

Town of Remington

Zoning Ordinance

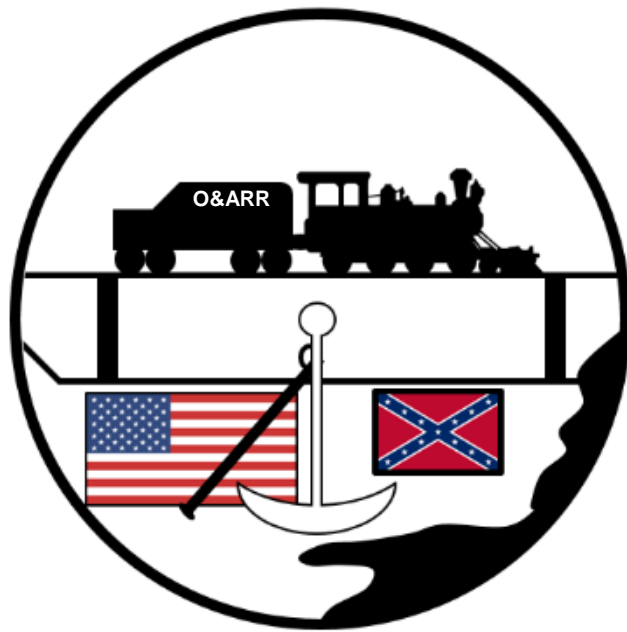


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Title I Zoning Ordinance

WHEREAS, by an act of the General Assembly of Virginia as provided Title 15.1, Chapter II, Article 8, Sections 15.1-486 through 15.1-498, Code of Virginia and amendments thereto, the governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of this Article and in each district it may regulate, restrict, permit, and determine the following:

(a) The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses; (b) the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures; (c) the areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations of the sizes of lots based on whether a public or community water supply or sewer system is available and used; (d) the excavation or mining of oil or other natural resources.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Remington Virginia; that for the purpose of promoting the health, safety, or general welfare of the public, and of further accomplishing the objectives of Section 15.1-486, that the zoning ordinance of 1958, as amended, be repealed and the following Ordinance, together with the accompanying maps be reenacted as the 1987 Zoning ordinance of the Town of Remington or as the "Zoning Ordinance". This ordinance has been designed (a) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (b) to reduce or prevent congestion in the public streets; (c) to facilitate the creation of a convenient, attractive, and harmonious community; (d) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (e) to protect against one or more of the following: overcrowding of land, undue density in population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic or other dangers and (f) to encourage economic development activities that provide desirable employment and enlarge the tax base.

*For state law as to zoning, see Code of Virginia, 15.1-486 to 15.1-498.

*The maps here referred to are contained in the Official Zoning Map of Remington, Virginia.

Article 1 General Provisions

Legislative Intent. For the purposes of this Ordinance, the following regulations shall govern each district. The fundamental intent of the Town of Remington Zoning Ordinance is to implement the goals and objectives of the adopted Comprehensive Plan for the Town of Remington, Virginia. It is the intent that physical development within the Town proceed according to the regulations outlined in the subsequent articles.

It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements covenants or agreements, the provision of this chapter shall govern.

