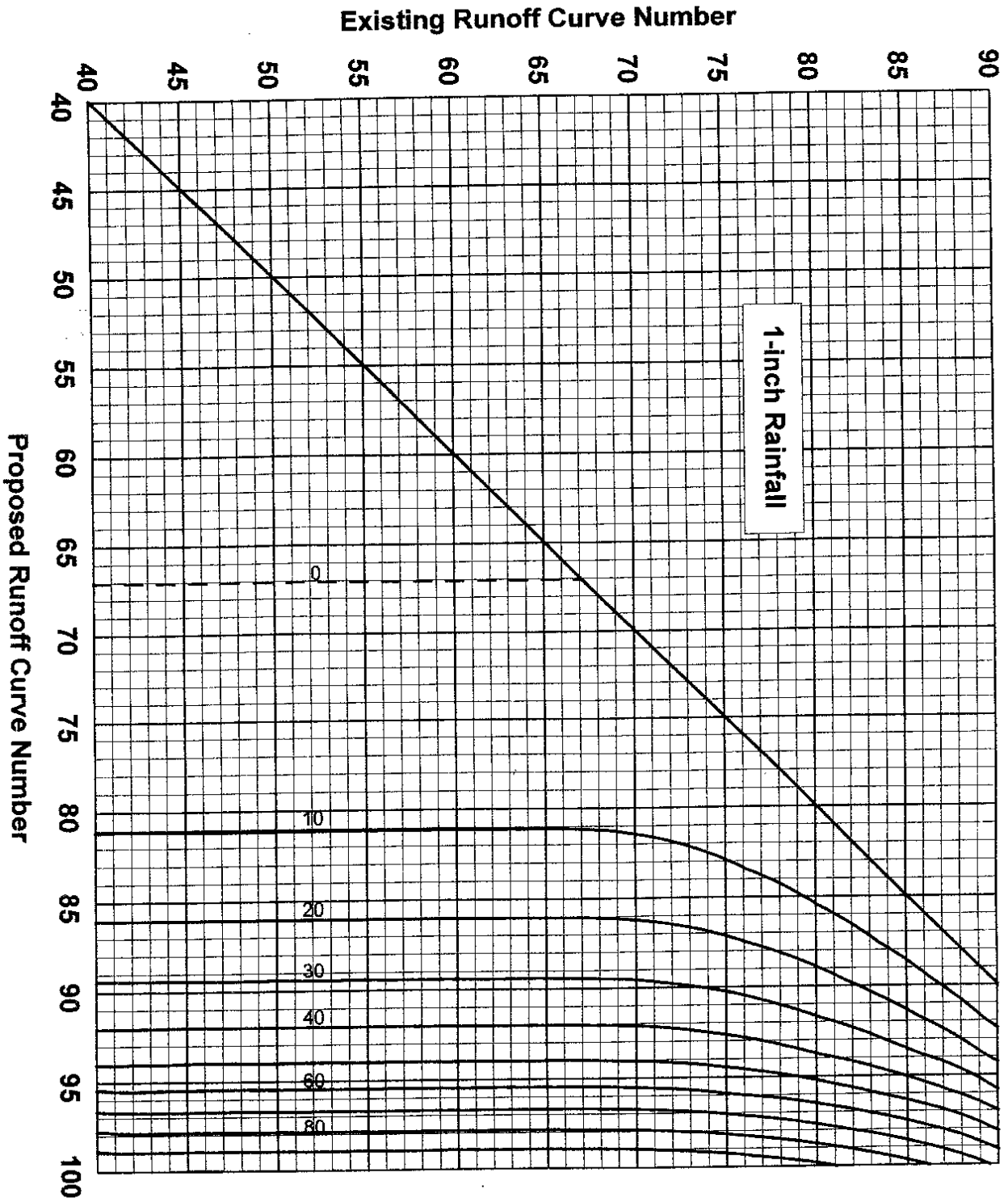
Selected Charts for Calculating LID Storage Volumes

taken from
“LID Hydrologic Analysis”
(Low Impact Development National Hydrology Manual)
Prince Georges County, Md. – June 2002
EPA 841-B-00-002

Charts Taken from
APPENDIX A
Of
LID Hydrologic Analysis

**“Storage Required to Maintain
Pre-Development Runoff Volume”**

**Storage Required to Maintain
Pre-Development Runoff Volume
(hundredths of an inch)**



Should LID prove to be impractical or not feasible another plan demonstrating traditional stormwater management shall be prepared. (End of Proposed Amendment 08/07/03) This plan shall show natural drainage patterns and any proposed drainage improvements, including pipe sizes and types, stormwater detention and retention facilities, drainage easements and any other means for transporting drainage waters to a well-defined open stream. Areas subject to periodic flooding (100-year flood) shall be delineated on preliminary and final plans of development.

c. Continuing Management Plan

A continuing management plan, including a property owners' association or other appropriate maintenance entity as is necessary and which has the capacity to maintain the drainage facilities, shall be submitted for all elements of the drainage and flood control system which will not be the explicit maintenance responsibility of the Town or the VDOT. The developer shall provide assurance that all facilities are in good repair and properly functioning when the development has been completed and prior to the responsibility for continuing maintenance and ownership of drainage systems being conveyed to the designated maintenance entity.

4-6-3 GENERAL REQUIREMENTS

a. Provision of Drainage and Stormwater Management Facilities

- (1) Drainage and stormwater management facilities shall be provided, either on-site or off-site, to reduce drainage flows, pollutants, and sediment loading from the development to a level not exceeding the conditions prior to development, or to a lesser level, if deemed necessary to comply with the provisions governing pollutant and sediment discharges associated with the Chesapeake Bay Preservation Act.
- (2) The plan-approving authority shall approve, or approve with modifications, only those stormwater management facilities which comply with the intent of this Ordinance or with adopted overall drainage plans and policies, if any. In this regard, the plan-approving authority shall not generally approve, except as a temporary measure, on-site stormwater management facilities as an alternative to contributing to planned regional stormwater management systems, if and when such a management system is in effect.
- (3) All management facilities shall be designed and constructed in accordance with Section 4-6 as supplemented by the latest editions of the Virginia Erosion and Sediment Control Handbook and the VDOT Drainage Manual, locally adopted regional stormwater management programs incorporating pro-rata share payments pursuant to the authority provided in Section 15.1-466(j) of the Code of Virginia that result in achievement of equivalent water quality protection, Best Management Practices guidance documents, as well as regulations, or policies adopted by the Commonwealth or the Town pursuant to the Chesapeake Bay Preservation Act.

b. Drainage Easements

Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement of sufficient area and width to protect and preserve the aforementioned feature. Drainage easements shall be designed and drainage structures constructed in such a manner as to reduce the burden of maintenance and provide adequate access for necessary maintenance.

c. Drainage of Rights-of-Way

All public rights-of-way shall be drained in accordance with the requirements of VDOT.

d. Appropriate Grading Considerations

- (1) No storm water runoff or drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- (2) Lots shall be graded to secure proper drainage away from buildings and prevent the ponding of stormwater unless within an approved retention or detention basin.
- (3) No grading shall occur within 100 feet of any perennial watercourse or wetland except as provided for specific waterfront erosion control, water-dependent facilities or for necessary utilities and street construction.

e. Maintenance of Existing Drainage Patterns

In general, the design of a development shall be such as to minimize grading and disturbance of natural vegetation. Natural contours and storm water channels shall be respected and retained where possible.

f. Minimize Impervious Surface Areas

- (1) A stormwater management plan shall preserve natural drainageways and wetlands, maximize infiltration of stormwater and minimize off-site discharge of storm water.
- (2) In general, impervious surfaces near waterways and wetlands shall be avoided; grass swales shall be utilized and curb and gutter and paved ditches shall be avoided except where necessary to prevent erosion in accordance with the standards of Section 4-7.

Stormwater management areas include retention and detention basins, drainage ditches and swales, and wetlands areas. Sensitively designed basins and swales can benefit the health, safety and welfare of Town residents. The integration of these areas as desirable landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function is strongly encouraged whenever possible.

a. Stormwater Detention Areas

One of the following landscape concepts for stormwater detention areas, or an alternative concept complying with the general statement set forth above, shall be used.

(1) Reforestation

This landscaped treatment is most appropriate for detention basins and drainage areas that are adjacent to areas of mature woodlands or wetlands. It reverts the disturbed area to a revegetated, stable, low-maintenance, natural landscape asset over time.

The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins are not desirable.

The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to provide canopy cover of the entire area to the high water line or outflow elevation. Ten percent (10%) of the trees shall be two and one-half (2-1/2) inches to three (3) inches caliper, twenty percent (20%) shall be one (1) inch to two (2) inches caliper, and seventy percent (70%) shall be six (6) feet to eight (8) feet high whips.

Plantings shall not be located within twenty (20) feet of low flow channels to allow for channel maintenance. The trees shall be spaced five (5) feet to fifteen (15) feet on center. The ground plane of the basin shall be seeded with a naturalization wildflower, and/or meadow grass mix. All woody and herbaceous plants shall be species indigenous to the area and/or tolerant to typical wet/dry floodplain conditions.

The perimeter area (slopes above the high water line) shall include shade trees evergreen trees, ornamental trees, and shrubs screening drainage structures and creating visual interests in accordance with the landscaping requirements of Section 4-11-5f.

Provisions for emergency access as well as general maintenance of the basins shall be provided. Plantings shall be designed to disguise yet not hinder vehicular access.

Plantings are not permitted upon any dikes associated with a detention basin.

(2) Recreation/Open Space Feature

This landscape concept is appropriate in situations where a basin is the largest or only portion of open space in an area, or is adjacent to existing open space and/or recreational open space is desired.

The objective in these situations is to integrate the area into the landscape using topography and plantings in order to complement the function of the area and to provide a visually interesting landscape feature and/or recreation space. The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This may also include gentle berming. Perimeter plantings shall be provided in accordance with the landscape requirements of Section 4-11-5f supplemented by vegetation to screen the view of drainage structures.

In order to provide recreational open space, concentrate frequently flooded detention in a basin area (five (5) to ten (10) year storm volume) and provide a gently sloping, less often flooded area (ten (10) to one hundred (100) year storm volume) as a recreational open field space. Provide ballfields and/or open play areas integrated with plantings in a park-like manner.

b. Stormwater Retention Areas - Open Space/Recreation Features

This landscape treatment can take on a variety of landscape forms, from formal reflecting pools fountain features to natural park-like lakes and ravines.

- (1) Water fountains/features are encouraged in the design of developments.
- (2) The waters edge shall be easily maintained and stable. Possible treatments might include rip-rap, stone walls, natural plantings, decking, and bulkheads.
- (3) The planting of the perimeter of the feature shall accentuate views and integrate pedestrian paths, sitting areas, and other uses.
- (4) Plantings shall include formal or informally-massed deciduous and evergreen trees and shrubs to screen and frame views with ornamental trees, shrubs, and grasses used for visual interest or special effects. Landscaping shall be implemented in accordance

with the requirements of Section 4-11-5f.

- (5) If used as a recreational feature, the connection to the water must be addressed and controlled. The types of uses shall be specified, and the plantings and pedestrian/vehicular parking spaces shall be integrated with these uses.
- (6) Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities.
- (7) All engineered basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading, and planting.

c. Development Sampling

If the major plan of development is approved and constructed, a set of tests shall be taken by the developer at the discretion of and at a time decided by the Town Manager, but not after performance and maintenance guarantees have been released. All results and comparisons shall be given to the Town Manager for review and analysis. Performance and maintenance guarantees may be applied to remediate any water-quality degrading or degraded conditions, which in the opinion of the Town Manager, are as a result of the implementation and construction of the plan of development.

4-6-5 OFF-SITE DRAINAGE COSTS

a. Applicability

The developer shall be required to pay a pro rata share of the cost of providing reasonable and necessary drainage improvements located outside

of the property limits of land owned or controlled by him when all of the following conditions exist:

- (1) The plan-approving authority determines that such off-site improvements are necessitated at least in part by the construction or improvement of the development.
- (2) The Town has established a general drainage improvement program for an area having related and common drainage conditions. The developer's property must be located within the designated area covered by this program.
- (3) The estimated cost of the total drainage improvement program has been determined.

- (4) The estimated storm water runoff has been established for the designated area served by such program.

b. Cost Determination

The developer's share of the estimated cost of improvements shall be limited to the proportion of such estimated cost which the volume and velocity of storm water runoff to be caused by his development bears to the total estimated volume and velocity of runoff from such area in its fully developed state. The developer shall pay all costs and construct the improvements unless the conditions listed in 4-6-a (1)-(4) are met. *Improvements shall be guaranteed and constructed in accordance with a construction phasing plan approved by the Town.*

c. Payment Provisions

Any cash payment received by the Town shall be expended only for construction of those facilities identified in the established drainage facilities improvement program and until so expended, shall be held in a separate account for the individual improvement program.

4-7 EROSION AND SEDIMENT CONTROL

4-7-1 PURPOSE

The purpose of this Section is to conserve the land, water, air and other natural resources of the Town of Warsaw and promote the public health and welfare of the people of the Town by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.

This Section is authorized by the Code of Virginia, 1950, as amended, Title 10, Chapter 5, Article 4, (Section 10.1 560-571), known as the "Erosion and Sediment Control Law".

4-7-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

a. Preliminary plans

As part of the plan of development process, the applicant may submit a preliminary erosion and sediment control plan. The preliminary plan should contain sufficient information to facilitate a meaningful discussion and enable the Richmond County Land Use Administrator as agent of the Town to offer constructive advice. Information pertaining to the site which would enable this to occur are as follows:

- (1) all major soil types;

- (2) approximate limits of clearing and grading;
- (3) tentative means of erosion and sediment control;
- (4) phasing of development to minimize area and duration of exposure;
- (5) contour lines.

b. Final Plans

The applicant shall submit five (5) copies of black or blue-line plans along with an application available from the County Land Use Administrator. The final plan shall consist of the narrative and plan map as described in Chapter 6 of The Virginia Erosion and Sediment Control Handbook.

- (1) The plan map shall be prepared at a scale of not less than 1" = 100' or as accepted by the County Land Use Administrator and shall incorporate good engineering practices designed according to The Virginia Erosion and Sediment Control Handbook guidelines as well as VDOT Drainage Manual, where appropriate.
- (2) The plan map shall contain all information necessary for carrying out the conservation measures and shall also include a scale, north arrow, date, owners of record, engineers certificate (if required), approval signature block, key map at a scale of no less than 1" = 2000', and contour lines.
- (3) The map will show other information as required by the County Land Use Administrator.
- (4) The plan preparer will be responsible for guiding the contractor toward properly implementing the plan on all land-disturbing activities where the cost of implementation is expected to exceed \$25,000.

4-7-3

GENERAL REQUIREMENTS

a. Applicability

Any land disturbance in excess of 2,500 square feet may result in soil erosion from water or wind and the movement of sediments into State waters. These activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

b. Exemptions

Land disturbing activities which are exempted are listed in Section 2-2-2 of this ordinance.

c. Criteria, Standards and Specifications for the Preparation of an Erosion and Sediment Control Plan

- (1) Persons submitting plans in accordance with this Section shall be governed by the criteria, standards and specifications established in Chapter 6 of The Virginia Erosion and Sediment Control Handbook. In the case of a land-disturbing activity for the construction of a single family dwelling, the County Land Use Administrator may waive the requirement for a full erosion and sediment control plan as set forth in this Ordinance. In the case of the granting of such a waiver by the County Land Use Administrator, an Agreement in Lieu of an Erosion and Sediment Control Plan, which is signed by the applicant and approved by the County Land Use Administrator, shall constitute authorization under this Ordinance to conduct land-disturbing activity allowed by the Agreement. Such agreement shall set forth all conservation measures to be carried out and maintained, shall grant right-of-entry to the County Land Use Administrator and his designees, and shall make the project subject to all review, inspection, and enforcement provisions of this Ordinance which apply to erosion and sedimentation control plans.

approved

d. Plan Review

- (1) The County Land Use Administrator has been designated as the plan-approving authority for the Town. Plans will be routinely transmitted to the County for approval. The Northern Neck Soil and Water Conservation District may be called on by the Town Manager to conduct a non-binding review of any plan. In reviewing plans, the County Land Use Administrator may also seek or receive recommendations or comments from VDOT, the Health Department and such other agencies that are deemed to have some responsibility in this area.
- (2) The County Land Use Administrator shall, within 45 days, approve any erosion and sediment control plan submitted to him if he determines that the plan meets the conservation standards of the local control program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this Ordinance.
- (3) When a plan is determined to be inadequate, the County Land Use Administrator, within 45 days of receipt, shall give written notice of disapproval stating the specific reasons for his disapproval. The County Land Use Administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is

taken by the County Land Use Administrator within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity.

- (4) An approved plan may be changed by the County Land Use Administrator in the following cases:

Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the Ordinance, plan changes can be required without approval of the person responsible for carrying out the plan in order to comply with The Virginia Erosion and Sediment Control Handbook, which is assumed to be an integral part of every plan; or

Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this Ordinance, are agreed to by the County Land Use Administrator and the person responsible for carrying out the plan.

e. Issuance of Grading, Building or Other Permits.

- (1) The Richmond County Building Official, who is authorized by the Town of Warsaw to issue building or other permits for land-disturbing activities shall not issue such permits unless:

The applicant submits with his permit application the approved erosion and sediment control plan and certification that the plan will be followed; or

There is a Certificate of Compliance, Part A from the Town Manager indicating compliance with the plan of development requirements of this ordinance or sufficient evidence that a plan was submitted and no action was taken within forty-five days; or

There is certification from the Virginia Division of Soil and Water Conservation that the plan has been approved. (A plan for which land-disturbing activities involve lands under the jurisdiction of the Town of Warsaw and one or more other localities may, at the option of the applicant, be submitted to the Virginia Division of Soil and Water Conservation for review and approval, rather than submission to each jurisdiction concerned. However, if the applicant chooses to submit his plans to the Virginia Division of Soil and Water Conservation rather than the local jurisdiction, he shall notify,

by certified mail, the Town Manager of his intention at the same time of submittal.);

A performance bond has been submitted to and accepted by the County (single family dwellings constructed with an approved plan are exempt from this requirement).

- (2) When the County Land Use Administrator does not have documentation in hand that the person responsible for carrying out the plan has certified that he will properly perform the control measures included in the plan, the Town Manager shall withhold issuance of a Certificate of Compliance, Part A until he has obtained the certification of performance.

f. Erosion and Sediment Control Agreement

An agreement shall be executed by each applicant for an approved erosion and sediment control plan to provide right-of-entry by the County for the purpose

of inspection, monitoring, and installation, or maintenance of erosion and sediment control measures should the applicant fails to comply with the approved plan.

4-8 UNDERGROUND WIRED UTILITIES

4-8-1 PURPOSE AND INTENT

It is the purpose and intent of this Section to reduce the adverse impacts of overhead utility lines by requiring all utility facilities proposed within major plans of development to be located underground.

4-8-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Each plan of development shall show the location and type of wired utilities on the plan of development.

4-8-3 GENERAL REQUIREMENTS

a. Major Plan of Development Utilities Underground

All utility facilities proposed within major plans of development, including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, cable television or similar service shall be placed underground. The plan-approving authority may waive this requirement in the case of unusual topographic conditions.

b. Exemptions

The following shall be permitted above ground:

- (1) Electric transmission lines and facilities in excess of fifty (50) kilovolts;
- (2) Equipment such as electric distribution transformers, switch gear, meter pedestals, telephone and cable television pedestals, outdoor lighting poles or standards, traffic control devices, and associated equipment, which is, under accepted utility practices, normally installed above ground;
- (3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises;
- (4) Temporary above-ground facilities required in conjunction with an authorized construction project;
- (5) Facilities necessary to extend utility service to the property line of the site under development.

c. Existing Above-Ground Utilities Grandfathered

Existing above-ground facilities may be maintained or repaired provided that such repair does not involve relocation. Whenever any existing on-site above-ground utilities require relocation for any reason, they shall be removed and placed underground. Single family homes are exempt.

d. Utilities to be Located Within Easements

All utilities shall be placed within easements as per Section 4-13 or public street rights of way or as may be otherwise approved by the plan-approving authority. All utilities should be positioned together so as to minimize the disturbance of natural areas.

4-9 OPEN SPACE AND RECREATION

4-9-1 PURPOSE AND INTENT

The purpose and intent of these regulations is to preserve and protect significant and sensitive natural and cultural resources, and provide active and passive recreational opportunities for the citizens of Warsaw.

4-9-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall identify the location and type of common open space and the type of recreational uses and facilities if they are proposed to be provided.

4-9-3 GENERAL REQUIREMENT

As a landscape feature and asset, open space is encouraged in all developments. The objective of open space is to provide the opportunity and space for active and passive recreation in all areas of human activity and residence, to protect natural amenities such as wooded areas, water bodies and streams, and to contribute to the quality of life of Warsaw residents.

4-9-4 PEDESTRIAN SPACES

Pedestrian spaces shall be designed to promote free and safe movement of pedestrians and bicycles into, between, and through proposed and existing facilities and to provide pleasant pedestrian spaces at building entrances and development centers.

Pedestrian and bicycle paths shall be required along public roadways, parking lots, and to adjacent land uses where deemed necessary by the plan-approving authority.

4-9-5 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE

a. Ownership Methods

The type of ownership of land dedicated for open space purposes shall be selected by the owner or developer, subject to the approval of the plan-approving authority. Open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Common open space areas shall be owned, preserved and maintained permanently by any of the following mechanisms or combinations thereof:

- (1) Dedication of common open space to an appropriate public agency, if there is a public agency willing to accept the dedication.