- 1-1 Reservation to Council on Grants of Special Use Permit.** Notwithstanding any other provision of this Ordinance, the Town Council reserves to itself the right to issue any special use permit.
- 1-2 Additional Height Regulations.** No sign, nameplate, or advertising device of any kind shall be installed upon or attached to any chimney, tower, tank or structure of like kind which is permitted to extend above the height limits of the district in which it is located.
- 1-3 Utility Requirements.** With the exception of development in the Residential Estate District, public water and sewer systems are required for all new development as permitted in this ordinance, unless such requirement is specifically waived by the Town Council for a temporary period. All utility systems shall be designed and constructed in accord with standard design criteria, standard specifications and standard details for water main, sanitary sewer, storm drain and street construction for the Town of Remington or the Fauquier Water and Sanitation Authority (FCWSA).
- 1-4 Substandard Area and Frontage, Lots of Record at Time of Ordinance Adoption.** A lot which does not conform to the minimum area or frontage requirements of the district in which it is located and which has existed as a lot of record approved prior to adoption of this Ordinance, may be used without appealing to the Board of Zoning Appeals if setbacks, and side and rear yard regulations of the district are met, provided that direct access of sufficient width to accommodate the intended use of the lot is provided to a public street. Such access shall be permanently guaranteed by the recordation of an easement in the Circuit Court of Fauquier County, Virginia.
- 1-5 Frontage Regulations.** Except as provided in Section 1-4 and as provided elsewhere in this Ordinance with respect to townhouses, cluster alternates, and Planned Unit Developments, no lot shall be used in whole or in part unless such lot abuts upon a street in accord with the minimum frontage regulations of this Ordinance. No lot or parcel of land abutting the terminus of (Public Street) shall be deemed to comply with the frontage regulations unless such lot abuts on an approved permanent cul-de-sac.
- 1-6 Obstruction to Vision at Intersections Prohibited.** On any corner lot between the curb of the street or the paved area of the street (where street curbs do not occur) and the front setback line, no wall, fence, sign or other structure shall be erected, altered, or maintained higher than three (3) feet, and no hedge, tree, shrub or other growth shall be planted or maintained between the height of three (3) feet and eight (8) feet above street curb level.
- 1-7 Fences and Walls.** No fence or wall except a retaining wall, a wall of a building permitted under the terms of this Ordinance or a wall required for screening purposes over six (6) feet in height shall be erected within any of the open spaces required by this Ordinance unless that portion of the fence or wall which exceeds four (4) feet in height shall contain openings therein equal to fifty (50) percent or more of the area of said portion of the fence or wall. Excluded are walls or fences encompassing swimming pools or other uses which require, by law or prudent judgment, an unbroken enclosure for reasons of public health, safety or welfare.

- 1-8 Removal of Top Soil.** The retention of adequate top soil on the land within the Town is considered necessary for the general welfare of the Town. The permanent removal of top soil from the land within Town shall be regulated, as set forth in the "Erosion and Sediment Control Handbook" in effect within the Town of Remington.
- 1-9 Location on a Lot Required.** Every building hereafter erected, reconstructed, converted, moved, or altered, other than accessory buildings as defined and other than townhouses, cluster alternates and Planned Unit Developments as provided elsewhere in this ordinance, shall be located on a lot of record and in no case shall there be more than one principal building on one lot unless otherwise provided for in this Ordinance. Uses otherwise provided for include multiple- family housing, commercial and office centers and complexes, industrial uses, and institutional complexes.
- 1-10 Uses Not Permitted are Prohibited.** For the purpose of this Ordinance, permitted uses are listed f or the various districts. Unless the contrary is clear from the context ofthe lists or other regulations of this Ordinance, uses not specifically listed are prohibited.
- 1-11 Qualifying or Supplemental District Regulations.** The regulations set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

Article 2 Administration & Enforcement

- 2-1 Zoning Administrator.** The provisions of the Ordinance shall be enforced by the designated agent of the Town of Remington, who shall be known as the Zoning Administrator.
- 2-2 Certified Copy.** A certified copy of the Zoning Ordinance, as adopted, shall be filed in the office of the Zoning Administrator of Remington and in the office of the Clerk of the Circuit Court of Fauquier County, Virginia.
- 2-3 Processing Fees.** It is the intent of the Town that at least part of the cost of administering this Ordinance be borne by those responsible for development; therefore, a fee schedule, as prescribed by the Town Council and modified from time to time, shall apply to all permits, reviews and processing as required by this Ordinance.
- 2-4 Zoning Permits.** No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any land or building be used, or designed to be used for any purpose as permitted in the District in which such building or land is located, until a zoning permit has been secured from the Zoning Administrator. Upon completion of the work authorized by any permit, the applicant shall notify the Zoning Administrator of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Administrator has issued the Certificate of Occupancy, as provided in section 2-6.
- 2-4.1 Flood Plain Permit.** Within the Flood Plain District a Flood Plain Permit for any development shall be required in addition to the Zoning Permit required in Section 2-4.
- 2-5 Application for Permit, Processing Fees.** All applications for zoning permits shall be made in writing by the owner or authorized agent and shall be filed with the Zoning Administrator. The application shall contain two (2) copies of a drawing along with the fee in the amount prescribed by Town Council. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land, and the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Zoning Administrator may deem necessary to insure substantive compliance with the provisions of this Ordinance may be required for consideration of the application. One (1) copy of the drawing shall be returned to the applicant with the permit.
- 2-5.1 Application for Flood Plain Permit.** All applications for Flood Plain Permits shall be made in writing by the owner or authorized agent and shall be filed with the Zoning Administrator together with a copy of the required State and Federal permits. The Zoning Administrator may require such information as deemed necessary to insure substantive compliance with the provisions of the Flood Plain District.
- 2-6 Certificate of Occupancy.** Land may be used, and buildings occupied, structurally altered, erected, or changed in use for any purpose as permitted in the District in which such land or building is located, only after a Certificate of Occupancy has been issued by the Zoning Administrator. Such a certificate shall state that the building or the proposed use, or the use of the land, complies with the provisions of this Ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing or changing a nonconforming use. A Certificate of Occupancy either for the whole or a part of a building or the use of the land shall be applied for simultaneously with the application for a zoning permit. The certificate shall be issued within ten (10) days after the erection or structural alteration of such building or part which has conformed with the provisions of this Ordinance.
- 2-7 Special Use Permits.**
- 2-7.1 Authorization.** The Town council may grant special use permits under suitable regulations and safeguards for those uses listed as "Uses Permitted by a Special Use Permit" in the district regulations upon finding that the use will not be detrimental to the character and development of the adjacent land, and will reflect the spirit and

intent of the Comprehensive Plan, as well as this Ordinance. Special use permits granted by the Town council are distinguished from special exceptions authorized to be granted by the Board of Zoning Appeals under Article 19.

- 2-7.2 Application and Evaluation Criteria.** Application for a special use permit shall be filed on the appropriate form as provided by the Zoning Administrator and in accordance with the instructions which accompany the form. In acting on a request for a special use permit, the Town council shall consider the impact of the requested special use on the Town and on the facilities and systems listed herein. The applicant shall provide all of the information, data and studies needed to allow the Town Council and Planning Commission to reach conclusive evaluations. This may include, but not be limited to, the following:
- The compatibility of the proposed use with the existing and proposed land uses adjacent to the site, and any potential impact on the environment.
 - A vicinity map depicting adjacent land uses, streets and other data customarily incidental to a vicinity map.
 - A proposed site development plan indicating the location of the anticipated structures, setback lines, street pattern, parking provisions, a screening plan and common open space, if applicable.
 - The impact of the Town transportation network and the ability of adjacent streets and intersections to efficiently and safely move the volume of traffic generated by the development, along with estimates of costs and means of providing improvements required to service the proposed special use.
 - The impact on community facilities including estimates of costs and means of providing the additional community facilities which will be needed to serve the proposed special use. Community facilities include, but shall not be limited to, sewage disposal facilities and systems, solid waste disposal facilities and systems, water supply facilities and systems, storm drainage facilities and systems and electrical utility facilities and systems.
 - The ability of the Town to provide police and fire protection to the proposed special use.
 - The proposed configuration and intensity of lighting facilities to be arranged in such a manner to protect the streets and neighboring properties from direct glare or hazardous interference.
 - The following special design considerations may be required of special use permit applicants in all residential districts:
 - a. Screening. Any uses or structural features deemed to be incompatible with the objectives of this Article, the remainder of this Zoning Ordinance, or the Comprehensive Plan may be required to be permanently screened from adjoining uses by a wall, fence, plantings, and/or other enclosure. Other landscaping to enhance the effectiveness of the screening and to insure the compatibility of use may also be required.
 - b. Parking areas forward of the established building setback line are considered undesirable and will generally be prohibited. Screening and buffering of all parking areas may be required in accordance with a landscaping plan to be submitted for review by the Planning Commission, and approved by the Town Council.
 - c. Except to protect the public safety, avoid property loss or provide for required parking, all major trees forward the building setback line may be required for preservation if their removal would diminish the character of the neighborhood as determined by the Town Council.