- (2) Common ownership of the open space by a Propertyowners' or Homeowner's Association or a similar entity approved by the plan-approving authority.
- (3) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the common open space land and provide for the maintenance responsibility of the deed restriction.

b. May Not Be Dissolved

Ownership organizations shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain common open space for the benefit of the development.

c. Property Owners' Association

If the open space is owned and maintained by a propertyowners', homeowners' or condominium association, the developer shall submit a declaration of covenants and restrictions that will govern the association, with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

- (1) The propertyowners' association must be established before the lots are sold.
- (2) Membership must be mandatory for each property buyer and any successive buyer.
- (3) The open space restrictions must be permanent, not just for a period of years.
- (4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- (5) Property owners must pay their annual pro rata share of the cost; the assessment levied by the association may become a lien on the property if provided for in the master deed establishing the propertyowners' association.
- (6) The association must be able to adjust the assessment to meet changed needs.

d. Maintenance of Common Open Space and Public Use Areas

- (1) Plants shall be checked periodically to determine if pruning is necessary. Pruning shall include the removal of dead or diseased wood, wood infested with insects, weak or structural defects in the wood, excessive suckers and shoots, and any irregular or damaged growth. Care shall be taken to prune flowering trees and shrubs properly during the dormant season or after flowering. Evergreen shrubs shall be pruned after flowering. Plants that are intended for screening or buffering shall be pruned in natural massed forms so as to enhance the plants' natural growth. Root pruning of all trees adjacent to curbs or sidewalks shall be undertaken as necessary to prevent heaving of the sidewalk/curb by excessive roots. The need for such pruning shall be determined during the periodic inspection and with knowledge of the most recent pruning.
- (2) The control of insects and disease associated with all planting areas shall be a maintenance priority. All plantings shall be periodically inspected for insect or disease infestation. Methods utilized to control insects and disease may range from spraying and pruning to plant removal. Whatever method is utilized, safety and control shall always be of prime concern. Certified and trained personnel shall always perform this task.
- (3) All plantings which are damaged or destroyed shall be replaced during the next planting season. A failing, damaged, or destroyed landscape screen with buffer shall be renovated or replaced within a reasonable amount of time, but not to exceed the subsequent growing season.
- (4) Site amenities include, but are not limited to, tot lots, play structures, benches, tables, bridges, paths, fences, walls, banks, bicycle racks, and signs. All of these amenities shall be periodically inspected. Any damaged, worn, or unsafe conditions shall be rectified immediately.
- (5) All lighting essential to pedestrian and vehicular circulation shall be periodically inspected. Damaged or malfunctioning lights shall be replaced or repaired immediately.
- (6) All paved surfaces shall be periodically inspected and maintained. Items of normal maintenance not listed below but found to be necessary shall be performed as soon as possible to keep these surfaces safe and in satisfactory condition.

- (7) All roadways, parking areas, loading areas, and pedestrian walkways shall be maintained free of snow, trash, and debris at all times.
- (8) Damaged pavements shall be repaired and properly resurfaced or replenished as necessary to assure a neat appearance and safe usage.

e. Failure to Maintain Common Open Space

- (1) In the event that a non-public organization with the responsibility for the open space fails to maintain it in reasonable order and condition, the Town Manager may serve written notice upon such organization or upon the owners of the open space detailing the manner in which the organization has failed to maintain the open space in reasonable condition. This notice shall include a demand that such deficiencies of maintenance be remedied within thirty-five (35) days thereof or a period of time deemed reasonable given the severity and circumstances present and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice, unless the deficiency has been corrected or arrangements satisfactory to the Town Manager have been made before the hearing date.
- (2) At such hearing, the Town Council may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed 65 days within which they shall be remedied. If the deficiencies set forth in the original notice or in the modification thereof shall not be remedied within said 35 days or any permitted extension thereof, the Town, in order to preserve the open space and its use, and maintain the same, may enter and maintain such land for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration date of said year, the Town shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days written notice to such organization and to the owners of the development, to be held by the Town Council, at which hearing such organization and the owners of the development shall show cause why maintenance by the Town shall not, at the election of the Town, continue for a succeeding year. If the Town Council shall determine that such organization is ready and able to maintain the open space in reasonable condition, the Town shall cease to maintain the open space at the end of the year. If the Town Council shall determine such organization is not ready and able to maintain the open space in a reasonable condition, the Town may, at its discretion, continue to

maintain the open space during the next succeeding year, subject to a similar hearing and determination, in each year thereafter. The decision of the Town Council in any such case shall constitute a final administrative decision subject to judicial review.

- (3) The cost of such maintenance by the Town shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with the propertyowners' agreement. The imposition of a lien shall be applied to the subject property and shall be enforced and collected by the Town.

f. Town Acceptance or Acquisition of Common Open Space

- (1) Any lands offered to the Town of Warsaw shall be located and of a size that will best suit the purposes for which the lands are intended, and be conveyed by deed at the time final approval is granted subject to approval by the plan-approving authority (and the Town Council where lands are offered to the Town). The Council shall be guided by the Comprehensive Plan, the accessibility and potential utility of such lands, and existing features such as excessive topography, troublesome soils and wetlands which may detract from the potential utility of the site. The plan-approving authority may request an opinion from other public agencies or individuals as to the advisability of accepting any lands to be offered.
- (2) Where a proposed park, public waterway and/or waterfront access site, playground, school, refuse container site, public safety facility or other public facility or public use as shown on the Comprehensive Plan is located in whole or in part on land within a development, the land shall be dedicated or reserved for purchase by the Town or other appropriate agency. Where large scale development occurs necessitating additional community facilities not shown on the Comprehensive Plan, the Town may require the dedication or reservation of new sites.
- (3) Land reserved for public purchase shall be shown on recorded plats as lots by means of dashed lines and numbers on the preliminary and final plats and may be sold as such without filing an amended plat. If public action to acquire the land has not been initiated within 18 months of recording the final plat, the owners of said lots may obtain permits for the development given the Town's relinquishment of rights to purchase.

g. Conditions on Lands Dedicated for Open Space

- (1) Where improved open space and recreation areas are provided in a development, such improvements shall be installed in accordance with the approved plan of development.
- (2) Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the plan-approving authority to ensure that:
 - The open space area will not be further subdivided in the future.
 - The use of the open space will continue in perpetuity for the purpose specified.
 - Appropriate provisions are made for the maintenance of the open space.
 - Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

4-5 EMERGENCY SERVICES

4-5-1 PURPOSE AND INTENT

The purpose and intent of this Section is to ensure the adequacy of fire protection and emergency services to all citizens of the Town.

4-5-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall demonstrate compliance within the requirements of Section 4-5-3.

4-5-3 GENERAL REQUIREMENTS/FIRE PROTECTION

a. Access

All buildings on a site shall be readily accessible to emergency vehicles and apparatus.

b. Fire Lane/Fire Apparatus Space - Commercial, Industrial Uses

At a minimum, a building shall have twenty-five percent (25%) of its perimeter fronting on a public or private street or on a fire apparatus space unobstructed for at least thirty (30) feet in width. Depending upon a building's design configuration and use, as well as the location of its entrances, a fire apparatus space or a fire hydrant, this requirement may be modified by the plan-approving authority. A fire apparatus space shall be accessible from the street by a posted fire lane at least twelve (12) feet in width. Fire lanes and fire apparatus spaces shall be identified by appropriate signage and pavement markings. These areas shall not be obstructed so as to impede fire apparatus access. Fire lanes need not be separate accessways but may be incorporated as part of an individual site's access driveway system or off street parking aisles, so long as they are properly identified.

c. Fire Hydrants

Fire hydrants shall be located along all street rights-of-way in areas served by central water systems. Notwithstanding these requirements, hydrants and other fire suppression systems shall comply with all state standards. In areas not served by public water, the Town may require the installation of a deep well with a hydrant system, a screened standpipe in a perennial stream, sprinkler systems or other fire suppression systems necessary to ensure an adequate level of emergency service.

d. Plan of Development Disapproval Given Inadequate Fire Protection Capability

The Town Manager reserves the right to solicit comments from the fire department and other public safety officials during the review of a major plan of development. No plan of development will be approved if sufficient fire suppression measures are not in place to protect the health, safety and welfare of the citizenry or if adequate measures are not made a part of the development proposal. It is the responsibility of the applicant to provide whatever improvements are necessary to ensure adequate fire suppression capability for a proposed development.

e. Plan of Development Filing with the Fire Department

A copy of all approved plans of development for commercial and industrial sites shall be provided to the fire department for their information and files.

4-6 DRAINAGE

4-6-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to ensure that developments shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the development, in order to prevent inundation and damage to streets, lots, and buildings, and to improve the water quality of the Chesapeake Bay and its tributaries.

The Town of Warsaw endorses Low Impact Development (LID). All drainage plans are required to implement LID unless they can demonstrate that it is impractical by means of the LID Calculation Worksheet. (Proposed Amendment for public hearing on 08/07/03)

4-6-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

a. Compliance with Requirements of this Section

Plan of development proposals shall include the submission of sufficient evidence in the form of plans and attachments which establish that the plan complies with the requirements of this Section.

b. Stormwater Management Plan

The preliminary submission of a plan of development shall be accompanied by a storm water management plan, if and as required by the Town Manager, showing sufficient information to enable a determination to be made relative

to the improvements necessary for controlling storm water runoff, including drainage plans and flood control devices.

(Beginning of Proposed Amendment 08/07/03)

First consideration shall be given to low impact development. Development plans shall use the Low Impact Development (LID) approach for site design and stormwater management. (See references below.) Development proposals over 2,500 square feet shall include a stormwater management concept plan. This plan shall provide sufficient information to demonstrate the overall stormwater management approach and the existence of an adequate stormwater outfall for the project. This plan shall include, but is not limited to the following information:

Stormwater Concept Plan

Site area and development proposal

Site topography (including vegetation)

Soils information with sufficient geotechnical information to determine infiltration capacity

On-site and adjacent structures

On-site and adjacent wells and septic fields

Floodplains and location of any existing flooding areas on- and off-site

Wetlands and sensitive environmental areas

Existing and post-development drainage areas

Typical lot layout for subdivision

General type, size, and location of Integrated Management Practices (bioretention, etc)

General type, size, and location of conventional stormwater management facilities

Outfall location

Stormwater Site Report

Description of development

Description of construction phasing

Preliminary Stormwater Quantity Calculations using the LID calculations worksheet

Preliminary Stormwater Quality Calculations

Adequacy of Outfall Calculations

Site photographic inventory

Description of on-site vegetation

Provisions for maintenance of facilities

Applicants are encouraged to contact the Town early in the process of preparing a development proposal so that the level of detail and amount of information provided are consistent with what is needed for the LID plan review process.

The storm water management requirements are as follows:

The post-development volume of runoff associated with the 2-year 24-hour storm event shall be no greater than the pre-development volume of runoff associated with that event.

The post-development peak runoff rate associated with the 2-year 24-hour storm event shall be no greater than the pre-development peak runoff rate associated with that event.

Detention shall not be utilized as a means of providing peak runoff rate control, unless site conditions preclude the use of retention.

The Time of Concentration (T_c) for the post-development condition shall be no less than the T_c for the pre-development condition.

Exceptions involving the use of hybrid designs that combine LID and conventional practices shall be permitted consistent with the referenced LID design guidance, if it is shown to the satisfaction of the plan reviewers that site conditions prevent the exclusive use of LID practices.

Acceptable devices for maintaining the pre-development volume of runoff may include but are not limited to: retention, bioretention, infiltration trenches, soil amendments, increased vegetation density, and any other features that will increase rainfall interception and infiltration.

Applicants shall demonstrate an adequate outfall for the project in accordance with VDCR criteria. When sufficient outfall is not present, the site shall meet the above criteria for the 10-year 24-hour storm event, in addition to the 2-year 24-hour event.

In areas of flooding or inadequate outfall, additional storage volume may be required. The use of the design charts from the LID design manual (USEPA 1998-b-02) shall be used to calculate the pre- and post-development quantity requirements. Other models may be used upon acceptance by the Town.

Storm Water Quality

The storm water quality requirements will be calculated using the procedures outlined in the VDCR and CBLAD manuals. The use of treatment train approaches, where there are multiple opportunities to filter runoff, are encouraged.

Site Design Checklist
and
LID Calculations Worksheet

Edition: 5/9/2003

Site Design Checklist

Prior to developing structural stormwater practices on a site, significant reductions in stormwater quantity and quality impacts can be made through enhancements to site design. Below is a checklist of site design practices that can be used to minimize stormwater impacts. Please check the practices that you are applying to your development, and provide a separate page or map attachment where you note the extent to which each selected practices was implemented.

These practices are detailed in "Model Development Principles for the Central Rappahannock" (see references), which includes 22 development principles that were the result of a multi-stakeholder consensus process in the Central Rappahannock region.

- Minimize site disturbance. Preserve open space.**
 - o Utilize cluster development designs
 - o Utilize "fingerprint" clearing...limit the clearing and grading of forests to and native vegetation to the area needed for the construction of the lots, the provision of necessary access, and fire protection.
 - o Avoid impacts to wetlands or vegetated riparian buffers

- Reduce impervious cover**
 - o Utilize the minimum required width for streets and roads.
 - o Utilize street layouts that reduce the number of homes per unit length
 - o Minimize cul-de-sac diameters, use doughnut cul-de-sacs, or use alternative turnarounds
 - o Minimize excess parking space construction, utilize pervious pavers in low-use parking areas
 - o Utilize structured or shared parking
 - o Reduce home setbacks and frontages
 - o Where permitted, minimize sidewalk construction by utilizing sidewalks on one side only, utilizing "skinny" sidewalks, or substituting sidewalks with pervious trails through common greenspace.
 - o Substitute pervious surfaces for impervious wherever possible.

- Promote Infiltration**
 - o Where permitted, avoid the use of curb and gutter. Utilize vegetated open swales, preferably "engineered swales" with a permeable soil base.
 - o Preserve HSG Type A & B soils in-situ on the site, and utilize those soils for infiltration of runoff
 - o Where possible, promote diffuse flow or runoff over the landscape in lieu of concentrated flow.
 - o "Disconnect" runoff by routing downspout runoff across vegetated soils.
 - o Minimize compaction of the landscape. In areas where soils will become compacted due to construction equipment, specify that the soils will be "disked" prior to seeding, and amended with loam or sand to increase sorbtion capacity.

- **Increase Runoff Flow Time**
 - o Keep stormwater conveyance grades as flat as possible by creating lengthened, circuitous flow routes.
 - o Vegetate runoff conveyance channels
 - o Utilize detention practices such as check dams in conveyance channels.

LID Calculations Worksheet

Definitions

Low Impact Development (LID) - An approach to site design and stormwater management that seeks to maintain the site's pre-development rates and volumes of runoff. LID accomplishes this through the minimization of impervious cover, strategic placement of buildings, pavement and landscaping, and the use of small-scale distributed runoff management features that are collectively called "Integrated Management Practices" (IMPs).

Detention - The collection of runoff in a ponding area, depression, or storage chamber followed by its gradual release through an outlet into a receiving water body. Detention is one way to reduce a site's peak runoff rate to its pre-development peak rate for the storm event of a given magnitude, but is not an effective way to reduce the runoff volume.

Retention - The collection of runoff in a ponding area or receptacle where it is kept until it soaks into the ground through infiltration. Retention reduces the volume of runoff from a site and can also be effective in reducing the peak runoff rate if the retention volume is sufficiently large.

Time of Concentration (Tc) - The time for runoff to travel from the hydraulically most distant point of the development site to the watershed outlet or study point.

Instructions

Before beginning the LID Calculations Worksheet, **first evaluate your site design using the Site Design Checklist.** The use of the site design practices is a critical component in ensuring that the pre-development hydrology on a site can be maintained.

The following worksheet follows the process detailed in *LID Hydrologic Analysis* (see references). Designers should download a copy from the internet to assist in the completion of this worksheet.

Note: Development projects that are unable to create sufficient retention practices to maintain the predevelopment runoff volume should revisit the application of the site design practices to the site. The thorough use of site design practices will reduce post-development curve numbers, and can result in decreased stormwater detention and retention volume requirements. Additionally, modifications to the design of bioretention practices, such as the inclusion of a gravel sump, can provide additional storage volume).

Determining the LID Runoff Curve Number

(LID Hydrologic Analysis, pg 22-25)

- a. Calculate pre-development Curve Number (CN) and Time of Concentration (Tc) using TR-55 or other suitable method.

$$CN_{pre} = \underline{\hspace{2cm}}$$
$$Tc_{pre} = \underline{\hspace{2cm}} \text{ minutes}$$

- b. For comparison purposes, calculate a composite curve number for the *developed site*, using the **conventional TR-55 approach**.

$$CN_{conventional} = \underline{\hspace{2cm}}$$

- c. Calculate a composite **custom LID curve number** for the site, following the approach in Section 4.3 (pages 22-24) of "LID Hydrologic Analysis*". *This is much more detailed than the conventional Tr-55 approach. This approach factors in the use of higher permeability soils for infiltration and the use of "disconnectedness" (impervious cover flowing to pervious cover). Use an R factor of "1" for bioretention practices.*

$$CN_{conventional} = \underline{\hspace{2cm}} \text{ (from above)}$$
$$CN_{LID} = \underline{\hspace{2cm}}$$

$$\text{Reduction in CN achieved with site design} = \underline{\hspace{2cm}}$$
$$(CN_{conventional} - CN_{LID})$$

- d. Calculate the post-development Time of Concentration (Tc). Utilize the practices described in "LID Design Strategies"*, such as flattening grades, lengthening flow paths, etc to reduce the Tc to the predevelopment time.

$$Tc_{pre} = \underline{\hspace{2cm}}$$
$$Tc_{LID} = \underline{\hspace{2cm}} \text{ (the Tc after maximizing practices to lengthen flow travel time)}$$

NOTE: For the LID approach to function effectively, the Tc_{pre} must equal Tc_{LID} .

If Tc_{LID} is higher, STOP here and incorporate practices to reduce it.

See "LID Design Strategies" for details.

Step 1: Determine the Retention Volume Required to Maintain Pre-development Runoff Volume

- a. Calculate the **Design Rainfall** for your site, per the procedure outlined on pages 36-38 of "LID Hydrologic Analysis*". This is the rainfall at which runoff would have initiated on the site, if it were vegetated with "woods in good condition".

If your calculated value for Design Rainfall is LESS THAN the 1-year 24 hour rainfall for your area, **USE the 1-year 24 hour rainfall instead.**

Design Rainfall = _____ in

- b. Use the tables in Appendix A of the "LID Hydrologic Analysis*" to calculate inches of storage volume to **Maintain Predevelopment Runoff Volume for your Design Rainfall**

Preliminary Retention Storage volume = _____
 in_{across entire site} = _____ ft³

Step 2: Determine Storage Volume for Water Quality Protection

- a. Per example 4.3, ensure that the Preliminary Retention Storage Volume (Step 1.b) meets or exceeds the "**Water Quality Volume**", which is 1/2" or runoff from impervious areas on the site.

Preliminary Retention Storage Volume = _____ ft ³ (From Step 1.b)
Water Quality Volume = _____

Retention Storage Volume =

Following example 4.2 on page 29 of "LID Hydrologic Analysis*", **calculate the area of IMP's required** to be distributed evenly on the site to retain the Retention Storage Volume.

Bioretention Design Option	Area ft ²	% of site
6" ponding depth		
6" ponding depth + 12" gravel sump (= 10.8" total storage)		
8" ponding depth		
8" ponding depth + 12" gravel sump (= 12.8" total storage)		
8" ponding depth + 18" gravel sump (= 15.2" total storage)		
10" ponding depth + 18" gravel sump (= 17.2" total storage)		

*Gravel sump storage estimates assume #57 stone with 40% void space

Step 3: Determine the Storage Volume for Maintaining Peak Runoff Rate

Using the Charts in Appendix B of the “LID Hydrologic Analysis”, determine the **storage volume** required to **maintain peak Runoff Rate using 100% RETENTION storage**. (Use the chart for a Type II storm for with your design rainfall)

$$\text{Storage Volume}_{\text{(across entire site)}} \text{ Peak Rate Control (using 100\% Retention)} = \text{_____} \text{ in}$$
$$= \text{_____} \text{ ft}^3$$

Step 4: Evaluate Need for Additional Detention Storage (Hybrid Design)

Compare the volumes required for volume control and peak rate control:

If Retention Storage Volume > Storage Volume_{peak rate control (100% Retention)}...

Design site IMPs to retain (infiltrate) the Retention Storage Volume. No additional detention is required.

If Retention Storage Volume < Storage Volume_{peak rate control (100% Retention)}... (or if Retention Storage Volume is unachievable with infiltration IMPs due to site constraints) then a **HYBRID DESIGN IS REQUIRED**. Follow Steps 5,6, & 7 on pages 34-37, of “LID Hydrologic Analysis” to calculate additional detention required to meet peak runoff rate.

$$\text{Additional detention required} = \text{_____} \text{ in (across entire site)}$$
$$= \text{_____} \text{ ft}^3$$

LID Application Summary

Yes / No Site design and impervious cover reduction practices were used to the maximum extent practicable to minimize runoff volume.

Yes / No The design results in a post-development Tc equal to the pre-development Tc.

Yes / No The entire **Retention Storage Volume** will be retained and infiltrated.

Yes / No / NA If the entire **Retention Storage Volume** is not retained and infiltrated, the plans show that every practicable effort was made to implement runoff volume reduction efforts, and all potential green space areas were made hydrologically functional for retention.

Yes / No Detention practices were used to store any additional volume required to maintain the predevelopment peak rate.

References

1. **Model Development Principles for the Central Rappahannock** is available for download at <http://for.communitypoint.org/pages/download.htm>
2. **Low Impact Development National Manual. Low-Impact Development Design Strategies An Integrated Design Approach.** EPA 841-B-00-003. Available on the web at <http://www.epa.gov/owow/nps/urban.html> and via FTP at <ftp://lowimpactdevelopment.org/pub/>
3. **Low Impact Development National Hydrology Manual. Low-Impact Development Hydrologic Analysis.** EPA 841-B-00-002. Available on the web at <http://www.epa.gov/owow/nps/urban.html> and via FTP at <ftp://lowimpactdevelopment.org/pub/>

NOTE: The appendices to the hydrology document include a series of charts which are required to calculate LID storage volumes. They are not currently available in the downloadable version, but selected charts from that series are attached to the end of this document.