- 2-7.3** The Town Council shall consider the recommendations of the Town Planning Commission before granting or denying approval of special use permit.
- 2-7.4** Upon review of the application and supporting data, the Planning Commission shall make its recommendation to the Town Council as to whether the application complied with the spirit and intent of the special use provisions in the particular district, including verification that the use is specifically authorized within the district.
- 2-7.5** Before submitting its recommendation to the Town Council, the Planning Commission shall hold a public hearing, which may be a joint public hearing with the Town Council, after notice as required by Section 15.2-2204 of the Code of Virginia, as amended. Following the public hearing, the Commission shall forward its recommendation to the Town Council.
- 2-7.6** Before rendering a decision on a particular special use permit, the Town council shall hold a public hearing, which may be a joint public hearing with the Planning Commission, after notice as required by Section 15.2-2204 of the Code of Virginia, as amended.
- 2-8 Sketch Plan Requirements.** In order to facilitate an early understanding of potential substantive and administrative problems, a preliminary sketch plan shall be submitted to the Zoning Administrator for review and comment prior to submittal of a formal application for a rezoning, a special use permit, a cluster development or a Planned Unit Development. The preliminary sketch plan shall be drawn approximately to scale and shall generally include the following information, as applicable:
- Justification for request.
 - Area requested for each use if more than one use is planned, and anticipated phasing.
 - Topography at no greater than ten (10) foot contour interval.
 - Proposed density of population, number of units and types of units in all residential areas.
 - Plan of community facilities.
 - Plan of utilities.
 - Plan of open space.
- This preliminary sketch plan is to be distinguished from the preliminary plat and the site development plan, both of which are required by the Subdivision and Land Development Ordinance.
- 2-9 Construction Already Commenced.** Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance. However, such construction must commence within thirty (30) days after this Ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.
- 2-10 Additional Authority.** In addition to the regulations and requirements herein contained concerning the administration of this Ordinance, the Zoning Administrator may establish reasonable additional administrative forms and procedures deemed necessary for the proper administration of this Ordinance.

Article 3 Zoning Districts and Maps

3-1 Districts. For the purpose of this Ordinance, the incorporated area of Remington, Virginia, is divided into the following districts:

R-E	Residential Estate
R-1	Residential Single Family Detached
R-2	Residential Single Family Detached and Duplex
R-3	Residential Townhouse and Multi-Family
PUD	Planned Unit Development
C-1	Limited Commercial District
C-2	General Commercial District
M-1	Limited Industrial District
M-2	General Industrial District
F-1	Flood Plain District

3-2 Zoning Map. The boundaries of the districts listed in Section 3-1 shall be as delineated upon the map entitled, "Zoning Map - Town of Remington, Virginia" which is a part of this Ordinance. The map and all notations, references, and other data shown thereon shall be made part of this Ordinance, as if the matters and data shown by the map were fully described herein.

3-3 District Boundaries. The boundaries between districts are, unless otherwise indicated, either lot lines, the right-of-way line of streets, lanes, watercourses, and right-of-way of power lines and other public utilities, or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including indirectly opposite sides of street, land, lake or watercourse, or right-of-way of a power line or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, land, lake or watercourse, or right-of- way of such power line, railroad or other public utility, lying, within such portion of its length.

Where uncertainty exists as to the location of any said boundaries as shown on the Zoning Map, the following rules shall apply:

3-3.1 Where a district boundary is indicated as approximately following the center line of a lake or watercourse, or the right-of-way of a street, lane, power line or other public utility, the center line or right-of-way boundary shall be construed to be the district boundary.

3-3.2 Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be construed to be such boundary.

3-3.3 Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.

3-3.4 Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. In the event scale distances do not agree with such figures, the figures shall control.

3-4 Setback. The setback required in each zoning district shall apply. Whenever there shall be plans in existence, approved by either the governing body or by the Virginia Department of Transportation (VDOT) for the future improvement or widening of any street or highway, the Commission shall recommend additional setbacks for

any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right of-way required for such new street construction and also to protect the use or improvement from possible adverse effects related to such construction.

- 3-5 Uses Not Provided For.** If in any district established under this Ordinance a use is not specifically permitted and an application is made by a property owner to the Zoning Administrator for such use, and the Zoning Administrator is unable to classify the use under the provisions of this Ordinance, the Zoning Administrator shall refer the application to the Planning Commission which shall, at its next regular meeting, review the characteristics of the use and shall make a recommendation to the Zoning Administrator regarding classification of the use and his action thereon, or the Commission shall, within a reasonable period of time, recommend to the governing body that the Ordinance be amended to clarify its application to such use.
- 3-6 Mobile Homes.** Mobile Homes shall be permitted in any zone by special use permit for temporary emergency shelter or by special use permit in a mobile home park zone as may be hereinafter designated by ordinance.