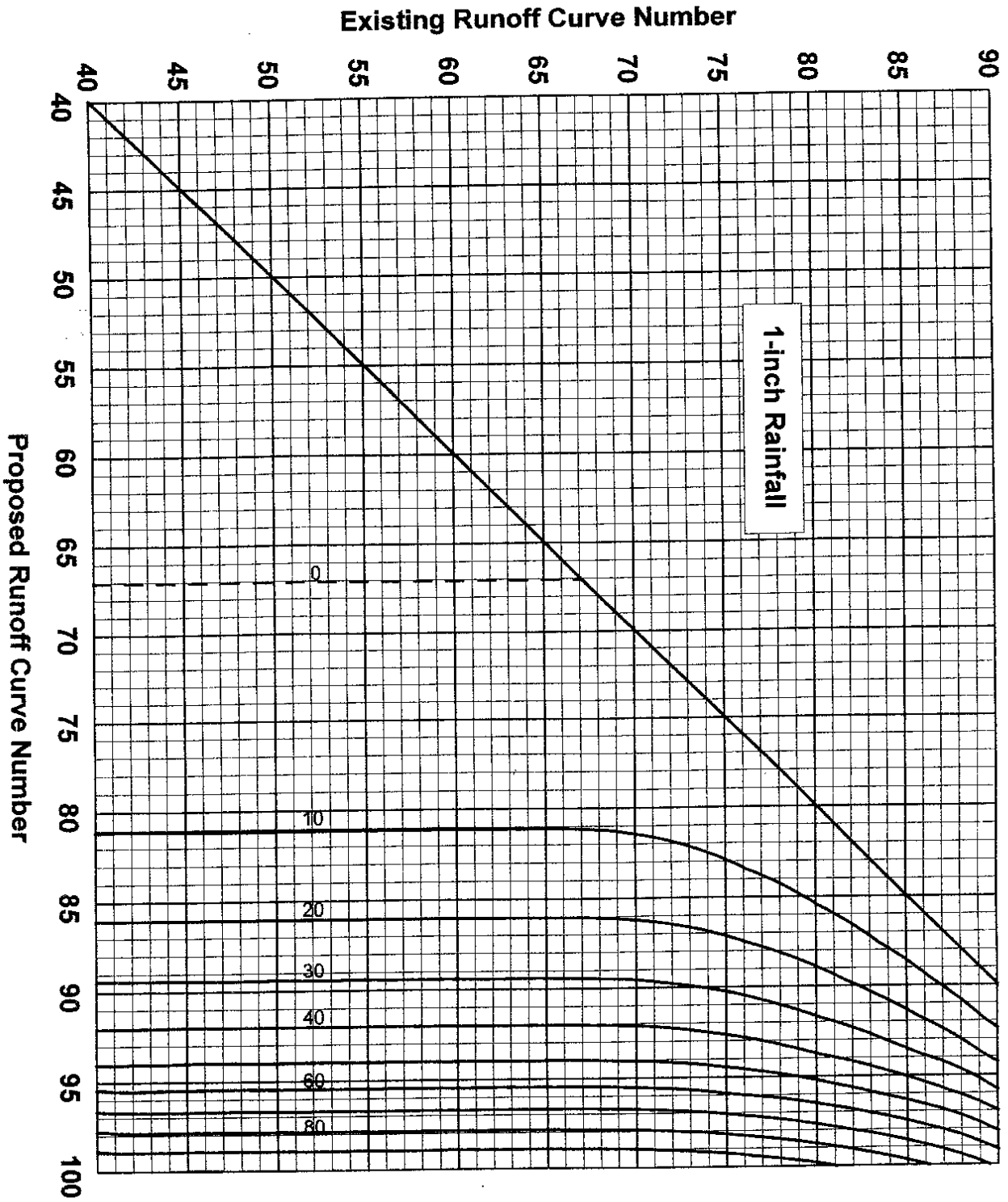
Selected Charts for Calculating LID Storage Volumes

taken from
“LID Hydrologic Analysis”
(Low Impact Development National Hydrology Manual)
Prince Georges County, Md. – June 2002
EPA 841-B-00-002

Charts Taken from
APPENDIX A
Of
LID Hydrologic Analysis

**“Storage Required to Maintain
Pre-Development Runoff Volume”**

**Storage Required to Maintain
Pre-Development Runoff Volume
(hundredths of an inch)**



Should LID prove to be impractical or not feasible another plan demonstrating traditional stormwater management shall be prepared. (End of Proposed Amendment 08/07/03) This plan shall show natural drainage patterns and any proposed drainage improvements, including pipe sizes and types, stormwater detention and retention facilities, drainage easements and any other means for transporting drainage waters to a well-defined open stream. Areas subject to periodic flooding (100-year flood) shall be delineated on preliminary and final plans of development.

c. Continuing Management Plan

A continuing management plan, including a property owners' association or other appropriate maintenance entity as is necessary and which has the capacity to maintain the drainage facilities, shall be submitted for all elements of the drainage and flood control system which will not be the explicit maintenance responsibility of the Town or the VDOT. The developer shall provide assurance that all facilities are in good repair and properly functioning when the development has been completed and prior to the responsibility for continuing maintenance and ownership of drainage systems being conveyed to the designated maintenance entity.

4-6-3 GENERAL REQUIREMENTS

a. Provision of Drainage and Stormwater Management Facilities

- (1) Drainage and stormwater management facilities shall be provided, either on-site or off-site, to reduce drainage flows, pollutants, and sediment loading from the development to a level not exceeding the conditions prior to development, or to a lesser level, if deemed necessary to comply with the provisions governing pollutant and sediment discharges associated with the Chesapeake Bay Preservation Act.
- (2) The plan-approving authority shall approve, or approve with modifications, only those stormwater management facilities which comply with the intent of this Ordinance or with adopted overall drainage plans and policies, if any. In this regard, the plan-approving authority shall not generally approve, except as a temporary measure, on-site stormwater management facilities as an alternative to contributing to planned regional stormwater management systems, if and when such a management system is in effect.
- (3) All management facilities shall be designed and constructed in accordance with Section 4-6 as supplemented by the latest editions of the Virginia Erosion and Sediment Control Handbook and the VDOT Drainage Manual, locally adopted regional stormwater management programs incorporating pro-rata share payments pursuant to the authority provided in Section 15.1-466(j) of the Code of Virginia that result in achievement of equivalent water quality protection, Best Management Practices guidance documents, as well as regulations, or policies adopted by the Commonwealth or the Town pursuant to the Chesapeake Bay Preservation Act.

b. Drainage Easements

Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement of sufficient area and width to protect and preserve the aforementioned feature. Drainage easements shall be designed and drainage structures constructed in such a manner as to reduce the burden of maintenance and provide adequate access for necessary maintenance.

c. Drainage of Rights-of-Way

All public rights-of-way shall be drained in accordance with the requirements of VDOT.

d. Appropriate Grading Considerations

- (1) No storm water runoff or drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- (2) Lots shall be graded to secure proper drainage away from buildings and prevent the ponding of stormwater unless within an approved retention or detention basin.
- (3) No grading shall occur within 100 feet of any perennial watercourse or wetland except as provided for specific waterfront erosion control, water-dependent facilities or for necessary utilities and street construction.

e. Maintenance of Existing Drainage Patterns

In general, the design of a development shall be such as to minimize grading and disturbance of natural vegetation. Natural contours and storm water channels shall be respected and retained where possible.

f. Minimize Impervious Surface Areas

- (1) A stormwater management plan shall preserve natural drainageways and wetlands, maximize infiltration of stormwater and minimize off-site discharge of storm water.
- (2) In general, impervious surfaces near waterways and wetlands shall be avoided; grass swales shall be utilized and curb and gutter and paved ditches shall be avoided except where necessary to prevent erosion in accordance with the standards of Section 4-7.

Stormwater management areas include retention and detention basins, drainage ditches and swales, and wetlands areas. Sensitively designed basins and swales can benefit the health, safety and welfare of Town residents. The integration of these areas as desirable landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function is strongly encouraged whenever possible.

a. Stormwater Detention Areas

One of the following landscape concepts for stormwater detention areas, or an alternative concept complying with the general statement set forth above, shall be used.

(1) Reforestation

This landscaped treatment is most appropriate for detention basins and drainage areas that are adjacent to areas of mature woodlands or wetlands. It reverts the disturbed area to a revegetated, stable, low-maintenance, natural landscape asset over time.

The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins are not desirable.

The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to provide canopy cover of the entire area to the high water line or outflow elevation. Ten percent (10%) of the trees shall be two and one-half (2-1/2) inches to three (3) inches caliper, twenty percent (20%) shall be one (1) inch to two (2) inches caliper, and seventy percent (70%) shall be six (6) feet to eight (8) feet high whips.

Plantings shall not be located within twenty (20) feet of low flow channels to allow for channel maintenance. The trees shall be spaced five (5) feet to fifteen (15) feet on center. The ground plane of the basin shall be seeded with a naturalization wildflower, and/or meadow grass mix. All woody and herbaceous plants shall be species indigenous to the area and/or tolerant to typical wet/dry floodplain conditions.

The perimeter area (slopes above the high water line) shall include shade trees evergreen trees, ornamental trees, and shrubs screening drainage structures and creating visual interests in accordance with the landscaping requirements of Section 4-11-5f.

Provisions for emergency access as well as general maintenance of the basins shall be provided. Plantings shall be designed to disguise yet not hinder vehicular access.

Plantings are not permitted upon any dikes associated with a detention basin.

(2) Recreation/Open Space Feature

This landscape concept is appropriate in situations where a basin is the largest or only portion of open space in an area, or is adjacent to existing open space and/or recreational open space is desired.

The objective in these situations is to integrate the area into the landscape using topography and plantings in order to complement the function of the area and to provide a visually interesting landscape feature and/or recreation space. The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This may also include gentle berming. Perimeter plantings shall be provided in accordance with the landscape requirements of Section 4-11-5f supplemented by vegetation to screen the view of drainage structures.

In order to provide recreational open space, concentrate frequently flooded detention in a basin area (five (5) to ten (10) year storm volume) and provide a gently sloping, less often flooded area (ten (10) to one hundred (100) year storm volume) as a recreational open field space. Provide ballfields and/or open play areas integrated with plantings in a park-like manner.

b. Stormwater Retention Areas - Open Space/Recreation Features

This landscape treatment can take on a variety of landscape forms, from formal reflecting pools fountain features to natural park-like lakes and ravines.

- (1) Water fountains/features are encouraged in the design of developments.
- (2) The waters edge shall be easily maintained and stable. Possible treatments might include rip-rap, stone walls, natural plantings, decking, and bulkheads.
- (3) The planting of the perimeter of the feature shall accentuate views and integrate pedestrian paths, sitting areas, and other uses.
- (4) Plantings shall include formal or informally-massed deciduous and evergreen trees and shrubs to screen and frame views with ornamental trees, shrubs, and grasses used for visual interest or special effects. Landscaping shall be implemented in accordance

with the requirements of Section 4-11-5f.

- (5) If used as a recreational feature, the connection to the water must be addressed and controlled. The types of uses shall be specified, and the plantings and pedestrian/vehicular parking spaces shall be integrated with these uses.
- (6) Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities.
- (7) All engineered basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading, and planting.

c. Development Sampling

If the major plan of development is approved and constructed, a set of tests shall be taken by the developer at the discretion of and at a time decided by the Town Manager, but not after performance and maintenance guarantees have been released. All results and comparisons shall be given to the Town Manager for review and analysis. Performance and maintenance guarantees may be applied to remediate any water-quality degrading or degraded conditions, which in the opinion of the Town Manager, are as a result of the implementation and construction of the plan of development.

4-6-5 OFF-SITE DRAINAGE COSTS

a. Applicability

The developer shall be required to pay a pro rata share of the cost of providing reasonable and necessary drainage improvements located outside

of the property limits of land owned or controlled by him when all of the following conditions exist:

- (1) The plan-approving authority determines that such off-site improvements are necessitated at least in part by the construction or improvement of the development.
- (2) The Town has established a general drainage improvement program for an area having related and common drainage conditions. The developer's property must be located within the designated area covered by this program.
- (3) The estimated cost of the total drainage improvement program has been determined.

- (4) The estimated storm water runoff has been established for the designated area served by such program.

b. Cost Determination

The developer's share of the estimated cost of improvements shall be limited to the proportion of such estimated cost which the volume and velocity of storm water runoff to be caused by his development bears to the total estimated volume and velocity of runoff from such area in its fully developed state. The developer shall pay all costs and construct the improvements unless the conditions listed in 4-6-a (1)-(4) are met. *Improvements shall be guaranteed and constructed in accordance with a construction phasing plan approved by the Town.*

c. Payment Provisions

Any cash payment received by the Town shall be expended only for construction of those facilities identified in the established drainage facilities improvement program and until so expended, shall be held in a separate account for the individual improvement program.

4-7 EROSION AND SEDIMENT CONTROL

4-7-1 PURPOSE

The purpose of this Section is to conserve the land, water, air and other natural resources of the Town of Warsaw and promote the public health and welfare of the people of the Town by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.

This Section is authorized by the Code of Virginia, 1950, as amended, Title 10, Chapter 5, Article 4, (Section 10.1 560-571), known as the "Erosion and Sediment Control Law".

4-7-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

a. Preliminary plans

As part of the plan of development process, the applicant may submit a preliminary erosion and sediment control plan. The preliminary plan should contain sufficient information to facilitate a meaningful discussion and enable the Richmond County Land Use Administrator as agent of the Town to offer constructive advice. Information pertaining to the site which would enable this to occur are as follows:

- (1) all major soil types;

- (2) approximate limits of clearing and grading;
- (3) tentative means of erosion and sediment control;
- (4) phasing of development to minimize area and duration of exposure;
- (5) contour lines.

b. Final Plans

The applicant shall submit five (5) copies of black or blue-line plans along with an application available from the County Land Use Administrator. The final plan shall consist of the narrative and plan map as described in Chapter 6 of The Virginia Erosion and Sediment Control Handbook.

- (1) The plan map shall be prepared at a scale of not less than 1" = 100' or as accepted by the County Land Use Administrator and shall incorporate good engineering practices designed according to The Virginia Erosion and Sediment Control Handbook guidelines as well as VDOT Drainage Manual, where appropriate.
- (2) The plan map shall contain all information necessary for carrying out the conservation measures and shall also include a scale, north arrow, date, owners of record, engineers certificate (if required), approval signature block, key map at a scale of no less than 1" = 2000', and contour lines.
- (3) The map will show other information as required by the County Land Use Administrator.
- (4) The plan preparer will be responsible for guiding the contractor toward properly implementing the plan on all land-disturbing activities where the cost of implementation is expected to exceed \$25,000.

4-7-3

GENERAL REQUIREMENTS

a. Applicability

Any land disturbance in excess of 2,500 square feet may result in soil erosion from water or wind and the movement of sediments into State waters. These activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

b. Exemptions

Land disturbing activities which are exempted are listed in Section 2-2-2 of this ordinance.

c. Criteria, Standards and Specifications for the Preparation of an Erosion and Sediment Control Plan

- (1) Persons submitting plans in accordance with this Section shall be governed by the criteria, standards and specifications established in Chapter 6 of The Virginia Erosion and Sediment Control Handbook. In the case of a land-disturbing activity for the construction of a single family dwelling, the County Land Use Administrator may waive the requirement for a full erosion and sediment control plan as set forth in this Ordinance. In the case of the granting of such a waiver by the County Land Use Administrator, an Agreement in Lieu of an Erosion and Sediment Control Plan, which is signed by the applicant and approved by the County Land Use Administrator, shall constitute authorization under this Ordinance to conduct land-disturbing activity allowed by the Agreement. Such agreement shall set forth all conservation measures to be carried out and maintained, shall grant right-of-entry to the County Land Use Administrator and his designees, and shall make the project subject to all review, inspection, and enforcement provisions of this Ordinance which apply to erosion and sedimentation control plans.

approved

d. Plan Review

- (1) The County Land Use Administrator has been designated as the plan-approving authority for the Town. Plans will be routinely transmitted to the County for approval. The Northern Neck Soil and Water Conservation District may be called on by the Town Manager to conduct a non-binding review of any plan. In reviewing plans, the County Land Use Administrator may also seek or receive recommendations or comments from VDOT, the Health Department and such other agencies that are deemed to have some responsibility in this area.
- (2) The County Land Use Administrator shall, within 45 days, approve any erosion and sediment control plan submitted to him if he determines that the plan meets the conservation standards of the local control program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this Ordinance.
- (3) When a plan is determined to be inadequate, the County Land Use Administrator, within 45 days of receipt, shall give written notice of disapproval stating the specific reasons for his disapproval. The County Land Use Administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is

taken by the County Land Use Administrator within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity.

- (4) An approved plan may be changed by the County Land Use Administrator in the following cases:

Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the Ordinance, plan changes can be required without approval of the person responsible for carrying out the plan in order to comply with The Virginia Erosion and Sediment Control Handbook, which is assumed to be an integral part of every plan; or

Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this Ordinance, are agreed to by the County Land Use Administrator and the person responsible for carrying out the plan.

e. Issuance of Grading, Building or Other Permits.

- (1) The Richmond County Building Official, who is authorized by the Town of Warsaw to issue building or other permits for land-disturbing activities shall not issue such permits unless:

The applicant submits with his permit application the approved erosion and sediment control plan and certification that the plan will be followed; or

There is a Certificate of Compliance, Part A from the Town Manager indicating compliance with the plan of development requirements of this ordinance or sufficient evidence that a plan was submitted and no action was taken within forty-five days; or

There is certification from the Virginia Division of Soil and Water Conservation that the plan has been approved. (A plan for which land-disturbing activities involve lands under the jurisdiction of the Town of Warsaw and one or more other localities may, at the option of the applicant, be submitted to the Virginia Division of Soil and Water Conservation for review and approval, rather than submission to each jurisdiction concerned. However, if the applicant chooses to submit his plans to the Virginia Division of Soil and Water Conservation rather than the local jurisdiction, he shall notify,

by certified mail, the Town Manager of his intention at the same time of submittal.);

A performance bond has been submitted to and accepted by the County (single family dwellings constructed with an approved plan are exempt from this requirement).

- (2) When the County Land Use Administrator does not have documentation in hand that the person responsible for carrying out the plan has certified that he will properly perform the control measures included in the plan, the Town Manager shall withhold issuance of a Certificate of Compliance, Part A until he has obtained the certification of performance.

f. Erosion and Sediment Control Agreement

An agreement shall be executed by each applicant for an approved erosion and sediment control plan to provide right-of-entry by the County for the purpose

of inspection, monitoring, and installation, or maintenance of erosion and sediment control measures should the applicant fails to comply with the approved plan.

4-8 UNDERGROUND WIRED UTILITIES

4-8-1 PURPOSE AND INTENT

It is the purpose and intent of this Section to reduce the adverse impacts of overhead utility lines by requiring all utility facilities proposed within major plans of development to be located underground.

4-8-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Each plan of development shall show the location and type of wired utilities on the plan of development.

4-8-3 GENERAL REQUIREMENTS

a. Major Plan of Development Utilities Underground

All utility facilities proposed within major plans of development, including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, cable television or similar service shall be placed underground. The plan-approving authority may waive this requirement in the case of unusual topographic conditions.

b. Exemptions

The following shall be permitted above ground:

- (1) Electric transmission lines and facilities in excess of fifty (50) kilovolts;
- (2) Equipment such as electric distribution transformers, switch gear, meter pedestals, telephone and cable television pedestals, outdoor lighting poles or standards, traffic control devices, and associated equipment, which is, under accepted utility practices, normally installed above ground;
- (3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises;
- (4) Temporary above-ground facilities required in conjunction with an authorized construction project;
- (5) Facilities necessary to extend utility service to the property line of the site under development.

c. Existing Above-Ground Utilities Grandfathered

Existing above-ground facilities may be maintained or repaired provided that such repair does not involve relocation. Whenever any existing on-site above-ground utilities require relocation for any reason, they shall be removed and placed underground. Single family homes are exempt.

d. Utilities to be Located Within Easements

All utilities shall be placed within easements as per Section 4-13 or public street rights of way or as may be otherwise approved by the plan-approving authority. All utilities should be positioned together so as to minimize the disturbance of natural areas.

4-11 LANDSCAPING AND BUFFERING

4-11-1 PURPOSE AND INTENT

The regulations established herein are intended to incorporate vegetation in the form of landscaping and buffering within plans of development, thereby promoting healthy and ecologically sound community environs. This will be the resultant effect because trees and shrubs are proven producers of oxygen, a necessary element for human survival; trees and shrubs appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air thereby playing a vital role in purifying the air we breathe; trees and shrubs transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems; trees and shrubs have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers; trees and shrubs through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control; and trees and shrubs are an invaluable physical, aesthetic, and psychological counterpart to unnatural development features, making life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas.

4-11-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Every plan of development shall include a landscape plan. This plan shall include the:

a. Existing Vegetation

Location and identification by size and name of all mature or significant trees in open areas on the site. In wooded areas, the woodline before site preparation, average size, and predominant species of trees shall be shown, except that any significant trees within a wooded area proposed for clearing shall be individually located and identified by size and name.

b. Buffering Details

Location, dimensions and area of all required buffer areas including areas proposed to be fenced, walled, or screened through the use of architectural, earthform, or any other landscape method, including notes and details to describe fully the methods and materials proposed.

c. Landscaping Details

Location, size, type and name of all new landscaping materials, as well as materials to be retained on site.

d. Vegetation Protection

Details and notes pertaining to the methods to be utilized to protect trees and plant materials to remain on site from damage, both during and after development of the site.

e. Maintenance Notations

Appropriate notations regarding responsibility for the perpetuation and maintenance of all landscape plant materials or other landscape features to be preserved or installed on the site.

f. Waiver of Submittal Requirements

The plan-approving authority may waive all or a part of the submittal requirements if an application can be thoroughly and responsibly evaluated despite the absence of waived submittal data.

4-11-3 GENERAL REQUIREMENTS

a. Maximize the Value of Vegetated Material

Trees, shrubs, ground cover and other landscaping shall be located so as to utilize effectively the natural capacities of plant materials to intercept and absorb airborne and runoff-related pollutants and to reduce runoff volume, velocity and peak flow increases caused by development.

b. Existing Trees to be Preserved

Existing, viable and mature trees shall be preserved and protected as a part of the overall landscaping plan whenever reasonably possible.

c. Landscaping to Suit the Site

Landscape materials and designs shall be appropriate for the specific characteristics of the site and the reason for their installation.

d. Landscaping to Buffer Discordant Impacts

Landscaping of buffer areas shall be designed to reduce, as much as possible, the discordant impacts of development on adjacent natural areas, and on adjacent landowners who might be adversely impacted by the proposed development.

e. Preserve Existing Natural Buffers

In all cases, the preservation of natural buffers is encouraged.

f. Design of Buffers

Plant material screens and structural elements required as buffers shall be designed in a staggered or undulating manner to create a more natural looking buffer. Plant material screens need not occupy the full buffer of distance, but shall be continuous.

g. Buffers Adjacent to Vacant Sites

Where the adjacent property is vacant, it shall be classified as the highest intensity use allowed by right in that zoning district for purposes of determining the appropriate buffer, except where approved development plans or a use granted by a conditional use permit indicate another buffer classification would be more appropriate as determined by the plan-approving authority.

h. Landscaping Areas Devoid of Trees

The following provisions shall apply for all land development areas devoid of major trees, including the areas along the roads of the development where natural woods are not present, and where due to construction, the entire right of way is cleared:

- (1) Shade trees shall be planted along both sides of all streets as approved by the plan-approving authority.
- (2) Shade trees shall be planted at forty (40) to fifty (50) intervals.
- (3) There shall be planted, if none exist, a minimum of three shade trees per residential lot in the front yard or that yard where shading of the structure will be maximized if no solar collectors are proposed.

i. Activities Permitted Within Landscaped Buffer Areas

Except as provided in Section 4-11-5b(2), the following activities are permitted within landscaped buffer areas.

- (1) Roadway and/or driveway access between adjoining properties provided that it is approximately perpendicular to the common property line.

- (2) Water, sanitary sewer, electrical, telephone, natural gas, cable television or other service lines provided they are approximately perpendicular to the common property line. If utilities must be installed approximately parallel to the common property line, an equal amount of buffer area may be required to substitute for the area of vegetation removal.
- (3) Pedestrian and bicycle paths designed to provide continuous connections between adjoining properties.
- (4) Light fixtures.
- (5) Storm drainage provided that it does not impair the basic integrity of the required buffer.

j. Buffering Objectionable Site Features

Objectionable features including dumpsters, outside storage areas and large parking areas (10 vehicles or greater) as well as loading areas shall be visually buffered as viewed from public rights of way and adjacent properties by landscaping and structural elements.

4-11-4 LANDSCAPE PRESERVATION

The preservation of existing vegetation on a development site has distinct advantages since this vegetation is well established and tolerant of existing conditions, and can be readily employed to fulfill the intent and purpose of Section 4-11. Incorporating natural features into plan of development proposals not only improves the quality of the project, but also reduces construction problems and increases the value of the development. Soil erosion and sedimentation control costs are reduced. The existing vegetation holds soil in place and breaks the impact of falling rain. Forest soils are porous and function like a sponge soaking up stormwater. The value of homes is increased when trees are retained and the resultant appearance is one of an established community. The following provisions are intended to facilitate the preservation and beneficial use of existing vegetation during development.

a. Which Trees Shall Be Preserved

In determining which trees and shrubs shall be preserved during the development process, consideration shall be given to preserving those which exhibit some or all of the following characteristics:

- (1) are significant trees;

- (2) complement the project design including the enhancement of the architecture and streetscape appearance;
- (3) can tolerate environmental changes to be caused by development (i.e. increased sunlight, heat, wind and alteration of water regime);
- (4) have strong branching and rooting patterns;
- (5) are disease and insect resistant;
- (6) complement or do not conflict with stormwater management and Best Management Practice designs;
- (7) are located in required buffer areas;
- (8) exist in natural groupings including islands of trees;
- (9) do not conflict with necessary utility, structure, parking area, and roadway placements; and
- (10) have been recommended by the Virginia Department of Forestry, Richmond County Cooperative Extension Service or a qualified arborist or urban forester for preservation.

b. Protecting Trees During Construction

Trees which are to be preserved on site shall be protected before, during and after the development process utilizing accepted practices. At a minimum, Standard and Specification No. 1.85, Virginia Erosion and Sediment Control Handbook, Second Edition 1980 shall be utilized.

c. Protecting Woodland Groups

In woodland areas, groups of trees shall be selected for preservation rather than single trees wherever possible.

d. Tree Protection Details

- (1) Trees and groups of trees which are to be preserved shall be enclosed by a temporary fence or barrier to be located and maintained at the dripline during construction. Such a fence or barrier shall be installed prior to clearing or construction and shall be sufficient to prevent intrusion into the fenced area during construction.

- (2) Within the fenced area, the topsoil layer shall not be disturbed except in accordance with accepted tree protection practices.
- (3) If land development activities are proposed to occur within the dripline of trees to be retained, special care such as the installation of tree feeders and the use of porous paving materials shall be employed to minimize the extent of root disturbance, compaction of soil, and amount of impervious cover.
- (4) A two (2) inch layer of mulch shall be applied over the surface of exposed roots during and after development.

e. Tree Clearing Limits Marked and Approved

- (1) The Town Manager shall approve the marked limits of clearing in the field prior to the commencement of land disturbing activities to ensure that the limits of clearing as marked conform to the plans approved as part of the plan of development approval process.
- (2) Trees to be saved shall be marked by red ribbon.
- (3) Trees to be removed shall be marked by blue ribbon.
- (4) In heavily wooded areas, large groups of trees to be removed or saved may be generally marked with appropriately colored ribbon along the perimeter of the area.

f. Notification To Construction Personnel of Tree Protection Measures

The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and for ensuring that they are observed.

g. Grade Change Mitigation Measures

Where grade changes in excess of six inches (6") from the existing natural grade level are necessary, permanent protective structures such as tree wells or walls shall be properly installed.

h. Restricted Activities Near Protected Trees

The cleaning of equipment, storage of vehicles, materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other such acts which may be harmful to the continued vitality of the tree(s)

to be protected shall be prohibited.

i. Repairing Trees Damaged During Construction

Any tree damaged during construction, or damage occurring as a result of such construction, shall be repaired according to accepted horticultural practices. Tree damage shall be repaired prior to the issuance of a Certificate of Compliance, Part B.

j. Tree Clearing Procedures

It is recommended that trees to be removed are removed at one time throughout a project site in order to allow uncut trees to have more time to recover from adjacent timbering operations prior to the impact of construction. By separating the clearing phase from the building phase by as great a time interval as possible, trees left standing will show response to increased light and nutrients created by the opening, and compaction and soil erosion will be reduced.

k. Tree Clearing and Protection Plans

Developers of plan of developments within wooded areas are encouraged to prepare tree clearing and fire protection plans in the manner recommended by the Virginia Division of Forestry. These plans recommend how land development can be introduced into wooded areas with minimal environmental impact and maximum safety to future residents. Trees to be considered for removal should include all pine trees near buildings, trees within 15 feet of a major excavation, and all trees that lean, are hollow, or would endanger a structure or vehicle by falling.

l. Areas of Development Sites to Remain Undisturbed

Natural vegetation existing on slopes of twenty-five percent (25%) or greater, in wetlands, and within 100 feet of a perennial watercourse or wetland, shall be left undisturbed as a buffer area during development, provided however that:

- (1) Access paths and view corridors or sight lines may be cleared along waterways, lakes or wetlands. In general, trees larger than ten (10) inches d.b.h. shall not be removed.
- (2) Where natural vegetation is removed, it shall be replaced with other vegetation equally effective in retarding erosion and preserving natural appearance.

m. Clear-Cutting Prohibition

Commercial timber clear-cutting operations are prohibited within the jurisdiction of the Town of Warsaw.

4-11-5 SITE LANDSCAPING STANDARDS

a. Landscape Areas adjacent to Buildings in the C-1 and M-1 Zoning Districts

A landscape area which is a minimum of 10 feet wide shall be provided adjacent to the front and sides of buildings exclusive of reasonably sized areas for entrances.. Up to one half of this area may be transferred elsewhere on the site. This area shall contain a number of trees and shrubs equal to at least one ornamental tree or five shrubs per 200 square feet of planting area provided.

b. Landscape Areas along Rights of Way

(1) The landscape area along rights of way zoned commercial and industrial shall be designed to maintain continuous natural corridors along existing and proposed rights of way.

(2) For lots zoned commercial and industrial possessing on-site parking lots fronting on the right of way, a twenty (20) foot wide landscaped buffer area shall be provided between the right of way and on-site parking. With the prior approval of the plan-approving authority, this buffer area may be selectively thinned if fully wooded or shall be planted with a row of shade trees 40-50 feet apart along the right of way if void of vegetation.

(3) Activities which are permitted within this landscaped area include:

- Roadway and/or driveway access to the portion of the site not in the buffer area is permitted provided that it minimizes the impact to the quality and quantity of the buffer area.
- Water, sanitary sewer, electrical, telephone, natural gas, cable television or other service lines provided they are approximately perpendicular to the right to way. If utilities must be installed approximately parallel to the road right of way, an equal amount of buffer may be required to substitute for the area of vegetation removal. Permission for easement and right of way disturbance and clearings for such services shall be consolidated with vehicular access routes whenever possible.

- Pedestrian and bicycle paths designed to provide continuous connection along the road.
- Light fixtures.
- Signage in accordance with the sign regulations in Section 4-16.
- Clear sight distances as per Section 4-3-5 at the permitted entrances and exits to any development as needed to provide for reasonable traffic safety.
- Storm drainage improvements provided the basic integrity of the required buffer is not impaired.

c. Landscape Areas Within Parking Lots

Five percent (5%) of the total area of the interior of any parking, loading and other vehicular use area shall be landscaped. The location of such landscaping is at the option of the developer; provided, however, the following standards shall apply:

- (1) Shade trees within parking areas shall be provided at a minimum rate of two (2) trees per ten (10) parking spaces. Shrubs shall be planted at a rate of two (2) shrubs per ten parking spaces.
- (2) No more than ten (10) parking spaces shall be permitted in a continuous row without being interrupted by a landscaped island of not less than six feet (6') in width. Such landscape island shall be planted with one shade tree.
- (3) Every fourth row of parking shall be separated by a median strip of not less than ten feet (10') in depth for landscaping and pedestrian purposes. Such median strips shall be planted with at least one (1) tree per median strip except that one (1) shade tree for every fifty feet (50') or fraction thereof shall be planted in median strips that exceed fifty feet (50') in length. For purposes of this standard, double-backed parking areas shall be considered two rows.
- (4) Each parking row shall terminate in a landscape island of not less than ten (10) feet in width. Such landscaped island shall be planted with one shade tree.
- (5) Parked vehicles may overhang a landscaped median strip no more

than two and one-half feet (2-1/2'). Curbing or other wheel stops are recommended to be installed to insure no greater overhang or penetration of the median strip.

- (6) Landscaped islands and median strips shall be planted in grass or any year-round ground cover and/or mulched. Provisions may be made where appropriate for pedestrian paths.
- (7) Landscaping, walls, fences and light fixtures and earthen berms shall be so located as to prevent their damage and/or destruction by overhanging vehicles.

d. Landscape Areas Peripheral to Parking Lots

In addition to the requirements of Section 4-11-5c, peripheral landscaping shall be provided along any side of an off-street surface parking area sized for ten (10) or more vehicles as well as along all loading areas. Such landscaping shall be provided as follows:

- (1) A landscaping area at least ten (10) feet in depth shall be located between the abutting property lines and the parking, loading or other vehicular use area, except where permitted driveway openings between properties are to be provided. Where drainage or other utility easements exist along property lines, the landscape area shall be located between the parking, loading or other vehicular use areas and the utility or drainage easements.
- (2) The landscaping area shall be planted in accordance with the following standards: One (1) shade tree shall be planted for each fifty (50) linear feet of the landscaping area; and

An evergreen hedge or other durable landscape material of at least three feet (3') in ultimate height shall be planted within the landscape area so as to provide a continuous landscape buffer; or

A combination of hedge, earthen berm, and/or other durable landscape material or approved wall, fence or earthen berm may be utilized to form the continuous landscape element.

All portions of the landscaping area not planted with shrubs and trees or covered by a wall or fence barrier shall be planted in grass and/or ground cover;

Parked vehicles may overhang a landscaped area no more than two

and one-half (2-1/2) feet, provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the perimeter landscape areas. Landscaping, walls, fences and earthen berms shall be so located as to prevent their damage and/or destruction by overhanging vehicles.

e. Exemption from Section a through d Above

The provisions of subsection c and d above shall not be applicable in the following situations:

- (1) Where any off-street surface parking, loading or other vehicular use area will be entirely screened visually from the public rights of way and from abutting property by an intervening building or structure; or
- (2) Where the total parking area contains less than ten (10) parking spaces.
- (3) For commercial, industrial and multi-family housing sites in existence on the adoption date of this ordinance. These sites shall attempt to comply with the intent of this Section in the event a plan of development proposal is submitted for approval.

f. All Other Landscape Areas

All landscaped areas other than the landscape areas identified in 4-11-5a to 4-11-5d shall contain a number of trees equal to or in excess of one tree and two shrubs per 3,000 square feet of total landscape area provided. Each mature existing tree to be saved may be counted toward meeting the required minimum number of trees, with one viable mature tree substituting for two planted trees. This Section applies to all other areas of a development site including median and cul-de-sac islands.

4-11-6 BUFFER AREAS

a. Function

The function of buffer areas is to provide visual and noise barriers between adjacent land uses, or between a land use and a public road which block out both visual nuisances, such as glare from lights, and shield the source of noise from view, thereby reducing its perceived impacts. Additionally, buffers may serve as a protective or safety barrier, by blocking physical passage. Heavily planted buffers restrict the movement of dirt or dust and assimilate

air-carried contaminants. The provision of buffer areas enables land uses of varying intensities to be approximate to each other, thereby accommodating the needs and values of both the developer and adjacent landowners.

b. Buffer Design

The design of buffer areas shall utilize distance, vegetative material, and structural elements such as fences, privacy walls, berms or other approved elements. One or more of these features shall be required depending on adjacent existing or proposed uses.

4-11-7 STANDARDS RELATING TO PLANT MATERIALS SELECTED FOR INSTALLATION

a. Plant Selection

The lists of plants shown in Exhibit 14 provides a menu of representative plant species that could initially be considered when selecting plants for landscaping and buffering. This list is not intended to restrict landscaping choices but only to help developers make effective landscaping choices. The list consists predominately of indigenous plant species thereby enabling newly installed plants to blend in with the natural vegetated conditions. Information is provided relative to the foliage type, light conditions, rate of growth, ultimate size and primary uses which should be of assistance in ensuring the selection of the most appropriate plant for a particular circumstance.

b. Size Standards

All landscaping required within Section 4-11 shall conform with the following minimum size standards as shown in Exhibit 15.

c. Source Standards

All plant materials installed on a site shall be of high quality and in excellent condition at planting.

EXHIBIT 14
SUGGESTED VEGETATION SUITABLE FOR SCREENING

<u>Common Name</u>	<u>Species</u>	<u>Mature Height/ Spread (ft.)</u>	
LARGE DECIDUOUS TREES FOR SHADING			
Ginko	Ginko biloba (male only)	80	40
Honeylocust*	Gleditsia triacanthos inermis 'Shademaster'	50	30
Laurel Oak	Quercus laurifolia	60	40
Littleleaf Linden	Tilia cordata	50	35
London Plane-Tree	Platanus acerifolia	80	50
Red Maple*	Acer rubrum 'October Glory'	60	40
Red Oak	Quercus rubra	70	55
Scarlet Oak	Quercus coccinea	70	55
Sweet Gum	Liquidambar styraciflua	80	40
Sycamore*	Platanus occidentalis	80	50
Willow Oak	Quercus phellos	50	40
Zelkova	Zelkova serrata 'Green Vase'	80	55
LARGE EVERGREEN TREES FOR SCREENING			
Carolina Hemlock	Tsuga caroliniana	75	40
Eastern Red-Cedar	Juniperus virginiana	45	20
Southern Magnolia	Magnolia grandiflora	50	30
SMALL TREES FOR PARTIAL SCREENING			
American Holly	Ilex opaca (evergreen)	40	20
American Hornbeam	Carpinus caroliniana	30	20
Bradford Pear	Pyrus calleryana 'Bradford'		40
Crape Myrtle	Lagerstroemia indicia	20	15
Eastern Redbud	Cercis canadensis	35	25
Flowering Dogwood	Cornus florida	30	25
Golden-Rain Tree	Koelreuteria paniculata	25	30
River Birch	Betula nigra	50	30
Russian Olive	Elaeagnus angustifolia	20	20
LARGE SHRUBS FOR EVERGREEN SCREENING			
Fraser Photinia	Photinia fraseri	15	7
Fortune's Osmanthus	Osmanthus fortunei	12	7
Glossy Privet*	Ligustrum lucidum	18	10
Japanese Photinia	Photinia glabra	10	6
Nellie Stevens Holly	Ilex 'Nellie R. Stevens'	15	8
Thorny Elaeagnus*	Elaeagnus pungens	10	8
Yaupon Holly	Ilex vomitoria	20	8

EXHIBIT 14
SUGGESTED VEGETATION SUITABLE FOR SCREENING

<u>Common Name</u>	<u>Species</u>	<u>Mature Height/ Spread (ft.)</u>	
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SMALL SHRUBS FOR EVERGREEN SCREENING

Laurustinus	Viburnum tinus	8	5
Mentor Barberry	Berberis mentorensis	7	4
Chinese Holly	Ilex cornuta 'Burfordii'	6	4
Pfitzer Juniper*	Juniperus chinensis 'Pfitzerana'	6	8
Wintergreen Barberry	Berberis julianae	4	3
Abelia	Abelia 'Edward Gloucher'	4	3
Warty Barberry	Berberis verruculosa	4	3
Kurume Azaleas	Rhododendron kurume (shade/part shade)	4	3
Helleri Holly	Ilex crenata 'Helleri'	3	3
David Viburnum	Viburnum davidii	3	3

* Rapid Growth Rate

4-11-8 STANDARDS FOR STRUCTURAL ELEMENTS - FENCES, WALLS AND BERMS

a. Fence and Wall Details

All permitted fences and walls shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions herein shall not apply to farms when fences are used for customary farming purposes and except further that fences permitted for industrial uses, with prior approval from the plan-approving authority, may be topped by a barbed wire protective barrier. All barbed wire-topped fences shall be faced into the property.

- (1) Except as stipulated above, a fence or wall shall not be more than four (4) feet in height along the front lot line and within the front yard setback and six (6) feet in height along a side lot line and rear lot line.
- (2) Fences should compliment the structural style, type and design of the principal building. Fences of natural materials such as wood planks, rails or pickets are preferred given their consistency with traditional town environments.
- (3) Fences which are determined by the Town Manager to be inferior in quality and therefore not maintenance free (except for painting or refinishing) are prohibited.

EXHIBIT 15

MINIMUM PLANT SIZE AT PLANTING

<u>Plant Material Type</u>	<u>Minimum Size</u>	<u>Minimum Branch Spread</u>
TREES		
<u>Deciduous</u>		
Shade	10' height and 1-1/2" caliper*	4'
Flowering/ Ornamental		
!single-stem	8' height and 1-1/4" caliper	4'
!multi-stem	8' height	4'
<u>Evergreen</u>	4' height and 1-1/4" caliper	N/A
SHRUBS		
<u>Deciduous</u>	24" height or spread	N/A
<u>Evergreen</u>	18" height or spread	N/A

* At least fifty percent (50%) of the deciduous shade trees required for installation in parking lots shall have a minimum caliper of two and one-half inches (2-1/2").

- (4) Solid fences are more appropriately used adjacent to or attached to buildings as architectural extensions or as structural buffer elements. Careful consideration should be given to coordination with the lines, materials and color of the principal structure.
- (5) Plantings shall be included as part of any fencing plan.
- (6) Metal fences, when used to enclose electrical supply stations having energized electrical conductors or equipment or other similar facilities, shall be a minimum of seven (7) feet in height and shall be effectively grounded.
- (7) A dog run or privacy area may have fencing a maximum of six (6) feet in height, provided that such area is located only in rear yard areas and is set back from any lot line at least fifteen (15) feet.
- (8) A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of twelve (12) feet in height and be set back from any lot line at least fifteen (15) feet.

- (9) An in-ground swimming pool shall be surrounded by a suitably secure fence with a self-latching gate at least five (5) feet but not more than six (6) feet in height.

b. Berms and Earthform Details

All berms and earthforms required or otherwise proposed for use shall conform with the following standards:

- (1) The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed to ensure that proper erosion prevention and control practices have been utilized.
- (2) Berms and earthforms shall be designed with physical variations in height and alignment throughout their length.
- (3) Landscape plant material installed on berms and earthforms shall be arranged in an irregular pattern to accentuate the berm's physical variation and to achieve a natural appearance.
- (4) The landscape plan shall show sufficient detail, including a plan and profile of the berm or earthform, soil types and construction techniques to demonstrate compliance with the above provisions.
- (5) Berms and earthforms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- (6) No part of any berm or earthform which is elevated more than eighteen inches (18") above natural grade shall be located within ten feet (10') of any right of way or property line.

4-11-9 MAINTENANCE OF LANDSCAPING AND BUFFERING

The property owner, or his successors, shall be responsible for the perpetuation and maintenance of all landscaping, fencing, and buffering materials required by this Ordinance as shown on an approved plan. Failure to maintain such landscaping, fencing and buffering shall be deemed a violation of this Ordinance.

a. Vegetation Maintenance

All plant material required by this Ordinance or as shown on the plan shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse, litter, and debris.

b. Buffer Maintenance

All fences, walls, and buffering required by this Ordinance or shown on the plan shall be maintained in good repair and kept free of refuse, litter, and debris. Earthen berms shall be maintained to prevent soil erosion and berm collapse.

c. Replacement Vegetation to Conform to Approved Plan

All landscaping material shown on the plan which may subsequently be replaced on the site shall conform with the original approved plan with respect to size and characteristics of the plantings. In meeting the terms of this Section, the replacement of mature trees on site shall require the installation of trees of a similar species.

d. Weed Control

It shall be the responsibility of the owner, occupant and person in charge of any real property in the Town to:

- (1) Maintain the grass, weeds and other foreign growth on developed property so that they do not exceed 12 inches in height.
- (2) Maintain the grass, weeds and other foreign growth on undeveloped real property so that they do not exceed a height of 15 inches at any point within 50 feet of any abutting developed property, street or public way.

4-12 LIGHTING

4-12-1 PURPOSE AND INTENT

The purpose and intent of this Section is to ensure that lighting is provided in order to facilitate the safe and secure movement of motor vehicles, bicycles and pedestrians, as well as to provide for the security of buildings and personal property.

4-12-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

The applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specification sheet

and intensity in footcandles. This submittal is not required of single family homes, however, that does not exclude single family homes from complying with the requirements of this Section.

4-12-3 GENERAL REQUIREMENTS

a. Maximum Height

The maximum height of light standards shall not exceed the maximum building height permitted, or 25 feet, whichever is less.

b. Lights Shall be Shielded

The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to adjacent residents. The design of lighting standards shall be of a type appropriate to the development in which they are proposed.

4-12-4 LIGHTING WITHIN PUBLIC RIGHTS-OF-WAY

a. When Required

Lighting shall be provided in accordance with a plan designed by Virginia Power or using the standards shown on Exhibit 16. The use of lighting within public rights of way is at the discretion of the applicant, unless required by VDOT or the plan-approving authority when deemed necessary to ensure the safety of the traveling public. The Town of Warsaw reserves the right not to accept responsibility for the maintenance and expense of street lighting.

b. Installation Standards

Unless otherwise approved by the plan-approving authority, street lights shall conform with the following standards:

- (1) All fixtures and mounting devices shall be architecturally compatible with the development in which they are proposed to be located. In this regard, "cobra-head" or other fixtures with a horizontal extension between the mounting pole and the luminaire of more than eighteen inches (18") shall not be approved in residential areas.
- (2) Luminaires shall be installed so as to reduce or prevent direct glare into dwellings.
- (3) Luminaires shall be of the sodium vapor type which are color-corrected.