Article 4 R-E Residential District

Legislative Intent. The Residential Estates District is composed of only low density residences. The lots tend to be one acre or more, streets are frequently private in nature with little external traffic. Agriculture is permitted as it enhances the open area.

4-1 Use Regulations. A building may be erected, altered or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

4-1.1 Uses Permitted by Right:

- Agriculture as defined
- Single-family dwellings
- Accessory buildings

4-1.2 Uses permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- None

4-1.3 Uses Permitted by Special Exception. The following uses will be permitted upon authorization of the Board of Zoning Appeals subject to Article 19, Section 19-2.3.

- None

4.2 Area Regulations

4-2.1 Minimum lot size

- One acre

4-2.2 Maximum percent lot coverage

- No regulation

4-3 Setback Regulations

- The setback from streets shall be 65 feet from all street right-of-way lines.
- In the case of a corner lot, no structure shall be located closer than sixty feet from the right-of-way line of side streets

4-4 Frontage Regulations

The minimum lot width at the setback line shall be:

- One hundred fifty feet

4-5 Yard Regulations

Side - The minimum side yard for a main structure shall be 25 feet.

Rear - A main structure shall have a rear yard of 40 feet.

4-6 Height Regulations

Buildings may be erected up to 35 feet in height from the adjacent ground elevations.

Article 5 R-1 Residential District

Legislative Intent. This district is composed of low density, single-family dwellings, plus other uses which are customarily incidental to them. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for family life and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low densities and permitted uses are limited to single unit dwellings, plus certain compatible uses by special use permit. In order to increase the supply of less expensive housing and to recognize the changes in demography of a neighborhood while continuing to maintain the character of the district, accessory dwelling units are permitted by special exception approved by the Board of Zoning Appeals.

An alternative to the precise requirements of this district may be employed, known as the cluster alternate. The purpose of the cluster alternate is to provide a more creative and flexible approach to the use of the land and to provide for the more efficient and economical provision of streets and utilities.

Where different requirements apply to the cluster alternate than for conventional development, they are so noted.

5-1 Use Regulations. A building may be erected, altered or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

5-1.1 Uses Permitted by Right:

- Single-family detached dwelling units.
- Accessory buildings.
- Agricultural uses existing at the time of Ordinance Adoption.
- Home gardening.
- Home occupations.
- Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days, and include items assembled only from households of adjoining neighbors.
- Signs subject to Article 16.
- Off-street parking for permitted uses subject to Article 15.
- Open space subject to Article 14.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer or water service, but not those facilities listed as requiring a special use permit.

5-1.2 Uses Permitted by Special Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- Child care center, day care center or nursery school.
- Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons.
- Schools.
- Parks and playgrounds.
- Churches and community buildings.
- Golf courses, swim and tennis clubs.
- Nursing or convalescent homes.
- Libraries.

- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers over 125 feet in height, storage yards and substations.

5-1.3 Uses Permitted by Special Exception.

The following will be permitted upon authorization of the Board of Zoning Appeals subject to Article 19, Section 19-2.3:

- Accessory dwelling units.

5-2 Area Regulations

5-2.1 Minimum lot size:

- 10,000 square feet for single-family detached dwelling units, conventional.
- 6,000 square feet for single-family detached dwelling units, cluster alternate.
- No regulation for other permitted uses.

5-2.2 Maximum percent lot coverage:

- Single-family detached dwelling units, conventional - no regulation.
- Other permitted uses - sixty-five (65) percent.

5-3 Setback Regulations

- The setback from streets shall be twenty-five (25) feet from the right-of-way line or fifty (50) feet from the center line; whichever is the greater distance.
- Accessory buildings and parking spaces shall not be permitted forward of setback line.

5-4 Frontage Regulations

The minimum lot width at the setback line shall be:

- Seventy-five (75) feet for single-family detached dwelling units, conventional.
- Fifty-five (55) feet for single-family detached dwelling units, cluster, alternate.
- No minimum frontage for other permitted uses.