4-12-5**LIGHTING WITHIN PARKING AREAS AND ADJACENT WALKWAYS**

All parking areas and appurtenant walkways, bikeways and driveways serving commercial, public, office, industrial, residential, or other similar uses and having common off-street parking and/or loading areas, and/or common pathways shall be adequately illuminated for security and safety purposes. Provided lighting shall utilize nonglare, color-corrected light fixtures which focus downward, and be consistent with the requirements shown on Exhibit 16, as well as the standards listed below.

a. Cone of Illumination Standard

All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.

b. Shielding of Lights Near Residences

Where lights along property lines would be visible to adjacent residents, the lights shall be appropriately shielded. Such shielding may include luminaire shielding, berming, landscape material, and/or decorative fencing.

**EXHIBIT 16
ILLUMINATION REQUIREMENTS FOR STREET, PARKING**

AND PEDESTRIAN AREAS

RIGHTS OF WAY

<u>Street Hierarchy</u>	Area Classification	
	<u>Commercial</u> (Footcandle)	<u>Residential</u> (Footcandle)
Collector	1.2	0.6
Minor-Residential Subcollector	0.9	0.4
Local	0.6	0.4
Intersections	3.0	3.0

PARKING LOTS

<u>Level of Activity</u>	<u>Vehicular</u> <u>Traffic</u> (Footcandle)	<u>Pedestrian</u> <u>Safety</u> (Footcandle)	<u>Pedestrian</u> <u>Security</u> (Footcandle)
Low Activity (parking areas, schools, small businesses)	0.5	0.2	0.8
Medium Activity (Multi-family, fast food, area shopping centers)	1.0	0.6	2.0
High Activity (Major shopping center)	2.0	0.9	4.0

WALKS AND BIKEWAYS

<u>Walkways & Bikeway</u> <u>Classification</u>	Minimum Average <u>Level</u> (Footcandle)	Average Levels for Special Pedestrian <u>Security</u>	
		Mounting Heights 9-15 ft. (Footcandle)	Mounting Heights 15-25 ft. (Footcandle)
Roadside Sidewalks and Bikeways			
-Commercial areas	0.9	2.0	4.0
-Residential areas	0.2	0.4	0.8
Walkways and Bikepaths Distant from Roadways	0.5	0.6	1.0

c. **Spotlights Not Recommended in Certain Circumstances**

Spotlight-type fixtures attached to buildings and which are directed towards public rights of way or adjacent residential properties shall not be permitted.

d. Lighting at Points of Vehicular Conflict

Lighting shall be located along driveways, where driveways intersect public rights of way, parking areas, and where various types of circulation systems merge, intersect, or split. Free-standing lights shall be so located and protected to avoid being damaged by vehicles.

e. Lights in Pedestrian Areas

Pathways, sidewalks and trails shall be lighted with low pedestrian level or mushroom type light standards. Stairways, sloping or rising paths, and building entrances and exits shall be illuminated.

4-13 EASEMENTS

4-13-1 PURPOSE AND INTENT

It is the intent and purpose of these regulations to facilitate the limited use of private property for the public good for purposes such as the location of utility systems.

4-13-2 PLAN OF DEVELOPMENT SUBMISSION REQUIREMENTS

Plans of development shall indicate the location and purpose of all existing and proposed easements. Easements which are a part of any development approval shall be recorded in the Courthouse before a Certificate of Certification, Part A is issued by the Town Manager.

4-13-3 GENERAL REQUIREMENTS

a. Location and Use

- (1) Utility and driveway easements shall be avoided to the greatest extent possible in areas designated as Resource Protection Areas (RPAs).
- (2) Necessary franchise and utility construction permits shall be obtained from VDOT for utilities constructed in easements within public rights of way.
- (3) All utilities, poles or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided or in easements appropriately located.

- (4) Easements for natural drainageways and other drainage facilities, retention basins and other permanent erosion and sediment control facilities shall be provided in accordance with the requirements of this Ordinance.
- (5) No building or structure shall be constructed within any easement without the authorization of the plan-approving authority, other appropriate agencies and the holder of the easement.
- (6) Where a proposed development is traversed by any stream, watercourse, or drainageway, the developer shall make adequate provision for the proper drainage of surface water, including the provision of drainage easements along such streams, watercourses, and drainageways.

b. Sufficient Width

Easements shall be of sufficient width to permit the use for which provided and shall include the right of ingress and egress over the easement area for installation and maintenance. The plan-approving authority may require that easements for drainage or road access through adjoining property be provided by the developer. Easements for water, sewer, power lines, telephone and other utilities shall not be less than ten (10) feet in width.

4-14 STORAGE AND WASTE DISPOSAL

4-14-1 PURPOSE AND INTENT

It is the intent of the Town of Warsaw that stored goods and the solid waste generated by the citizens and businesses of the Town be responsibly stored, dispensed, and disposed.

4-14-2 PLAN OF DEVELOPMENT SUBMISSION REQUIREMENTS

All plans of development shall demonstrate compliance with the requirements of this Section.

4-14-3 GENERAL REQUIREMENTS

a. Recycling

Applicants of plans of development shall evaluate alternative recycling plans and propose one for their development which increases the likelihood of source separation and waste disposal reduction. For example, developers could consider innovative designs both inside and out to make recycling more convenient and accessible to businesses and residents. Every plan of development proposal can provide that space be allocated inside or outside buildings for recycling separation bins.

b. Storage and Waste Disposal

- (1) Any operation, use or any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials shall be conducted in accordance with state and federal regulations.
- (2) All outdoor storage facilities for fuel, raw materials and stored products, shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view.
- (3) No materials, wastes or other substance shall be stored or maintained upon a lot in such a manner that natural runoff from such areas can impair the existing water quality of a stream, watercourse or aquifer more so than the primary use intended for the lot without such storage.
- (4) All materials or wastes which might cause fumes or dust, constitute a fire hazard or be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

c. Refuse Collection

Dumpsters or an alternate method of collection approved by the plan-approving authority, shall be required for rental housing developments, and commercial and industrial developments. The following standards shall apply:

- (1) Dumpsters or other approved collection receptacles shall be located on the site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon pedestrian ways, parking spaces, or vehicular circulation drives will be minimized.
- (2) Dumpsters or other approved collection receptacles shall be screened from view on all sides by fencing, gates, shrubbery or building walls

except where the plan-approving authority determines that such screening is not necessary because existing screens such as buildings, fences or landscaping are in place.

- (3) Dumpsters shall be positioned upon dumpster pads constructed in accordance with all applicable Health Department standards for construction and drainage.

4-15 PERFORMANCE STANDARDS

4-15-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to minimize the adverse effects associated with emissions which occur as a result of various land use activities, particularly industrial use.

4-15-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Upon request by the plan-approving authority, given the nature of extractive, heavy commercial and industrial activities, the applicant shall submit a certified engineer's report describing the proposed operation, all machines, processes, products and by-products; stating the nature and expected levels of emission or discharge to land, air and water of liquid, solid or gaseous effluent and electrical impulses and noise under normal operations; and the specifications of treatment methods and mechanisms to be used to control such emission or discharge. The plan-approving authority shall review the applicant's submission for compliance.

4-15-3 GENERAL REQUIREMENTS

a. Noise

- (1) Standard

The number of decibels shall not exceed the maximum permitted for octave band, as set forth in Exhibit 17, as measured on the lot line of the existing or proposed emitting use.

EXHIBIT 17 PERMISSIBLE SOUND LEVELS AT PROPERTY LINES

Maximum Decibel
Adjacent to a

<u>Octave Band (cycles per second)</u>	<u>Maximum Decibels</u>	<u>Residential Use</u>
20 - 75	72	66
75 - 150	70	64
150 - 300	65	59
300 - 600	59	53
600 - 1,200	55	49
1,200 - 2,400	47	41
2,400 - 4,800	41	35
above 4,800	39	33

(2) Measuring Methodology

For the purpose of measuring the intensity or frequency of sound, a sound level meter, octave band analyzer, and an impact noise analyzer shall be employed. The "C" network and the "slow" meter response of the sound level meter shall be used. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise analyzer to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth above in subsection 1 may be increased by six decibels. Sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel levels unless associated with a mining activity.

b. Vibration

(1) Standard

The maximum steady-state vibration displacement in inches per second shall be as follows:

- 0.02 when measured at the property line of an adjoining residence.
- 0.05 when measured at a lot line adjacent to the vibrating activity.

Impact vibrations may be at twice the maximum for steady-state vibration.

(2) Measuring Methodology

Steady state vibrations (discrete pulses that occur more frequently than 60 times per minute), impact vibrations (earth-borne oscillations occurring in discrete pulses at or less than 60 pulses per minute), and vibration frequency (number of oscillations per second) shall be measured with a three-component measuring system. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

c. Air Pollution

The rules and regulations of the State Air Pollution Control Board shall apply to the emission of air contaminants from any source associated with any land use activity.

d. Steam

No visible emissions of steam, having an equivalent capacity greater than sixty percent (60%) and excepting direct results of combustion, shall be permitted within five hundred (500) feet of a residence.

e. Heat

Any activity producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any lot line.

f. Glare

Required lighting, or lighting permitted by this Ordinance shall not produce glare in excess of 0.5 candles next to any residential dwelling.

g. Radioactivity

Radioactive emissions shall comply with the regulations of the U.S. Atomic Energy Commission set out in Chapter 1 of Title 10 of the Code of Federal Regulations which apply to byproduct material, source material and special nuclear material, as those terms are defined in section 11e., z., and aa. of the Atomic Energy Act of 1954, as amended 42 U.S.C. 2014(e), (z), and (aa), and the Radiation Health and Safety Act of 1968 (PL 90-602), as amended, or the implementing regulations of the Virginia Department of Health.

h. Solid Waste and Liquid Pollution

The discharge or other release of liquid or solid waste into public or private sewerage disposal and treatment systems, storm drains, or public waters shall comply with all applicable laws, rules, and regulations governing such

discharge or release, including but not limited to the Federal Water Pollution Control Act and the Virginia Water Control Law.

i. Toxic Matter

The emission of chemicals, gases, components, or elements listed as being toxic matter by the Environmental Protection Agency or any state regulatory boards, including the State Water Control Board and State Air Pollution Control Board, shall only be permitted if the emissions comply with regulatory standards. An entity emitting toxic matter shall advise local emergency service (fire and rescue) officials of such so that emergency service personnel will be able to respond knowledgeably and effectively in the event emergency services must be administered

j. Odor

No odor shall be emitted that is detectable by the human sense at or beyond an adjacent lot line so as to be detrimental or injurious to the life, health, safety, comfort, or welfare of adjacent occupants or residents. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual published by the Manufacturing Chemists Association, Inc. Odors associated with permitted agricultural operations are exempt from this requirement.

4-16

SIGNS

4-16-1

PURPOSE AND INTENT

It is the purpose and intent of this Section to regulate and restrict unsightly and detrimental signs which would tend to depreciate the value of property and hinder progressive improvements in the Town of Warsaw, and to lessen, eliminate, and regulate signs constituting an actual or potential hazard to safe motor vehicle operation. The regulation of the location, size, placement and certain features of signs is also necessary to enable the public to locate goods, services and facilities without difficulty and confusion, and to prevent wasteful use of natural resources in competition among businesses for attention. The Town of Warsaw endorses the use of low profile signs. The Town does not want signs to obscure the community, but rather complement the landscape. (Amended 11/29/01)

4-16-2

PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Each plan of development application or request for a Certificate of Compliance/Building Permit to erect or alter a sign shall include a sign plan showing the specific design, location, size, area dimensions, height, construction, and the method of illumination of proposed signs in accordance with the following regulations.

4-16-3

GENERAL REQUIREMENTS

a. Permit Required

No sign, unless herein exempted, shall be erected, constructed or altered until a Certificate of Compliance Part A has been issued by the Town Manager and a Building Permit has been issued by the Building Official. Signs shall be in accordance with all the requirements of the Virginia Uniform Statewide Building Code. Applications are available from the Town Clerk. This provision shall not be construed to require a permit for the normal maintenance of existing signs, nor for the replacement of any interchangeable copy on an approved sign.

b. Interpretation

Any sign for which the purpose, location or type is not clearly permitted or prohibited by this Article shall be considered as being a sign of the most closely resembling purpose, function or type as established by this Ordinance.

c. Maintenance

All signs and supports shall be maintained in good repair and in a safe, clean,

and attractive condition. No person may erect or maintain a sign which:

- (1) is structurally unsafe;
- (2) constitutes a hazard to public safety and health by reasons of inadequate maintenance, dilapidation or abandonment;
- (3) obstructs free entrance or exit from a required door, window, or fire escape;
- (4) obstructs light or air or interferes with proper functioning of the building;
- (5) or is capable of causing electrical shock.

d. Consistent Design Theme

There should be a consistent sign design theme throughout a particular project. The design theme would include style of lettering, construction, material, type of support, size, and lighting. Color of letters and background should be carefully considered in relation to the color of the material of buildings or where the signs are proposed to be located. Signs shall be a subordinate rather than a predominant feature of a site.

4-16-4 MEASUREMENT

a. Measurement of Sign Area

- (1) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
- (2) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building.
- (3) For a sign consisting of individual letters or symbols attached to or

painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

- (4) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is determined to be incidental and not an extension of the sign display by the Town Manager.
- (5) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger face shall determine the area.

b. Individual Letters or Symbols

Individual letters or symbols may be attached to an awning, marquee, building surface, wall, or signboard. However,

- (1) Letters or symbols shall not project more than eighteen (18) inches from the building surface. (Amended 11/29/01)
- (2) Such letters and symbols shall not obscure the architectural features of the building to which they are attached.
- (3) Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.
- (4) Letters or symbols shall have an aggregate area not exceeding 1.5 square feet for each foot of building face parallel to a street lot line. When a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately. (Amended 11/29/01)

c. Measurement of Height/Freestanding Sign

The height of any sign shall be measured from the finished grade up to the highest point of the sign. In situations where a sign is intended to be visible from two roads of different elevations, measurement shall be from the

surface of the lower roadway.

4-16-5 ILLUMINATION STANDARDS

a. Controlled Illumination

The light from any illuminated sign shall be shaded, shielded and directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, and parking areas. The light shall not shine or reflect in an offensive manner on or into residential structures or motels.

b. Exposed Lights Not Permitted

No exposed reflective type bulbs or incandescent lamps shall be used on the exterior surface of any sign in such a manner that they will result in offensive glare on adjacent property or create a traffic hazard.

c. Flashing and Moving Signs Not Permitted

No person may erect a sign which flashes, rotates, or has motorized moving parts.

d. Exposed Wires Not Permitted

No person may erect a sign with exposed electrical wires.

e. Strings of Bulbs Restricted

Strings of bulbs are not permitted, except as part of a holiday celebration or to illuminate a Christmas tree sale lot. Strings of bulbs may, however, be permitted to decorate trees as part of a temporary holiday celebration, provided that such display does not interfere with neighboring land uses or vehicular safety.

4-16-6 PLACEMENT STANDARD

a. No Signs on Natural Objects, etc.

No person may erect a sign which is affixed to a fence, utility pole, structure, tree, shrub, rock, or other natural object.

b. Roof Mounted Signs Not Permitted

Signs shall not be mounted on roofs or extend above the lowest part of the roof.

c. Signs Projecting into the Right of Way are Restricted

No projecting sign shall extend into a public right of way, except that they may extend over a sidewalk if located at least eight (8) feet above the pedestrian way when attached to a building facade.

d. Only Official Traffic Signs to be Located in the Right of Way

No sign, other than an official traffic sign approved and/or installed by VDOT, shall be located so as to be within any public right of way.

e. Free Standing Sign Setback Requirement

Free-standing signs shall be located no closer than ten (10) feet to a public right of way.

f. No Sign in Prescribed Site Triangle

No sign shall be erected within the area encompassed by a site triangle as provided by Section 4-3-5 unless such sign is less than three (3) feet in height; or, the width of the face of any supporting structure is less than 1 foot and the supported sign is elevated six (6) feet above grade.

g. (Amended to Delete 11/29/01)

h. Building Architectural Integrity Maintained

Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices, and transom windows.

4-16-7

GENERAL STANDARDS FOR SPECIFIC TYPES OF PERMITTED SIGNS

a. Awning Signs

A sign painted on or attached to the cover of a movable metallic frame, of the hinged, roll, or folding type of awning is considered an awning sign.

- (1) The sign must be painted on or attached flat against the surface of the awning and not extend beyond the valance.
- (2) Letters shall not exceed ten (10) inches in height.
- (3) A minimum of eight (8) feet above sidewalk level should be maintained for pedestrian clearance.

b. Free Standing Signs

A self-supporting sign in a fixed location not attached to any building, wall, or fence is considered a free standing sign.

- (1) Dimensional standards for free standing signs in different sign districts, as provided for in Section 4-16-8, are specified in Exhibit 18. Only one (1) free standing sign is permitted per development parcel, except that an additional sign may be allowed for every 500 feet of road frontage provided signs are at least 200' apart from nearest sign on the same side of the road.(Amended 11/29/01)

**EXHIBIT 18
FREE STANDING SIGNS**

	<u>Commercial Roadside</u>	<u>Residential & Commercial Pedestrian</u>
Height (feet)	14	6
Area (sq. ft.)		
Pole Mounted *	64	20
Prestige Ground	96	36

*On Corner lots where due to site triangle restrictions, prestige signs are not practical, the town manager may approve pole signs up to 80 square feet in area.

(****Amended August 12, 1999 & November 29, 2001****)

- (2) A landscaped planting area shall be provided around the base of all free-standing signs. Said planting shall be approved by the town manager. The planting of annuals/perennials as accent color is encouraged. The landscape treatment shall be designed and maintained so as not to interfere with the visibility of vehicular traffic.(Amended 11/29/01)

- (3) Free standing signs are encouraged to be illuminated with only

steady, stationary, shielded light sources directed solely onto the sign without causing glare, or internally lit. (Amended 11/29/01)

- (4) Free standing signs can either be pole mounted or be a prestige ground sign.
- (5) Menu boards not exceeding twenty (20) square feet commonly used by drive through establishments are permitted and such area shall not count toward the business' permitted sign area so long as the menu board is not visible from a public right of way.
- (6) Entrance signs for residential developments are permitted so long as they comply with the dimensional requirements of the sign district in which they are located.
- (7) Requests for free standing signs exceeding the height/area requirements of Exhibit 18 shall be processed in accordance with Dmp-c (Sec. 2-1-2c).

c. Marquee Signs

A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of a building is a marquee sign.

- (1) Such signs may be painted on or attached flat against the surface of, but not extending above or below the face of the overhanging structure or attached to the underside of the overhang.
- (2) Letters or symbols shall not exceed twelve (12) inches in height.
- (3) A minimum clearance of ten (10) feet above the sidewalk level must be allowed for pedestrian clearance.

d. Multiple Signs

A group of signs clustered together into a single sign structure or

compositional unit is a multiple sign. Multiple signs are used to advertise several occupants of the same building or building complex.

- (1) The display board shall be of an integrated and uniform design.
- (2) The maximum sign area permitted is sixteen (16) square feet for the sign bearing the name of the building or office park, and two (2) square feet for the name of each business or office located there.
- (3) Multiple signs are permitted in addition to a free standing sign if they are not legible from the public right of way. Multiple signs which are legible from a public right of way are considered free standing signs and shall abide by the requirements of Section 4-16-7b.(Amended 11/29/01)

e. Window Signs

Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character, and/or where their color has been selected to harmonize with the building's exterior colors or design theme. Neon window signs shall not have an area exceeding twenty percent (20%) of the total window area.

f. Painted Wall Signs

A permanent mural or message painted directly onto a building surface is a painted wall sign. These signs shall comply with the dimensional requirements of a wall sign.

g. Projecting Signs

A wall-mounted sign mounted perpendicular to the building surface is a projecting sign and shall abide with the following requirements:

- (1) If flat, each face shall not exceed ten (10) square feet.
- (2) The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the sign in an easily recognizable geometric shape and computing its area which shall not exceed ten (10) square feet.
- (3) The supporting framework shall be in proportion to the size of the sign.
- (4) The sign shall be hung at right angles to the building and project no

- closer than two (2) feet to the curb line.
- (5) Signs which overhang a public walkway shall be covered by a public liability insurance policy which names the Town as an insured party.
 - (6) The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the plan approving authority:
 - (a). between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or,
 - (b). below the lowest point of the roof of a one story building.
 - (7) Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over a driveway, the clearance must be at least fifteen (15) feet.(Amended 11/29/01)

h. Time-Temperature/Changeable Message Board Sign (Amended 11-11-99) (Amended 05-10-01)(Amended 11/29/01)

A sign which conveys information about time and/or temperature and/or displays messages by words, letters, or pictures and which may be automatically changed by electronic or other means is not permitted.

Note that the following 1 through 4 items of this section “h” were not deleted on 05/10/01 – these 4 items should apply to the two existing electronic signs –one being located at 5839 Richmond Rd. and the other being located at 4924 Richmond Road.

- (1) Such signs shall not change the time-temperature or message more often than once every six (6) seconds.
- (2) Such signs, shall not display time-temperature or any message by words, letters or pictures which scroll up, down or across or which move in any other fashion.
- (3) Such signs, which shall not exceed (12) square feet in size, shall be calculated as part of the area of the sign.
- (4) No more than one such sign shall be located within one linear mile of another like sign along the same roadway.

i. Wall Signs

A sign which is attached parallel to the exterior surface of a building or structure is considered a wall sign.

- (1) Such sign shall not obscure architectural features of the building, such as arches, sills, moldings, cornices, and transoms.
- (2) Such sign shall not extend above the lowest point of the roof, nor

beyond the ends of the wall to which it is attached.

- (3) Such signs shall have an aggregate area not exceeding 1.5 square feet for each linear foot of building face parallel to a street lot line. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately. (Amended 11/29/01)
- (4) Where two (2) or more wall signs are affixed to one wall, the total display area shall be the sum total area of all signs.
- (5) Wall signs shall not extend higher than the eave line or top of a parapet wall of the principal building.
- (6) No part of a wall sign, including the display surface, shall extend more than twelve (12) inches from the building surface. (Amended 11/29/01)

4-16-8 SIGN DISTRICTS AND SPECIAL REGULATIONS

A sign district map is made a part of this Ordinance and is available for review in the Office of the Town Manager.

a. Types of Districts

- (1) **Residential & Commercial Pedestrian:** Generally, the pedestrian-oriented downtown center of Warsaw. This district will include all R-2 and C-1. (Amended 11/29/01)
- (2) **Commercial Roadside:** Commercial property consisting primarily of automobile-oriented development. This district will include all C-2 and M-1 areas. (Amended 11/29/01)

b. District Requirements

- (1) **Residential & Commercial Pedestrian:** Within this district, the intent of the sign regulations is to ensure visual compatibility with the scale and character of the area. The signage is designed to be readable by pedestrians and people in slow-moving vehicles.
Number: There shall be no more than three (3) types of signs employed per building, regardless of number of occupancies. (e.g. free-standing, awning, window; or wall, window and awning). Each ground floor occupant of a building may display up to three (3) types of signs. Each occupant in an upper level of a building may display only one sign. (Amended 11/29/01)
Materials: Excluding window signs, all signs shall be made of wood

and/or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those obtained with medium-density overlay ("MDO") board.

Location:

- (a). Signs should be concentrated near the pedestrian level.
- (b). The upper facades of buildings should not be cluttered with signs.
- (c). Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, and cornices.
- (d). Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront windows.
- (e). Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format.

Size: The size of signs is restricted to ensure that signs do not overpower the facades to which they are affixed.

Preferred Sign Types: Preferred sign types are multiple sign, wall, neon, window, projecting, marquee, and awning.(Amended 11/29/01)

- (2) **Commercial Roadside** - The goal in this district is to provide legible signage for auto-oriented commercial facilities, while moderating visual competition.

Number: There shall be no more than three (3) types of signs employed per building (e.g. free-standing, wall, window). There shall be no more than three (3) separate signs per occupancy.

Materials: The use of wood and metal signs is strongly encouraged.

Location: Signs should be located where they can be most easily read, thus reducing the size needed for legibility.

Size: Due to the traffic speed, and the larger setbacks common in this type of district, larger free standing signs than in Village Centers are

permissible. (see Exhibit 18)

Preferred Sign Types: Preferred sign types are wall and free standing signs. Prestige ground freestanding signs are encouraged rather than pole mounted freestanding signs.

4-16-9 EXEMPT SIGNS

Building permits shall not be required for the following signs although the Town Manager will, at no charge, provide a Certificate of Compliance review.

- a. Address and Name of Resident**
Signs indicating address and/or name of residential occupants of the premises, not exceeding two square feet in area, and not including any commercial advertising or identification.
- b. Artwork**
Works of art that do not include or represent any commercial messages, references, or trademark images.
- c. Banners** (Amended 11/29/01)
Promotional or retail which are temporary in nature and are attached to the building or storage facility. In no case shall banners be allowed in excess of thirty days.
- d. Community Entrance Signs**
Including a sign sponsored by the Chamber of Commerce or civic associations provided it complies with the free standing sign dimensional requirements of the sign district in which it is located.
- d. Decals**
Certain decals affixed to windows or door glass panes, such as those indicating membership in a business group or credit cards accepted within the business establishment.
- e. Directional Signs** (Amended 11/29/01)
Signs giving on-site directional assistance for the convenience of the public, not exceeding two square feet in area or in violation of a site triangle area
- f. Flags, Emblems, and Insignia**

Flags, emblems or insignia of any governmental agency or religious, charitable, public or non-profit organization, subject to the following:

- (1) No single flag that is flown shall exceed 40 square feet in area and no more than three such flags may fly on any single lot. If the total area of such flags exceeds 72 square feet, the excess area shall be subtracted from the allowable sign area for the business parcel.
- (2) Flagpoles shall not exceed 25 feet in height. Wall-mounted flags, emblems, or insignia shall be limited to one per business parcel and shall not exceed a total of 40 square feet in area.

g. Handicapped Parking Space Sign

Each sign shall not exceed two square feet in area which reserves a parking space for handicapped motorists.

h. Home Occupation Sign

On-premise identification signs for home occupations shall not exceed three square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

i. Interior Sporting Event Sign

Signs and scoreboards located within a ball park or other similar public or private recreational area and which are not legible from a public street or adjacent properties.

j. Interior and Exterior Window, Temporary

Signs displayed temporarily in the windows of commercial and industrial establishments, however, such signs shall not occupy more than twenty (20) percent of the total window area of any building facade.

k. Machinery and Equipment

Signs attached to machinery or equipment which is necessary or customary to a business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc. provided that such signs refer exclusively to products or services offered on the premises and are less than two (2) square feet per device.

l. Moveable Sign, Temporary

Restaurant menu boards which are either free-standing or wall signs designed as an outdoor means to provide information on food and beverages, etc. offered on the premises, provided:

- (1) such signs are not designed to be legible from any vehicular public right of way but instead are oriented to pedestrians;
- (2) do not exceed eight (8) square feet in area;
- (3) only one such sign shall be permitted per business.

m. Memorial

Memorial signs or tablets, cornerstones or names of buildings when cut into masonry or when constructed of bronze or other non-combustible material, but not to exceed ten (10) square feet in area.

n. Political, Temporary

- (1) Political campaign signs shall not exceed twenty (20) square feet in area and shall not be illuminated.
- (2) Political campaign signs shall be confined to private property and shall not be affixed to any public structure.
- (3) These signs may be displayed no sooner than forty-five (45) days prior to an election and must be removed within fifteen (15) days after the election.

o. Private Drive Signs

On-premise private drive signs limited to one per drive entrance, not exceeding two square feet in area, with language limited to the words "Private Drive" and the address of any residences utilizing the private roadway.

p. Public Signs

Signs erected by government agencies or utilities including traffic, utility, safety, and identification signs for public facilities (public buildings, rest rooms, telephone), and any signs erected by the Town Council or under the direction of the Council or as required by this Ordinance.

q. Religious Bulletin Boards

Bulletin boards for churches and other permanent places of worship, when located on the same premises as the building to which they refer, and provided that such sign(s) is wall mounted and does not exceed twelve (12) square feet in area and six (6) feet in height. However, if such sign is a free-standing or illuminated sign, a Building Permit shall be required.

r. Special Notice Placards

Special notice placards, not to exceed four (4) square feet in area (accumulative for the establishment), attached to a building or to a free-standing sign indicating credit cards which are accepted on the premises, group affiliations of which the business is a member, or clubs or groups which utilize, recommend, inspect or approve the business for use by its members. A permit shall be secured however for any illuminated signs.

s. Security and Warning Signs

On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting", provided these signs do not exceed two square feet.

t. Temporary Real Estate Signs

Temporary signs which indicate the availability of real property for lease or sale, located on the premises being leased or sold.

- (1) Display of such signs shall be limited to one per street frontage not exceeding six feet in height and not exceeding four square feet in size in residential areas and thirty-two (32) square feet in other areas. (Amended 11/29/01)
- (2) Such signs shall be removed within seven days of settlement or lease of the property.

u. Vehicular Inspection

Non-illuminated signs identifying official State automobile inspection stations and the inspection number which is due.

- (1) Such signs shall not exceed sixteen (16) square feet in area and shall be limited to one sign for each street frontage.
- (2) "A-frame" designs shall be considered as a single sign for the purposes of this section and each side shall not exceed sixteen (16) square

feet..

v. Yard Sale/Car Wash

Non-illuminated signs and posters of less than four (4) square feet in area advertising or providing directions to a residential or civic/community-sponsored yard sale, garage sale or car wash.

4-16-10 TEMPORARY SIGNS REQUIRING A SIGN PERMIT

The following signs may be erected only after obtaining a temporary permit from the Town Manager. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the Town Manager may remove it and charge the costs of removal to the individual or enterprise responsible.

a. Special Event Signs

Signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups.

- (1) Any business, individual, or organization may display a maximum of two signs for up to 14 days prior to a special event once in any 12-month period.
- (2) Such signs shall be attached to buildings or existing private sign structures or sign posts with the permission of the owner.
- (3) These signs shall not exceed thirty-two (32) square feet in area each and shall be removed immediately following the event.(Amended 11/29/01)

b. Temporary Farm Products Signs

Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two and the total area of all such signs shall not exceed 32 square feet, nor shall any sign exceed six feet in height.(Amended 11/29/01)

c. Construction Signs

Temporary signs announcing new buildings or projects, are permitted to be erected only after the commencement of building construction or site development.

- (1) Each construction site shall be limited to one construction sign not exceeding thirty-two (32) square feet in area. (Amended 11/29/01)
- (2) These signs shall be removed by the time a permanent sign is erected or a Certificate of Occupancy Part B for the building is issued, whichever occurs first.

4-16-11 PROHIBITED SIGNS

The following signs are expressly prohibited unless specifically stated otherwise in this Ordinance:

- a. Animated and Moving Signs**
Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers, discs, and searchlights.
- b. Bag Signs (Amended 05/10/01)**
Signs made of cloth or canvas draped, hung or suspended on a pole or other mounting device, including former signs.
- c. Billboards**
Any sign which is not located on the premises that it identifies or advertises.
- d. Flashing Signs**
Any signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.
- e. Glaring Signs**
Signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Town Manager.
- f. Inflatable Signs and Objects**
Including, but not limited to, balloons.
- g. Portable Signs**
Any sign that is not permanently affixed to a building, structure, or the ground unless otherwise specifically provided for in this Ordinance.
- g. Posters and Handbills**
Any signs affixed to trees or other natural vegetation, rocks or utility poles.
- h. Roof Signs**

Any signs which are erected on a roof or which extends above the lowest point of the roof of the building on which the sign is erected.

i. Simulated Traffic Signs and Obstructions

Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any intersection, or extends into the public right of way.

j. Strings of Lights

Including lights that outline property lines, sales area, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity, except lights which are a part of a holiday celebration or to illuminate a Christmas tree sale lot.

k. Vehicular Signs

Any sign displayed on a parked vehicle, where the primary purpose of the positioning of the vehicle is to advertise a product or business or to direct people to a business or activity.

4-16-12 NONCONFORMING SIGNS

Any sign which does not conform to these provisions on the date this Ordinance is enacted or any date on which this Ordinance is amended, and any sign which advertises a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed. (Amended 11/29/01)

4-16-13 EXPIRATION OF PERMITS FOR SIGNS

If an approved sign is not erected within a period of 12 months from the date the permit was originally issued, the permit shall expire and become null and void.

4-16-14 REMOVAL OF ILLEGAL OR DANGEROUS SIGNS

a. Illegal Signs

The Town Manager may remove or order the removal of any sign not in

conformance with the provisions of this Ordinance, at the expense of the sign owner.

b. Immediate Peril

A sign shall be removed immediately if the Town Manager finds the sign to be an immediate peril to persons or property. If the Town Manager cannot locate the sign owner or lessor of the sign for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

c. Vacated Businesses or Structures

Any nonconforming sign associated with a business or structure, which has ceased to operate or has become vacant, shall be determined to be illegal after 12 months. It shall be the responsibility of the property owner to remove the sign prior to the approval of any other sign. (Amended 11/29/01)

ARTICLE 5 --DEFINITIONS

5-1 GENERAL USAGE

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the working indicates otherwise.

The word "shall" is mandatory.

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

The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel".

The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".

The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building".

The word "State" means the Commonwealth of Virginia.

The word "Town" means the Town of Warsaw, Virginia, and the term "town boundary" means any exterior boundary of the Town..

The word "applicant" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The term "Code of Virginia" shall include "as amended".

The word "adjacent" means "nearby" and not necessarily "contiguous".

5-2 INTERPRETATION BY THE TOWN MANAGER

In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Town Manager is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance, provided however that an appeal may be taken from any such

determination as provided in Section 2-4.

5-3

DEFINITIONS

Accessory Dwelling: A subordinate dwelling of no more than 1,000 square feet or fifty percent (50%) of the square feet of the principal dwelling (the most restrictive measure shall apply) in whom's building envelope the accessory dwelling has been constructed.

Accessory Building/Structure: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Acre: A measure of land area containing 43,560 square feet.

Agriculture: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products, livestock, including beef cattle, sheep, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals, bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alley: A public or private way affording secondary means of access to abutting property.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amenity: A natural or man-made feature which enhances or makes a particular property more attractive or satisfying.

Apothecary: A professional office occupied by a licensed professional pharmacist who provides pharmaceutical evaluations, prescription drugs, over-the-counter medications, and health and rehabilitative aids to the public. The apothecary shall not devote less than 90% of available floor space for the services listed herein.

Archaeological Site: Land or water areas which show evidence or artifacts of human, plant or animal activity, usually dating from a period of which only vestiges remain.

Base Flood/One-Hundred Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

Base Zoning District: Any section of the Town of Warsaw, Virginia, for which regulations governing the use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.

Bed and Breakfast: A dwelling in which, for compensation, meals and overnight accommodations are provided for transitory guests. The owner shall live on the premises.

Berm: A mound of soil, either natural or man-made, planted with grass or other vegetation, and used for view obstruction or for water control.

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

Bike/Hike Trail: A pathway, often paved and separated from streets, designed for bikers (self propelled) and pedestrians.

Bikeway: A transportation facility designed to safely accommodate bicycle traffic. Bikeways are generally divided into the following three classes:

Class I - the bikeway is physically separated from the roadway by open space, a physical barrier, or both.

Class II - the bikeway is a designated and marked lane immediately adjacent to the vehicular travel lanes of the roadway.

Class III - the bikeway shares travel lanes of a roadway with vehicles. Lanes may be wider to accommodate cyclists, but no specific lane designations are made although the roadway will be posted with signs evidencing its role as a bikeway.

Block: A unit of land bounded by streets or by a combination of streets and public land, water bodies, or any other barrier to the continuity to

development.

Board of Zoning Appeals (BZA): The board appointed to grant variance relief where warranted and to review appeals made by individuals with regard to decisions of the Town Manager in the interpretation of Article 3.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line or designated natural feature, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties or to maintain vegetation, absorb runoff or protect steep slopes and shorelines.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building, Main: A building which contains the principal use of the lot on which it is situated.

Building Setback Line: A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

Caliper: Diameter of a tree measured six (6) inches above ground level.

Cemetery: Any land or structure used or intended to be used for the interment of human remains, with or without sale of lots. The sprinkling of ashes or their burial in a biodegradable container on church grounds shall not constitute creation of a cemetery.

Certificate of Compliance: Certification by the Town Manager that plans or construction are in compliance with the Development Management Ordinance.

Certification of Occupancy: A certificate issued by the County Building Official certifying that a structure is in compliance with all applicable requirements of the Uniform Statewide Building Code and County Building Ordinance after notification by the Town Manager (issuance of Part B of the Certificate of Compliance) that all other necessary permits and approvals have been obtained and required bonds/surety have been found to be satisfactory and accepted by the Town.

Channel: The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Chesapeake Bay Preservation Area (CBPA): Any land designated by the Warsaw

Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia, 1950, as amended. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

Clearing: Any activity which includes, but is not limited to, removal of vegetative ground cover, root mat and/or top soil.

Clear Cutting: The removal of more than twenty-five percent (25%) of the trees, shrubs and undergrowth from a site. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, grain and bean/vegetable crop harvesting, removal of dead trees in accordance with forestall best management practices, or normal mowing operations.

College: An educational institution authorized by the Commonwealth to award associate or higher degrees.

Commission: The Town of Warsaw Planning Commission.

Community Impact Assessment: An assessment of a proposed development's impact on the fiscal, and social well-being of the community, including but not limited to the measured effects on the provision of government services, transportation systems, and commerce.

Comprehensive Plan: The Town of Warsaw Comprehensive Plan.

Conditional Use: A use permitted in a particular zoning district only upon a showing of the that such use in a specified location will comply with the intent and purpose of the zoning district in which it is proposed.

Conditional Use Permit: A permit issued by the proper plan-approving authority which must be acquired before a conditionally permitted use can be constructed or put into operation.

Condominium: Real property and any incidentals thereto or interests therein which have been or are to be lawfully established as such under the Virginia Condominium Act.

Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, agricultural, or wooded conditions; retaining areas as suitable and/or significant habitat for fish, wildlife or plants; or retaining significant cultural, scenic or historic resources.

Construction Plans: Engineering plans for construction of streets, utilities and other improvements.

Common Open Space: An open space area within or related to a site as designated on a plan of development and designed and intended for the use or enjoyment of residents and/or the public. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and/or the public.

Council: The Warsaw Town Council

County: Richmond County, Virginia

Cul-de-Sac: A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or back around for vehicles.

Curb Used synonymously within the terms, “Edge of Pavement” or Edge of travel or access way, whether all weather surface or pavement”. “Curb” and “curb and gutter” do not share the same meaning. (Amended 11/13/2008)

Days: Calendar days.

Density: The number of dwelling units per acre of land.

Gross Density: Gross density is calculated by including all the land area within the boundaries of a particular parcel or area.

Net Density: Net density is calculated by excluding certain specified areas such as excessive slopes from the gross density calculation.

Density Bonus: An award of additional development capacity by the plan-approving authority in exchange for the developer's provision of a public benefit or amenity.

***Detention-** The collection of runoff in a ponding area, depression, or storage chamber followed by its gradual release through an outlet into a receiving water body. Detention is one way to reduce a site's peak runoff rate to its pre-development peak rate for the storm event of a given magnitude, but is not an effective way to reduce the runoff volume. (Amendment 080703)*

Detention Basin: A man-made or natural water collection facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that which existed prior to the development of the property, into natural or man- made outlets.

Developer: The legal or beneficial owner or owners of a lot or of any land to be included in a proposed plan of development, including the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development: The division of land into two or more parcels; any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of, streets, other paving, utilities, filling, grading, excavating, mining, dredging, or drilling operations, and land disturbing activities (as defined) requiring the issuance of an erosion and sediment control permit.

Diameter at Breast Height (d.b.h.): The diameter of a tree measured at a point 4.5 feet above the ground when newly planted and six inches above ground in its natural state.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. This includes control of runoff during and after construction or development to minimize erosion and sedimentation to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and to prevent or alleviate flooding.

Drainage System: The system through which water flows from the land, including all watercourses, water bodies and wetlands.

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

Driveway: A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling: A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended to be occupied by one family, and containing kitchen, living, sleeping and sanitary facilities.

Easement: An authorization by a property owner for use by another of any designated part of his property for one or more specified purposes, which purposes are consistent with the general property rights of the owner.

Environmental Constraints: Natural resources, or land characteristics that are sensitive to modification and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and gravity.

Erosion and Sediment Control Plan or Plans: A document containing materials which describe proposed measures to be taken for the purpose of conserving soil and water resources of a unit or group of units of land. It may include appropriate maps, appropriate soil and water inventory, management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions so that the entire unit or units of

land will be so treated to achieve the conservation objectives set forth in this Ordinance.

Escrow: A deed, bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Excavating: Any digging, scooping or other methods of removing earth materials.

Exempt Subdivision: See Subdivision

Facilities of the Town: The components and pertinent parts of the entire systems of the water and sanitary sewer utilities under jurisdiction of the Town, such as water pipelines, and their appurtenances, sewage pumping stations and treatment plants, including these items and others now constructed, installed, operated or maintained by the Town or any which may be approved and accepted in the future as additions or extensions of the systems.

Family: An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a dwelling unit. For purposes of single family residential occupancy, this term shall be deemed to encompass group homes or other residential facilities licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services occupied by not more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons together with one (1) or more resident counselors. Mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia.

Farm or Farmland: A parcel of land used for agricultural activities.

Farm Structure: Any building or structure used for agricultural purposes.

Filling: Any depositing or stockpiling of earth materials.

Filtered View (of a water body): The maintenance or establishment of woody vegetation of sufficient density to screen development from the water body yet permit visual connection between the development and the river, to provide for stream bank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water.

Flood: A general and temporary inundation of normally dry land areas.

Flood plain: Those areas of the Town of Warsaw subject to inundation by water of the one hundred (100) year flood.

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

Franchise Territory: The territory now or hereafter included within the boundaries prescribed for the Town.

Lot Frontage: The minimum width of a lot measured from one side lot line to the other along the line of the street right of way.

Garage, private: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1½) times as many automobiles as there are dwelling units.

General Development Plan: A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

Glare: A sensation of brightness within a person's visual field sufficient to cause annoyance, discomfort, distraction or loss of visual performance and visibility.

Governing Body: The Town Council of the Town of Warsaw.

Governmental Activity: Any or all of the services provided by the Town to its citizens for the purpose of maintaining the Town and shall include, but shall not be limited to, such services as constructing, repairing and maintaining roads, sewage facilities, supplying and treating water, street lights and construction of public buildings.

Grade: The slope of a street, or other public way, or land area specified in percentage (%) terms.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Ground Cover: Low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

Health Officer: The State Officer or Sanitarian providing service to the Town of Warsaw.

Height, Building: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hop and gambrel roofs measured from the grade level in all other cases.

Historic Site: A structure, place, setting or area of outstanding historic and cultural significance and designated as such by the State or the federal government.

Home Occupation: Any activity carried out for gain by a resident conducted as permitted accessory use in the resident's dwelling unit.

Hydric Soil: Soils as defined by the current definition accepted by the Commonwealth of Virginia.

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

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

Ingress/Egress: Access or entry in and out of parking areas.

Interior Setback Refers to any setback that might be required within a Plan of Development or Site Plan, as opposed to an exterior setback which would refer to the relationship of onsite development with off site properties. Interior setbacks refers to developmental relationships within the project, one to the other. Amend 11/13/08

Intersection: The area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at an angle whether or not one such street crosses the other.

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- 1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work;
- 2) Individual service connections;
- 3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;

- 4) Surface or deep mining;
- 5) Exploration or drilling for oil and/or gas including the well site, roads, feeder lines and off-site disposal areas;
- 6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, Lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
- 7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- 8) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Chapter 8. (Section 62.1-115.1 et. seq.), ditches, strip cropping, Lister furrowing, land drainage and land irrigation;
- 9) Disturbed land areas of less than 2,500 square feet in size;
- 10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- 11) Emergency work to protect life, limb or property and emergency repairs, however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land-disturbing Permit: A permit issued by the Town for land disturbing activities as defined.

LIMITED RETAIL: Limited retail is considered to be the operation of a **single retail enterprise in an R-12 residential district. Limited retail is found on major arterials within the town and is meant to provide a location for shops and boutiques within a residentially compatible environment. Limited retail is restricted to first floors of multi-story dwellings or sixty percent of single story dwellings. No freight deliveries are permitted other than light freight such as delivery**

trucks and vans as opposed to tractor trailer delivery.

Limited retail differs from Home Occupation inasmuch as the owner need not occupy the Building.

Limited retail use and residential use may not coexist at the same time at the same location.

Lot: A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or future.

Lot Area: The total horizontal area within the lot lines of the lot and expressed in terms of acres or square feet.

Lot, Corner: A lot abutting upon two or more streets at their intersection where the interior angle of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

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

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on two streets.

Lot, Interior: Any lot which is not neither a corner lot.

Lot Line: The boundary line of a lot.