5-5 Yard Regulations

Side - The minimum side yard for each main structure shall be:

- Ten (10) feet for single-family detached dwelling units, conventional.
- Eight (8) feet for single-family detached dwelling units, cluster alternate.
- Fifteen (15) feet for other permitted uses.

Rear - Each main structure shall have a rear yard of:

- Twenty (20) feet for single-family detached dwelling units, conventional.
- Fifteen (15) feet for single-family detached dwelling units, cluster alternate.
- Twenty (20) feet for other permitted uses.

5-6 Height Regulations

Buildings may be erected up to thirty-five (35) feet in height except that:

- The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is thirty (30) feet plus one foot 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, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yard shall be increased one foot for each foot in height over thirty-five (35) feet.
- Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- No accessory building which is within twenty (20) feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main structure in height.

5-7 Special Provision for Corner Lots

- Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.
- The side yard on the side facing the side street in no event shall be less than twenty-five (25) feet.
- Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

5-8 Special Provision for Secondary Structures

- Accessory building aggregate area shall not exceed twenty-five (25) percent of the area of the rear yard and detached accessory structures including carports and garages shall be permitted only in the rear yard.
- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within five (5) feet of the main structure, except that an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.
- Attached carports, garages or other accessory buildings and structures shall be subject to same setback as main structures.
- Open fire escapes of noncombustible material may project into side or rear yards by not more than (4) feet and be no closer to any property line than five (5) feet.

5-9 Cluster Development Alternate, Qualifying Procedure and Open Space Requirements

The cluster development alternate may be permitted at the option of the owner or his agent provided there is compliance with the standards for cluster development as set forth in the district regulations above and as follows:

- A sketch plan shall be approved in accordance with the requirements of Section 2-8 and in addition the proposed development shall follow all applicable procedures, standards and requirements governing the subdivision and development of land.

- The minimum area of a cluster development shall be sufficient to accommodate at least five lots or dwelling units plus minimum required open space, and in addition documentation shall be provided to demonstrate that the land to be developed is under one ownership or control, or in the case of several owners, that agreement has been reached that the tract shall be developed under single direction and in the manner approved.
- The maximum density of the development shall not exceed 4.3 dwelling units per gross acre.
- The design shall be prepared to encourage permanent reservation of open space and efficient and improved use of land to provide good building sites by taking advantage of topography and minimizing grading and destruction of natural vegetation, particularly mature trees on steep slopes and in stream valleys. Plans shall not be approved where the clear purpose of the design is to subvert the purposes of these regulations by inclusion of excessively unbalanced distribution of land among lots of inclusion of open spaces which are inappropriately located or which will not contribute to the future amenity of the development.
- The cluster development shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed or undeveloped properties, and to this end may employ such design techniques as may be appropriate in a particular case, including coordination of yard dimensions, location of lots of various sizes, location of buildings with respect to project boundary lines, location of open spaces, and maintenance of vegetation.
- No resubdivision or sale by any means shall be permitted in a development approved under this section which resubdivision or sale would in any way create a violation of this Ordinance.
- A minimum of twenty-five (25) percent of the subject tract shall be designated as permanent common open space in accord with the provisions of Article 14. Such land may include parks, woodlands, steep slope, flood plain, and bodies of water or any natural feature appropriate for preservation; provided, however, that no more than thirty (30) percent of the required open space shall consist of bodies of water. Private recreation facilities such as swimming pools and tennis courts, the use of which is limited to the occupants of the development, may be included as part of the required open space, as may those buildings, structures or sites officially listed on the Virginia Landmarks Register.

Article 6 R-2 Residential District

Legislative Intent. This district is composed of certain medium concentrations of residential uses, plus certain open areas where similar development would be appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage suitable environment for single-family and two-family residential units and to prohibit activities of a commercial nature. To these ends, development is limited to medium density and permitted uses are limited to single and duplex unit dwellings, plus certain compatible uses by special use permit. In order to increase the supply of less expensive housing and to recognize the changes in demography of a neighborhood while continuing to maintain the character of the district, accessory dwelling units are permitted by special exception approved by the Board of Zoning Appeals.