Lot Line, Front: Any street or right of way line which forms the boundary of a lot or, in the case of a flag lot where such lot does not abut a street other than by its driveway or "staff", that lot line which is parallel or most nearly parallel to the street line and is not the rear lot line. Where lots are arranged to abut common parking areas, water or open space as may be the case for Traditional Town plan of developments, the front lot line shall be determined by the Town Manager based upon the orientation of the building.

Lot Line, Rear: Any lot line, except a front lot line, which is parallel or within 45 degrees of being parallel to, and does not intersect, any street line bounding such lot.

Lot of Record: Any lot legally recorded in the Clerk's Office of the Richmond County Circuit Court.

Lot Line, Side: Any lot line which is not a front lot line or a rear lot line.

Lot, Through: Any lot, not a corner lot, which adjoins two street lines opposite to each other and parallel or within 45 degrees of being parallel to each other.

Lot, Waterfront: A lot that includes, touches upon, or is within 100 feet of the mean low water mark of a natural or man-made body of water or a wetland.

Lot Width: The horizontal distance between the side lot lines measured at the front building setback line.

Maintenance Guarantee: Any security that may be accepted by the Town for the maintenance of any required improvements.

Manufactured Home: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems

contained in the structure. Industrialized buildings, as defined by the Uniform Statewide Building Code, are not considered to be manufactured homes.

Multi-Family Dwelling: A structure arranged or designated to be occupied by two or more families.

Multi-Use/Flex Space: Space that is developed for future tenants, therefore, the use has not been established. The building is designed to permit maximum flexibility to accommodate light industry, wholesale, commercial or a combination thereof.

Nonconforming Lot: A lawfully created lot of record whose area and dimensions complied with the regulations in effect at the time the lot was created but has become nonconforming due to the subsequent adoption of new ordinance provisions or ordinance amendments.

Nonconforming Use or Nonconformity: A nonconforming use is any lawful use, whether of a building or other structure or of a tract of land, which does not conform to any one or more of the applicable regulations of the zoning district in which it is located as provided by Article 3, either on the effective date of this Ordinance or as a result of any subsequent amendment thereto. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on a part of a lot shall not be construed to establish a non-conforming use on the entire lot.

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

Nursing Home: Rest homes, extended care homes, convalescent homes, or similar facilities which are established to render domiciliary or nursing care for chronic or convalescent patients and which are properly licensed by the State, but not including child care homes or facilities for the care of drug addicts, alcoholics, mentally ill or developmentally disabled patients.

Open Space: Any parcel or area of land or water and set aside, dedicated,

designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Outdoor Storage: The keeping, in an unroofed area of any goods, junk, articles, merchandise, or vehicles in the same place for more than twenty-four hours.

Overlay Zoning Districts: Zoning districts which extend on top of a base zoning district and are intended to protect certain critical features and resources or provide for desired community goals.

Owner: The owner or owners of the freehold of the premises or lesser estate therein,

a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Performance Guarantee: Any security, including cash, which may be required, and approved for acceptance, by the Town to ensure installation of required subdivision and/or site plan improvements.

Permit Holder: The person to whom a permit authorizing land-disturbing activities is issued or the person who certifies that the approved plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Pervious Surface: Any material that permits full or partial absorption of storm water into previously unimproved land.

Plan Approving Authority: The entity designated by this Ordinance as responsible for determining the consistency of a plan of development with this Ordinance and authorized to approve or deny the plan.

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

Planning Commission: The Town of Warsaw Planning Commission.

Plat: A map or maps of a subdivision.

Pre-Application Conference: An initial meeting between developers and representatives of the Town which affords developers the opportunity to present their

proposals informally.

Preliminary Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been approved by the plan-approving agent or agreed upon by the Town and the applicant.

Primary Highway: A highway designated as a Virginia Primary Highway or U.S. Highway by the Virginia Department of Transportation.

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

Professional Office: The office, studio or professional room(s) of a doctor, architect, artist, engineer, apothecary pharmacist as defined, lawyer real estate professional, accountant, or similar professional person.

Property owners' Association: A community association which is organized in a development in which individual owners share common interests in open space or facilities.

Public Open Space: An open space area conveyed or otherwise dedicated to the Town of Warsaw, the school board, a state or county agency, or other public body for recreational or conservational uses.

Public Water/Sewer: Water/ sewer systems in which all owners of abutting properties have equal rights, and which are owned, controlled, and maintained by the Town.

Recreational Vehicle: "Recreational Vehicle" means any vehicle, with or without collapsible sides, designed, used, or maintained for use as a conveyance upon highways, either self-propelled or designed to be towed by another vehicle, and which is so designed and constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons. The term "recreational vehicle" shall include the terms "camper", "camping trailer", "travel trailer", "self-propelled motor home", "motor home", "camper vehicle", and "R-V".

Regulations: The whole body of regulations, text, charts, exhibits, diagrams, notations, and references contained or referred to in this Ordinance.

Residence: A building or part of a building containing dwelling units, including one-family or two-family houses, and multiple dwellings. However, residences do not include:

Such transient accommodation as hotels, motels, trailer camps, or mobile homes, or Dormitories, fraternity or sorority houses, monasteries, or convents, or

Nurses' residences, sanitariums, nursing homes, or other similar living or sleeping accommodations.

Residential: Pertaining to a residence.

Residential Density: The number of dwelling units per gross or net acre of land area as specified in this Ordinance, with gross acres including all the area, including streets, easements, and open space portions of a development.

Resource Management Area (RMA): Resource Management Areas shall

include land types that, if properly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. A Resource Management Area shall be provided contiguous to the entire inland boundary of the Resource Protection Area. The following land categories shall be considered for inclusion in the Resource Management Area:

- Flood plains;
- Highly erodible soils, including steep slopes;
- Highly permeable soils
- Nontidal wetlands not included in the Resource Protection Area;
- Such other lands as necessary to protect the quality of state waters.

Resource Protection Area (RPA): Resource Protection Areas shall consist of sensitive lands at or near the shoreline that have an intrinsic water quality value due to ecological and biological processes they perform or are sensitive to impacts which may cause significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. The Resource Protection Area shall include:

- Tidal wetlands;
- Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
- Tidal shores;
- Such other lands as necessary to protect the quality of state waters;
- A buffer area not less than 100 feet in width located adjacent to and landward of the components listed above, and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the Resource Protection Area notwithstanding the presence of permitted uses or equivalent measures in compliance with the requirements of this ordinance and the Chesapeake Bay Preservation Act. Designation of this area shall not be subject to

reduction unless based on reliable site-specific information.

Resource Protection Area (RPA) Buffer: An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to disturbances.

Resubdivision: See Subdivision.

Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, drygoods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber and beauty shop, photographic supplies store, convenience store, video rental store, and clothing stores.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

RETENTION-*The collection of runoff in a ponding area or receptacle where it is kept until it soaks into the ground through infiltration. Retention reduces the volume of runoff from a site and can also be effective in reducing the peak runoff rate if the retention volume is sufficiently large (Amendment 080703)*

Retention Basin: A pond, pool or basin used for the permanent storage of storm water.

Right-of-Way: A strip of land occupied or intended to be occupied by a crosswalk, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, drainage ditch, shade trees, or for another special use and for a street or road as most commonly used in this Ordinance.

Right-of-Way Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Roadside Stand: A booth or stall no larger than 300 square feet in area located on a farm from which produce and farm products originating from the premises are sold to the general public.

Roadway: The portion of a street or highway available for and intended for use by motor vehicle traffic; generally the paved portion of the street or highway.

Sanitary sewage: That water-carried waste which derives principally from dwellings, business buildings, institutions, industrial establishments and the like, exclusive of any storm and surface waters.

School: Any place of instruction in any branch of knowledge having regular sessions with regularly employed instructors which teaches those subjects that are both fundamental and essential in general education and comparable in nature to the curriculum offerings of the public school system.

Screen: A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

SCS: Soil Conservation Service.

Secondary Highway: A highway designated as a Virginia Secondary Highway by the Virginia Department of Transportation.

Sedimentation: The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Septic System: An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank: A water-tight receptacle that receives the discharge of sewage.

Service Drive: A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Setback: The horizontal distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps, or the horizontal distance between the side or rear line of a building or any projection thereof, excluding uncovered steps, and the side or rear lot line.

as a Setback may also be specified from a designated physical feature such water body, beach, or wetland.

Sewage Treatment Plant: Any arrangement of devices and structure used for treating sewage.

Sewage Works: All facilities for collecting, pumping, treating, and disposing of sewage.

Sewer: Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Sexually Oriented Business: An adult arcade, adult bookstore, adult

novelty store, adult video store, adult live entertainment, adult motel, adult movie theater, adult theater, escort agency, massage parlor, nude model studio or sexual encounter center .

Sight Triangle: A triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed,planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists,bicyclists or pedestrians traversing or using the intersection or entrance.

Sign:Any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and is used to announce, direct attention to, or advertise.

Silviculture: The development and/or maintenance of a forest or wooded preserve.

Site Plan: The development plan for a land disturbing activity or project on which is shown the existing and proposed conditions as required which may include topography,vegetation, dFlood plainsoodplains, wetlands, waterways, location and bulk of buildings, density of development, open space, public facilities, landscaping, structures and signs, and such other information as reasonably may be required in order that an informed decision can be made by the plan-approving authority. For certain projects such as condominium or townhouse projects, the term is used synonymously with subdivision plat, preliminary and final.

Sketch Plan/Plat: A preliminary presentation or sketch plan/plat and

attendant documentation of a proposed subdivision or a site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent, degrees, or as a ratio.

Soil and Water Conservation District: The Northern Neck Soil and Water Conservation District, a political subdivision of the Commonwealth organized in accordance with Title 21, Chapter 1, of the code of Virginia.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of

furthering the Comprehensive Plan.

State Waters: All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Storm Water Detention: A provision for the temporary impoundment of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention: A provision for the permanent impoundment of water which may permit the controlled release of water during and after a flood or storm.

Street: A public or private thoroughfare which affords the principal means of access to abutting properties, and whether designated as an interstate, arterial thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, or however otherwise designated.

Street Width: The horizontal distance between street lines measured perpendicular to the street center line.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, and permanent signs. It excludes vehicles, sidewalks, and paving.

Subdivide: The process of dealing with land so as to establish a subdivision as defined herein.

Subdivider: Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or

Proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

Subdivision: The division of any tract or parcel of land into two or more tracts, parcels, lots, or building sites, for the purpose, whether immediate or future, of transfer of ownership or for development; provided, however, that the following, if no new streets are created or existing streets changed, shall not be considered subdivisions within the meaning of this Ordinance and therefore are exempted from application of the design standards and review procedures of this Ordinance:

a. The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites or create

a lot or parcel which does not meet the minimum area and dimensional requirements of this or other Town ordinances.

b. The combination or recombination of portions of previously subdivided lots where the total number of lots is not increased and the resultant lots comply with the minimum area and dimensional requirements of this and other Town ordinances.

c. The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, public utility right-of-way, or other public or private right-of-way other than a street, provided no additional building lots are created.

d. The partition of lands by court order.

If new streets are created or existing streets changed, the project shall be considered a subdivision notwithstanding the above.

The term 'subdivision' shall include resubdivision. Where appropriate to the context, the term 'subdivision' shall relate to the process of subdividing or to the land subdivided, and shall include establishment of any land area as a common element on a separate lot including but not limited to recreation areas, and marina and other water dependent uses.

Tidal Shore or Shore: Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal Wetlands: Vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia, 1950, as amended.

Time of Concentration (Tc)-The time for runoff to travel from the hydraulically most distant point of the development site to the watershed outlet or study point.(Amendment 080703)

Town: The Town of Warsaw, Virginia

Townhouse: A single-family dwelling in a row or combination of not less than four(4) units and no more than six (6) units, with each unit having separate outside access, each unit separated from any other by (1) or more common fire retardant walls, and each unit located on a separate lot.
(Amended 06/14/07)

Town Manager: The representative of the Town Council or a designated agent of the Town Manager who has been appointed to serve as the agent of the Town Council in administering this Ordinance.

Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

Undeveloped Land: Land in its natural state before development.

Use: Any purpose for which a building or other structure or lot may be designed, arranged, intended, maintained, or occupied, and/or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a lot.

Vegetation: Area of natural or established ground cover which allows the natural infiltration of water into the soil. Vegetated buffer areas shall include, but are not limited to those areas of any plant material, grassy ground cover, woody vegetation, bush and shrubs, etc.

VDOT: The Virginia Department of Transportation.

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

Water or Sewer Department: The water and sewer utility owned by the Town.

Weeds: Any plant such as jimson, burdock, ragweed, thistle, ocklebur, honeysuckle, poison ivy, or other similar vegetation considered undesirable,

unattractive, or troublesome.

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

Wetlands, Tidal: Tidal wetlands are both vegetated and nonvegetated in nature. "Nonvegetated wetlands" means all that land lying contiguous to mean low water and which land is between mean low water and mean high water not

otherwise included in the term "vegetated wetlands" as defined herein subject to flooding by tides including wind tides but not including hurricane or tropical storm tides. "Vegetated Wetlands" means all that land lying between and contiguous to mean low water and an elevation above mean low water equal to the factor 1.5 times the mean tide range at the site of the proposed project in the Town; and upon which is growing on the effective date of this act or grows thereon subsequent thereto, any one or more of the following: Saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* sp.), sea lavender (*Limonium* sp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrchia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cut grass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattails (*Typha* spp.), three squares (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* sp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.) sweet flag (*Acorus calamus*), switch grass (*Panicum virgatum*), water hemp (*Amaranthus cannabinus*), and reed grass (*Phragmites communis*).

Yard: That portion of a lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from the lot line for a depth or width set forth in the applicable district yard regulations.

Yard, Front: A front yard is a yard extending along the full length of a front lot line. In the case of a corner lot, any yard extending along the full length

of a street line shall be considered a front yard.

Yard, Rear: A rear yard is a yard extending for the full length of a rear lot line.

Yard, Side: A side yard is a yard extending along a side lot line from the required front yard (or from the front lot line if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required). In the case of a corner lot, any yard which is not a front yard shall be considered a side yard.

Zoning: The dividing of the Town into districts, both base and overlay, and

size the establishment of regulations governing the use, placement, spacing and of lots and buildings as specified in Article 3.

Zoning Map: The map or maps, which are a part of the zoning ordinance, and delineate the boundaries of zone districts.

EXHIBITS

<u>Exhibit Number</u>	<u>Title</u>	<u>Page</u>
1	Plan of Development Approval Procedure	30
2	Decision-Making Paths (DMP Details)	31
3	Decision-Making Matrix	32
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18	Free Standing Signs	231

**TOWN OF WARSAW, VIRGINIA
PLAN OF DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made this _____ day of _____, 19 __, by and between _____ (give full legal name or names, state of incorporation if incorporated, type of partnership if a partnership, or marital status if individual) hereinafter referred to as the "Developer", and the Town of Warsaw, Virginia, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "Town",

WITNESSETH:

WHEREAS, the Developer is the owner/developer (indicate which) of a certain parcel of land located in the Town, bearing Assessor's Parcel Number(s) _____, hereinafter referred to as the "Property"; and

WHEREAS, the Property is being developed by the Developer into a project known as " _____ ", and the Developer has caused a plan of development, dated _____, 19 __, to be prepared by _____, which Plan was approved by the Town on _____, 19 __; and

WHEREAS, the developer agrees to construct in accordance with all Town requirements on or before the ___ day of _____, 19 __, all physical improvements, hereinafter referred to the "Improvements", shown on the above-described Plan, and such other plans and specifications for the development of the project as have been approved by the Town, all of which documents are on file in the Office of the Town Manager, are incorporated by reference, and are hereinafter collectively referred to as the "Plan"; and

WHEREAS, the Developer has submitted to the Town herewith (circle one of the following) sufficient letter of credit, cash, or a certified check, in the amount of \$ _____, hereinafter referred to as the "Guarantee", securing the timely construction and completion of the Improvements and performance of the terms and conditions of this Agreement; and

WHEREAS, the Town has agreed to authorize the recordation of the subdivision plat(s) in the Clerk's Office of the Circuit Court for the County of Richmond, Virginia and/or the issuance of building permits for said Plan upon execution of this Agreement and submission to the Town of the Guarantee.

NOW THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and the covenants and agreements herein contained, the parties hereto agree as follows:

- 1. The Town agrees that, upon proper execution of this Agreement by the Developer, receipt of the deeds described in Paragraph 8 below, and receipt of the Guarantee, it will authorize the recordation of subdivision plats(s) and/or the issuance of building permits for the**

work to be undertaken pursuant to the Plan. If the Guarantee is a letter of credit, it must be in the form attached as exhibit A and completed in conformance with the instructions attached thereto, approved by the Town Attorney as to form, content and issuing institution, and acceptable as to the amount, effective period, and otherwise by the Town Manager. Letters of credit shall be in effect for a minimum period of sixty (60) days beyond the date for completion of the improvements.

2. The Developer agrees that the Developer will, without cost to the Town, on or before the __ day of _____, 19__, construct and complete the Improvements to the satisfaction of and to the standards and specifications of the Town and all other governmental agencies or authorities having jurisdiction over the Improvements, including but without limitation, the County of Richmond, Virginia and the Virginia Department of Transportation. The Developer shall not occupy or permit to be occupied the Property until the Improvements are completed.

3. The Town may enter upon the Property to complete the Improvements and may draw on the Guarantee in the following events:

a. The Developer fails to complete the Improvements by the date specified in paragraph 2 above.

b. The Developer fails to complete by the date specified in paragraph 2 above the Improvements to the satisfaction of and to the standards and specifications of the Town and all other governmental agencies or authorities having jurisdiction over the Improvements, including but without limitation the County of Richmond, Virginia and the Virginia Department of Transportation.

c. The Developer fails to commence construction of the Improvements at least _____ days prior to the date specified in paragraph 2 above.

d. The insolvency of, appointment of a receiver for, or the filing of a voluntary or involuntary petition in bankruptcy against or by the Developer.

e. The commencement of a foreclosure proceeding of a lien against the Property or its conveyance in lieu of foreclosure.

f. The Developer breaches any of the terms and conditions of this Agreement.

4. In the event that the Town draws on the Guarantee, it may use such funds to complete the Improvements or cause them to be completed. The Developer shall be liable to the Town for any and all costs of completing the Improvements which shall be in excess of the Guarantee. It is the purpose and intent of the parties that the amount of the Guarantee shall have been determined to be sufficient to defray not only the anticipated costs of completing or having completed the Improvements but also unanticipated cost overruns, the cost incurred by

the Town in drawing on the Guarantee, an administrative fee in amount of \$5,000.00 or five (5) percent of the amount of the cost of completing the Improvements, whichever sum is greater, and any and all other reasonable costs which the Town has incurred or may conclude, in its sole discretion, are to be incurred. The Developer hereby acknowledges that an administrative fee in the above amount is reasonable compensation to the Town for its costs in drawing on the Guarantee and, when necessary, causing the Improvements to be completed. The Developer acknowledges and agrees that the Town is under no obligation to give any notice to the Developer of its intent to draw on the Guarantee in any of the events specified in this Agreement.

5. The Town shall, upon drawing on the Guarantee, deposit the same in an interest bearing account to the extent not needed to cover expenditures made or reasonably anticipated to be made in the near future, but the Town shall have no responsibility to deposit or maintain any of such funds in an account at the maximum interest available. Upon completion of the Improvements, as determined by the Town, and payment of all expenses incurred by the Town in connection therewith, any unexpended funds, including any interest earned thereon, shall be returned to the Developer.

6. The Town shall not be liable to the Developer or to any third party for the manner in which the Improvements are completed, any delay in effecting completion, the fact that the cost of completion is in excess of or less than the amount made available by drawing on the Guarantee or any part thereof, or that the Town has drawn down the entire amount of the Guarantee even though it subsequently determines that the entire amount was not required to carry out the provisions of this Agreement.

7. The Developer acknowledges that the Town is under no obligation to extend the time herein provided for the completion of the Improvements by the Developer. However, in the event that the Town unilaterally agrees in writing to do so, such writing shall, without formal execution of any other agreement by the parties, constitute such an extension, and all of the terms of this Agreement shall continue in effect for the duration of such extension; provided, however, that no extension shall be effective until or unless the Developer furnishes to the Town a new or amended Guarantee acceptable to the Town if requested by the Town. The Town may require that the amount of the Guarantee be increased if the if an extension is permitted.

8. The Developer agrees to execute and deliver to the Town a deed of easement, approved as to form by the Town Attorney, conveying to the Town those easements identified on the Plan as easements to the Town. The Developer also agrees to execute and to deliver to the Town a deed, approved as to form by the Town Attorney, conveying fee simple title, with general warranty, to the Town those areas, such as pump station sites or well lots, that are to be conveyed to the Town, and to provide the Town at Developer's expense an owner's title insurance policy issued by a company acceptable to the Town Attorney, containing no exceptions as to the title which are not acceptable to the Town Attorney.

9. It is mutually understood and agreed that if the Developer shall faithfully execute all requirements of the Agreement and all relevant laws and regulations, and shall indemnify, protect and save the Town, its officers, agents and employees harmless from all loss, damage, expense or cost by reason of any claim made or suit or action instituted against the Town, its officers, agents or employees on account of or in consequence of any breach on the part of the Developer hereby covenants to do, then the aforementioned Guarantee shall be released by the Town to the Developer; provided, however, that release of the Guarantee shall not in any way or to the extent release, diminish or otherwise reduce any obligation or liability of the Developer provided in this Agreement.

10. The Developer does further hereby agree to indemnify, protect and save the Town, its officers, agents, and employees harmless from and against all losses and physical damages to property, and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance, presence or use of the streets, utilities and public easements required by or shown on the Plan until such time as the said streets, utilities and public easements shall be accepted as a part of the Town's systems, or those of its agencies, of the state system of highways, as the case may be.

11. It is mutually understood and agreed upon that approval of the Plan shall not, by such approval alone, be deemed to be an acceptance by the Town or other applicable agency of any street, alley, public space, sewer or other physical improvements shown on the Plans for maintenance, repair, or operation thereof, and the Developer shall be fully responsible therefor and assume all of the risks and liabilities therefore, until such time as the Town or other applicable agency has formally accepted them. Upon acceptance of any of the Improvements to be dedicated to the Town, the Developer agrees to execute a maintenance and indemnifying bond in the amount of five (5) percent of the cost if Improvements, other than public roads or any other Improvement for which the materials or workmanship are otherwise guaranteed for a period of at least one year. During this one year period, the Developer shall correct any defects in the materials or workmanship in the installation of the Improvements. In the event the Developer fails to do so after being requested to do so by the Town, the Town may draw on the Guarantee in order to affect such corrections.