Standards for cluster development of single family detached dwellings are as set forth in the R-1 district.

6.1 Use Regulations

6-1.1 Uses Permitted by Right:

- Single-family detached dwelling units.
- Two-family dwelling units.
- Accessory buildings.
- Home gardening.
- Home occupations.
- Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than twice a year on the same lot, are not conducted for more than three days at a time, and include items assembled only from households of adjoining neighbors.
- Signs subject to Article 16.
- Off-street parking for permitted uses subject to Article 15.
- Open space subject to Article 14.
- Utilities related to and necessary for services within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer or water service, but not those facilities listed as requiring a special use permit.

6-1.2 Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- Child care center, day care center or nursery school.
- Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons.
- Schools.
- Parks and playgrounds.
- Churches and community buildings.
- Golf courses, swim and tennis clubs.
- Hospitals and clinics.
- Nursing or convalescent homes.
- Libraries.
- Cemeteries.
- Home professional offices.
- Inn, bed and breakfast facility or tourist home.

- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers over 125 feet in height, storage yards and substations.

6-2 Area Regulations

6-2.1 Minimum lot size:

- 7,500 square feet plus 3,000 square feet for each additional dwelling unit more than one (Minimum not required for dwellings in accessory buildings if approved by special use permit).
- No minimum lot size for other permitted uses.

6-2.2 Maximum percent lot coverage:

- Single-family detached dwelling - no regulation.
- Other permitted uses - eighty (80) percent.

6-3 Setback Regulations

- The setback from streets shall be twenty-five (25) feet from the right-of-way line or fifty (50) feet from the center line, whichever is the greater distance.
- Accessory buildings and parking spaces shall not be permitted forward of setback line.

6-4 Frontage Regulations

The minimum lot width at the setback line shall be:

- Seventy-five (75) feet for single-family detached dwelling units or two family dwelling units.
- No minimum frontage for other permitted uses.

6-5 Yard Regulations

Side - The minimum side yard for each main structure shall be:

- Ten (10) feet for single-family detached dwelling units.
- Fifteen (15) feet for other permitted uses.

Rear - Each main structure shall have a rear yard of:

- Twenty (20) feet

6-6 Height Regulations

Buildings may be erected up to thirty-five (35) feet in height except that:

- The height limit for dwellings may be increased up to forty-five (45) feet and up to three stories provided each side yard is thirty (30) feet plus one 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, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one foot in height for each additional foot of building height over thirty-five (35) feet.

- Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- No accessory building which is within twenty (20) feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

6-7 Special Provisions for Corner Lots

- Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.
- The side yard on the side facing the side street in no event shall be less than twenty-five (25) feet.
- Each corner lot shall have a minimum width at the setback line of eighty (80) feet.

6-8 Special Provisions for Secondary Structures

- Accessory building aggregate area shall not exceed twenty-five (25) percent of the area of the rear yard and detached accessory structures including carports and garages shall be permitted only in the rear yard.
- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within five (5) feet of the main structure, except that an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.
- Attached carports, garages or other accessory buildings and structures shall be subject to the same setback as main structure.
- Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and no closer to any property line than five (5) feet.

6-9 Cluster Development Alternate, Space Requirements, Qualifying Procedure and Open Space Requirements

The cluster development alternate may be permitted for single-family detached dwelling units at the option of the owner or his agent provided there is compliance with the standards for single-family detached dwelling units as set forth in the district regulations above and with the standards for cluster development as set forth in the R-1 Residential District.

Article 7 R-3 Residential Townhouse & Multi-Family District

Legislative Intent. This district is composed of certain medium to higher concentrations of residential uses, often located between lower density residential and commercial areas, plus certain open areas where similar development is appropriate based on the Comprehensive Plan. The regulations for this district are designed to stabilize and protect the residential character of the district, and to promote and encourage a suitable environment for townhouse and multi-family residential uses.

An alternative to the precise requirements of this district may be employed, known as the cluster alternative. The purpose of the cluster alternate is to provide a more creative and flexible approach to the use of land and to provide for the more efficient and economical provision of streets and utilities. Requirements which apply to the cluster alternate which are different from those which apply to conventional development are so noted.