12. The Developer shall, with regard to any Improvement to be conveyed to the Town or any agency thereof:

a. When requested by the Town, furnish the Town permanent, black line, reproducible "as built" drawings of such Improvement on 0.003 inch polyester film, in a form satisfactory to the Town; and

b. Notify the Town prior to the conduct of any required test or final inspections of the Improvement; and

c. Furnish, through Developer's engineer, test reports prepared by an independent laboratory in accordance with the ACT Code for any structural concrete installed and furnish

a manufacturer's certification that all pipe installed in the development meets applicable ASTM specifications; and

d. Be responsible for and bear all costs imposed by the Virginia Department of Transportation for inspections and/or testing of any roadway, drainage way or other facility shown on the Plan to be accepted by the Department.

13. The Developer warrants that there are no deeds of trust of record pertaining to the Property other than the ones identified below:

<u>AMOUNT OF DEED OF TRUST</u>	<u>NOTE HOLDER</u>	<u>DATE OF DEED OF TRUST</u>	<u>LIST ALL TRUSTEES</u>	<u>DEED BOOK PAGE</u>
--------------------------------	--------------------	------------------------------	--------------------------	-----------------------

- 1.
- 2.
- 3.
- 4.
- 5.

14. The Developer shall be entitled to periodic partial releases and final complete release of the Guarantee pursuant to and if the Developer complies with provisions of Section 15.1-466.A

(1) of the Code of Virginia (1950), as amended, and in case of a partial release guaranteed by a bond, furnish the Town with a new Guarantee in the reduced amount as determined by the Town Manager.

15. The Agreement shall be binding upon the Developer and the Developer's successors and assigns.

16. The Developer agrees, upon notification in writing by the Town at any time after recordation of the Plan, that if an error has been discovered in such Plan, to record an amended or corrected Plan, or other document acceptable to the Town, at Developer's expense, in order to correct the error.

IN WITNESS WHEREOF, the parties hereto have affixed their signature and seals:

DEVELOPER:

INDIVIDUAL OR INDIVIDUALS

_____ (SEAL)

_____ (SEAL)

CORPORATION

**Attest: By: _____ (SEAL)
President (Attach copy of corporate
resolution authorizing execution)**

Secretary

PARTNERSHIP

**By: _____ (SEAL)
General Partner**

Approved as to Form:

Town Attorney

TOWN OF WARSAW, VIRGINIA

**By: _____ (SEAL)
Town Manager**

(PUT ON BANK LETTERHEAD)

IRREVOCABLE LETTER OF CREDIT

____(2)

Town of Warsaw
c/o Matthew L. Walker, Town Manager
P.O. Box 730
Warsaw, Virginia 22572

RE____(3)____, (4)

Dear Mr. Walker:

We hereby establish our Irrevocable Letter of Credit No._(1)_ in your favor, for the account of ____ (3)____, available by your drafts drawn at sight on us to the aggregate amount of __ (5)____, each such draft accompanied by the following document:

Your written statement certifying that ____ (3)____ has defaulted in the performance of the terms and conditions of ____ (6)____ Agreement with you, dated ____ (7)____, and that you are, in consequence, entitled to the accompanying draft.

All drafts drawn under this letter of credit must be marked "Drawn under __ (8)____ Letter of Credit No. _ (1)____ dated ____ (2)____".

This credit is valid until ____ (9)____ and drafts drawn hereunder, if accompanied by document as specified above, will be honored if presented on or before the date to __ (10)____ at ____ (11)____ or, if said bank is not doing business at that address, then to any other address or location of said bank or its successor.

Except as otherwise expressly stated herein, this credit is subject to the "Uniform Customs and Practice for Documentary Credits", fixed by the International Chamber of Commerce Publication No. 400, 1983 revision.

Very truly yours,

____(8)

By:____(12)

____(13)

NOTES:

- (1) Number assigned to letter of credit by the bank**
- (2) Date issued**
- (3) Name of person, corporation, or partnership submitting the letter of credit**
- (4) Name of project**
- (5) Amount of letter of credit written in words and then numerals**
- (6) Insert "his", "her", "its", or "their", as appropriate**
- (7) Date shown on Agreement**
- (8) Name of Bank**
- (9) Expiration date of the letter of credit**
- (10) Name and address of the bank**
- (11) Address of the bank or branch thereof where the letter of credit is to be presented; no letter of credit will be acceptable unless it may be presented at a bank office in the Northern Neck or in the Town of Tappahannock**
- (12) Signature of the authorized officer of the bank**
- (13) Title of the authorized officer of the bank**

APPROVAL PROCESS

PREAPPLICATION STAGE	APPLICATION STAGE	REVIEW STAGE DECISION-MAKING PATH	ACTION STAGE
Preapplication Conference (2-2-2)		DMP -A (2-1-2a)	
	Application Submitted Deemed Complete (2-2-4) to (2-2-6)	DMP -B (2-1-2b)	APPROVED
	Application Submitted Deemed Incomplete (2-2-5)	DMP-C (2-1-2c)	DENIED
			APPEAL (2-4)
Concept Sketch Plan/Plat (2-2-8)		DMP - D (2-1-2d)	

EXAMPLES

<p style="text-align: center;"><u>DMP - A</u></p> <p>Exempted Activities Minor Subdivisions/Site Plans Home Occupations Minor Adjustments to Approved Plans</p>	<p style="text-align: center;"><u>DMP - C</u></p> <p>Major Final Subdivisions Site Plans Performance/ Maintenance Guarantees Appeals From Decisions of the Town Manager</p>
<p style="text-align: center;"><u>DMP - B</u></p> <p>Minor Preliminary Subdivisions/ Site Plans Rezoning Conditional Use Permits</p>	<p style="text-align: center;"><u>DMP - D</u></p> <p style="text-align: center;">Zoning Appeals</p> <p style="text-align: right;">Zoning Variances</p>

ACTIVITIES EXEMPT FROM THE APPLICATION PROCESS

- | | |
|---|------------------------------------|
| Minor Land Disturbing Activities | Land Exchanges |
| Service Connections | Well Lots |
| Underground Utilities | Court Ordered Petitions |
| Agricultural Activities | House Surround Lots |
| Title Transfers | Incidental Dwelling Uses |
| Leases and Easements | Home Occupations Within |
| Lot Combinations | Non-material Temporary Uses |
| Family Subdivisions | |
| Structures of Minimum | |
| Land Disturbance | |

PRE-APPLICATION CONFERENCE

--An applicant or the applicant's authorized representative are strongly urged to arrange a preapplication conference with the Town Manager.

The purpose of the conference is to:

--Provide for an exchange of information regarding the development proposal.

--Acquaint the applicant with the substantive and procedural requirement of this Ordinance as well as applicable elements of the Comprehensive Plan.

--Identify policies, regulations and site features that create opportunities or pose significant constraints for the proposed development.

--Advise the applicant of any known state or federal permits which must be obtained.

--Obtain copies of all necessary application forms.

--The Town Manager will help you. Take advantage of his assistance.

TOWN OF WARSAW, VIRGINIA

78 Belleville Lane
P. O. Box 730
Warsaw. VA 22572
Phone: (804) 333-3737
Fax #: (804) 333-3104

LAND DEVELOPMENT MASTER APPLICATION

Date: _____

Application #:

Assessor's Parcel #:

Applicant:

IDENTIFICATION	NAME	ADDRESS	TELEPHONE
OWNER			
APPLICANT			
AGENT			

ADDRESS/LOCATION OF REQUEST: _____
CURRENT ZONING: _____

REQUEST
(Please Check)
(Ordinance Section #)

Plan of Development

- | | |
|---|--|
| <ul style="list-style-type: none"> - Sketch Review (2-2-8) _____ - Minor Subdivision/
Site Plan (2-2-10) _____ General Development
Plan (2-2-11a) _____ - Major Subdivision/
Site Plan (2-2-11b)
 . Preliminary _____ . Final - Adjustment to Approved

 Site Plan (2-2-12) _____ Subdivision (2-2-13) _____ - Waiver of Design
Requirements (2-2-7) - Waiver of Checklist
Submission Requirements
(2-2-7) | <p style="text-align: center;"><u>Other</u></p> <ul style="list-style-type: none"> Appeals (2-4-1)
 . to Town Council . to Board of Zoning
 Appeals Conditional Use
Permit (3-10) Conditional Zoning
(3-9) Density Bonus
Option (3-5-2g) Freestanding Sign
District Map Change
(4-16-7b(8)) Rezoning (2-5-1) Sign Permit (4-16-3a) Variance (3-7) |
|---|--|

PLEASE DESCRIBE THE NATURE OF YOUR REQUEST

OWNER'S AUTHORIZATION

I (we), the undersigned owners do hereby certify that [I/we] [am/are] the owners of the property on which this application is proposed and have the authority to accept all conditions that may be required to be met as part of any approval by the Town. I (we) hereby authorize

to submit this application as Applicant/agent.

Signature

Signature

Signature

Owner

Owner

Owner

Date

Date

Date

STATE OF VIRGINIA

CITY/COUNTY OF _____, TO - WIT:

This authorization form was acknowledged before me on this _____

day of _____, 19 ____, by _____,
Notary Public. My Commission Expires: _____

FOR TOWN USE ONLY

<u>ACTION TRACK</u>	<u>DATE</u>	<u>COMMENTS</u>
Application Received	_____	
Review by Town Manager	_____	
Planning Commission	_____	
Planning Commission	_____	
Planning Commission	_____	
Town Council	_____	
Town Council	_____	
Town Council	_____	
Board of Zoning Appeals	_____	
Board of Zoning Appeals	_____	

SUPPLEMENTAL APPLICATION FORM #F

DATE: _____

TOWN OF WARSAW,
VIRGINIA

APPLICATION

ASSESSOR'S PARCEL

APPLICANT

REZONING/CONDITIONAL ZONING

SUBMISSION REQUIREMENTS

- . Survey and plat of the property in question showing area and dimensions of the property proposed for rezoning
- . Vicinity Map
- . For conditional zoning, in addition to the above, a statement detailing the nature and location of any proffered conditions and those proposed circumstances which prompt the proffering of such conditions.

RELEVANT INFORMATION

- . Comprehensive Plan designation of the property _____

- . Current Zoning:
Proposed Zoning:
Lot Area Total:
Area Proposed for Rezoning:

Please use the following area to describe the nature of your request and how it conforms to the intent and purpose of the Comprehensive Plan:

CONDITIONAL ZONING

It is the general policy of the Town, in accordance with the laws of the Commonwealth of Virginia, to provide for the orderly development of land, for all purposes through the use of zoning and other land development regulations. Frequently where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases more flexible and adaptable zoning methods are needed to permit land uses, and at the same time to recognize the effects of change. In order to provide a more flexible and adaptable zoning method to cope with situations found in such zones, conditional zoning allows a zoning reclassification to occur after the applicant proffers certain conditions for the protection of the community that are not applicable to land similarly zoned.

Any owner of property making application for a change in zoning or an amendment to the zoning map and as part of the application may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zoning sought in the rezoning application. Any such proffered conditions must be made prior to any public hearing before the Planning Commission and the Town Council and shall be subject to the following limitations:

The rezoning itself must give rise to the need of these conditions;

The conditions shall have a reasonable relation to the rezoning;

The conditions shall not include a cash contribution to the Town;

The conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments, or other public facilities except for the dedication of any street, curb, gutter, sidewalk, bicycle trail, drainage, water or sewage systems;

The conditions shall not include payment for or construction of offsite improvements except for a pro rata share of water, sewage and drainage facilities;

No condition shall be proffered that is not related to the physical development or physical operation of the property; and

All conditions shall be in conformity with the Comprehensive Plan and not be used for the purpose of discrimination of housing.

PROFFERS

"I hereby proffer that the development of the subject property of this

application shall be in strict accordance with the conditions set forth in this submission."

Applicant(Please Print)

Date

Signature

SUPPLEMENTAL APPLICATION FORM "G"

TOWN OF WARSAW,
Virginia

Date: _____
Assessor's Parcel # _____

Application #
Applicant:

ZONING VARIANCE

SUBMISSION REQUIREMENTS

- . A complete plan of development application submittal if variance relief is associated with a plan of development request
- . A survey plat or a plan drawn to scale depicting existing conditions, necessary dimensions and the circumstances requiring variance relief in detail

NECESSARY BEFORE THE ISSUANCE OF A VARIANCE

FINDINGS

Variances may be granted by the Board of Zoning Appeals only after making specific findings of fact based on the evidence before it. These findings of fact are as follows:

- a. The property was acquired in good faith.
- b. On the effective date of this Ordinance, the property is:
 - exceptionally narrow, or
 - exceptionally shallow, or
 - of exceptional size, or
 - exceptionally shaped, or
 - has exceptional topographic conditions
 - other extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
- c. The condition or situation of the subject property or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Town Council as an amendment to this Article.

- d. The strict application of this Article would produce undue hardship, and such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- e. The strict application of this Article would effectively prohibit unreasonably restrict all reasonable use of the property, and the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
- f. Authorization of the variance will not be of substantial detriment to adjacent property; the character of the zoning district will not be changed by the granting of the variance; and the variance will be harmony with the intended purposes of this Ordinance and in keeping with the public interest.

Explain below, what grounds exist to provide the Board of Zoning Appeals with the findings necessary to grant variance relief. Remember, no variance shall be granted that would have the effect of:

- a. Increasing the density permitted in a zoning district; or
- b. Permitting any use not specified by the provisions of this Article in the zoning district in which the property is located; or
- c. Altering any definition set forth in the Land Development Ordinance as it relates to the zoning of the property in question.

SUPPLEMENTAL APPLICATION FORM #H

TOWN OF WARSAW
VIRGINIA

Date: _____
Assessor's Parcel # _____

Application # _____
Applicant: _____

DENSITY BONUS OPTION

SUBMISSION REQUIREMENT

- . Complete application for plan of development
- . Completion of this application form

DENSITY BONUS EVALUATION WORKSHEET

(Please answer the following questions)

In order to encourage site designs which are harmonious with adjoining property, to encourage the preservation of open space within and around higher density development, to encourage preservation and restoration of historic sites, and to provide land developers with the opportunity to positively influence community growth and the quality of life, the plan-approving authority may award a density bonus in conjunction with proposals activating the Traditional Town (TT) overlay district, hereby enabling residential density to increase from three (3) to no more than eight (8) dwelling units per net acre develop able acre if any combination of the following are provided or are proposed for the development:

- (1) In what ways is your development proposal a design of superior quality resulting from the most sensitive placement of structures, the highest quality of landscaping and architectural design, and in a most desirable living

environment for future residents and users of facilities provided?

2. Are sidewalks and/or bike/hike paths proposed within or outside of the development? If yes, explain below:

3. Does the proposed development include an educationally oriented facility such as a nature trail available to the public? If yes, explain below:

4. Does the proposed development include the dedication of land for the Town to use as a park site or other public facility site? If yes, explain below:

5. Does the proposed development include a park for the residents and/or users of the development? If yes, explain below:

6. Does your proposal include the provision of outdoor play areas and other pedestrian-oriented spaces? If yes, please explain.

7. Does your proposal include a recycling plan or program? If yes, explain below:

FOR TOWN USE ONLY

EVALUATION:

**TOWN OF WARSAW
PLAN OF DEVELOPMENT CHECKLIST**

Date: _____ Application # _____

Assessors Parcel # _____ Applicant: _____

DEVELOPMENT STAGE

Item No.	Description	Preapplication		Minor Application		Major Application			
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan (GDP)	Subdivision Prelim	Final	Site Plan Prelim	Final
6.	North Arrow and Scale	X	X	X	X	X	X	X	X
7.	Evidence that taxes are current.		X	X	X	X	X	X	X
8.	Appropriate certification blocks.		X	X		X	X		
9.	Appropriate signature blocks for approvals.		X	X	X	X	X	X	X
10.	Monumentation. (4-2-7)		X			X			
11.	Drawn on sheets measuring 18"x24".		X			X	X	X	X
12.	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way, and centerline curves on streets.		X			X	X	X	X
13.	Acreage of tract to the nearest tenth of an acre (for GDP, to nearest acre).	X	X	X	X	X			X
			(general)						
14.	Date of original and all revisions.	X	X	X	X	X	X	X	X
15.	Size and location of any existing or proposed structures with all setbacks dimensioned	X	X	X	X	X	X	X	X
		(general)		(general)					

**TOWN OF WARSAW
PLAN OF DEVELOPMENT CHECKLIST**

Date: _____ Application # _____

Assessors Parcel # _____ Applicant: _____

DEVELOPMENT STAGE

Item No.	Description	Preapplication		Minor Application		Major Application			
		Sketch Plan/ Plat (optional)	Subdivision	Site Subdivision Plan	General Development Plan	Subdivision Prelim	Subdivision Final	Site Plan Prelim	Site Plan Final

16.	Location and dimensions of any existing or proposed streets on or within 200' of site.	X (general)	X	X	X (general)	X	X	X	X
17.	Property owners and lines of all parcels within 200' identified on most recent tax map sheet.		X	X		X	X	X	X
18.	All existing and proposed lot lines (dimensional) and are of lots in sq. ft./acres.		X	X		X	X	X	X
19.	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X (if available)	X	X	X	X	X	X	X
20.	Any existing or proposed easement or land reserved for or dedicated to public use.	X (if available)	X	X	X	X	X	X	X
21.	Development stages or staging plans.				X (general)	X	X	X	X
22.	List of required regulatory approvals or permits. ¹		X	X	X		X		X
23.	List of variances required or requested. ¹ (3-7)		X	X		X	X	X	X

**TOWN OF WARSAW
PLAN OF DEVELOPMENT CHECKLIST**

Date: _____ Application # _____

Assessors Parcel # _____ Applicant: _____

DEVELOPMENT STAGE

Item No.	Description	Preapplication		Minor Application		Major Application			
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan	Subdivision		Site Plan	
						Prelim	Final	Prelim	Final

24.	Requested or obtained design waivers or exceptions. (2-2-6, 4-1-2, 3-5-2h) ¹		X	X		X	X	X	X
-----	---	--	---	---	--	---	---	---	---

25.	Payment of application fees.		X	X	X	X	X	X	X
-----	------------------------------	--	---	---	---	---	---	---	---

SETTING-ENVIRONMENTAL INFORMATION

26.	Environmental Site Assessment (2-2-6c)	X	X	X	X	X	X	X	X
-----	--	---	---	---	---	---	---	---	---

27.	Topographical features of subject property from U.S.C.&G.S. map.	X		X	X				X
-----	--	---	--	---	---	--	--	--	---

28.	Existing and proposed contour intervals referenced to USGS datum (Contours to extend at least 200' beyond subject property) as follows: up to 3% grade = 1' 3% + grade = 2'					X	X	X	X
-----	---	--	--	--	--	---	---	---	---

29.	Boundary, limits, nature and extend of wooded areas, specimen trees, and other significant physical features.	X (general)	X	X	X (general)	X	X	X	X
-----	---	----------------	---	---	----------------	---	---	---	---

**TOWN OF WARSAW
PLAN OF DEVELOPMENT CHECKLIST**

Date: _____ Application # _____

Assessors Parcel # _____ Applicant: _____

DEVELOPMENT STAGE

Item No.	Description	Preapplication		Minor Application		Major Application			
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan	Subdivision Prelim	Subdivision Final	Site Plan Prelim	Site Plan Final
30.	Existing system of drainage of subject site and generally, of any larger tract or basin of which it is a part.		X ³	X ³		X	X	X	X
31.	Preliminary architectural plan and elevations				X ³				X
32.	Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations.			X ³ (general location of buildings)	X	X	X	X	X
33.	Lot and block pattern, layout of streets (4-2-2)	X	X	X	X	X	X	X	X
34.	New block and lot numbers confirmed with Town Manager					X			
35.	Right of way design, etc. (4-3-2)					X	X	X	X
36.	Open space and recreation plans and patterns (4-9-2)	X ³ (general)			X ³ (general)	X ³	X ³	X ³	X ³

DEVELOPMENT STAGE

**TOWN OF WARSAW
PLAN OF DEVELOPMENT CHECKLIST**

Date: _____ Application # _____

Assessors Parcel # _____ Applicant: _____

Item No.	Description	Preapplication	Minor Application	Major Application			
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan	Subdivision Prelim Final	Site Plan Prelim Final

37. Proposed utility infrastructure plans, including sanitary sewer, septic tank and drainfields (primary and reserve), storm sewers, water, telephone, electric, and cable TV. (4-4-3, 4-6-2, 4-8-2)	X	X	X	X (general)	X	X	X	X
--	---	---	---	----------------	---	---	---	---

ASSESSMENTS, IMPROVEMENTS AND CONSTRUCTION INFORMATION

38. Health Dep't permits. ¹ (4-4)	X (if available)		X	X	X	X	X	X
39. Drainage calculations, plans, etc. (4-6-2)		X ³	X ³ (general)	X	X	X	X	X
40. Erosion and Sediment Control Plan. (4-7-2)		X ³	X ³		X	X	X	X
41. Site identification signs, traffic control signs, and directional signs. (4-16-2, 4-3-6, 4-3-8)					X	X	X	X
42. Lighting plan and details. (4-12-2)					X	X	X	X
43. Off street parking and plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions, etc. (4-10-2)					X	X	X	X

**TOWN OF WARSAW
PLAN OF DEVELOPMENT CHECKLIST**

Date: _____ Application # _____
 Assessors Parcel # _____
 Applicant: _____

DEVELOPMENT STAGE

Item No.	Description	<u>Preapplication</u>		<u>Minor Application</u>		<u>Major Application</u>			
		Sketch Plan/ Plat (optional)	Subdivision	Site Plan	General Development Plan	<u>Subdivision</u> Prelim	<u>Site Plan</u> Final	Prelim	Final
44.	Landscape plan and details. (4-11-2)					X	X	X	X
45.	Performance standard compliance (4-15-2) ³								
46.	Easements, type and location (4-13-2) ³								
47.	Solid waste management plan including recycling facilities. (4-14-2)							X	X
48.	Emergency Service details (4-5-2) ³								
49.	Performance/Maintenance Guarantees. (2-6)		X ³	X ³				X ³	X ³
50.	Community Impact Analysis. (2-2-6b) ³								
51.	Water Quality Impact Assessment. (3-5-11) ²		X	X		X	X	X	X

Notes:

X = items required at indicated development stage.

1. Conditional approval may be granted subject to other regulatory approvals. Wetland permits, if necessary, must be obtained and submitted to the Town Manager before final approval is granted (2-2-14).
2. Must only be prepared if development proposal is within Resource Protection Area or if required by the Town Manager.
3. As and when required.