A density bonus system is offered in order to provide an incentive for improved design and provision of amenities. Whether or not the bonus is applied, the basic principle of the cluster alternate is to permit a relative concentration of development on that portion of a tract best suited for development and to retain the remainder in permanent open space.

7-1 Use Regulations. A building may be erected, altered or used, and a lot or premises may be used or occupied, for any of the following purposes and no other.

7-1.1 Uses Permitted by Right:

- Single-family residential subject to all R-1 requirements and regulations (Article 5).
- Two-family dwelling units, maximum seven (7) units per gross acre.
- Townhouses, maximum seven (7) units per gross acre.
- Triplexes, four-plexes and all other apartments, maximum ten (10) units per gross acre.
- Dwellings for the elderly and handicapped.
- Playgrounds and recreation areas, when developed as part of the apartment development or townhouse development.
- Accessory buildings.
- Home occupations.
- Yard sales or garage sales for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days, and include items assembled only from households of adjoining neighbors.
- Signs subject to Article 16.
- Off-street parking for permitted uses subject to Article 15.
- Open space subject to Article 14.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer or water service, but not those facilities listed as requiring a special use permit.

7-1.2 Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- Apartments or two-family dwellings at densities up to fifteen (15) dwelling units per gross acre in accord with the density bonus system of Section 7-9 below.
- Child care centers, day care centers or nursery schools.

- Family care homes, foster homes or group homes serving the physically handicapped, the mentally ill, mentally retarded or other developmentally disabled persons.
- Schools.
- Churches.
- Golf courses, swim and tennis clubs.
- Hospitals and clinics.
- Nursing or convalescent homes
- Parking garages.
- Home professional offices.
- Professional and business offices generally if immediately adjacent to a commercial zone.
- Libraries.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers over 125 feet in height, storage yards and substations.

7-2 Density and Area Regulations

7-2.1 Maximum Density:

- Townhouse, two-family or duplex units, conventional – seven (7) dwelling units per gross acre.
- Townhouse, two-family or duplex units, cluster alternate - ten (10) dwelling units per gross acre depending on density bonus granted.
- For dwellings for the elderly and handicapped the number of dwelling units shall not exceed fifty (50) dwelling units per gross acre.
- For apartment dwellings generally the total number of dwelling units shall not exceed the (10) dwelling units per gross acre except that a maximum density of fifteen (15) dwelling units per acre may be approved by special use permit in accord with the density bonus system of Section 7-10 below.

7-2.2 Minimum lot size:

- 2,000 square feet for each unit of a two-family dwelling, duplex or townhouse units, conventional.
- No regulation for other permitted uses, including cluster alternate for two-family dwellings, duplex units or townhouses and duplex units except as other, wise required.
- See R-1 for single-family detached dwelling units.
- Not applicable for apartments generally.
- For dwellings for the elderly and handicapped: 7,500 square feet for the first dwelling unit, 3,000 square feet for the second dwelling unit, 1,000 square feet for the third through eighth dwelling units, and 680 square feet for each dwelling unit over eight provided however - that no project shall exceed a gross density of 50 dwelling units per acre.

7-2.3 Maximum Grouping for Townhouses:

- No more than eight (8) townhouses shall be contiguous to each other.
- Architectural facades and/or treatment of materials shall be varied from one group of units to another, and no more than three abutting units in row shall have their front or rear facades in the same plane, with a minimum offset of two (2) feet.

7-2.4 Maximum percent lot coverage:

- Townhouses and two-family dwellings, conventional - fifty (50) percent of site by buildings, streets, and parking.

- Townhouses and two-family dwellings, cluster alternate - seventy-five (75) percent of site by buildings, streets and parking.
- Apartments, fifty (50) percent of site buildings, streets and parking.
- Other permitted uses - eighty (80) percent.

7-2.5 Minimum private open space:

- Each lot or land area containing a townhouse, conventional or cluster alternate, shall provide a private yard at least 300 square feet in area and at least 15 feet in depth enclosed visually by fences, walls, or screen planting.
- For apartments generally: 500 square feet of usable common space for each dwelling unit.
- For dwellings for the elderly and handicapped: 200 square feet of usable common open space for each dwelling unit.

7-3 Setback Regulations

- The setback from streets shall be twenty-five (25) feet from the right-of-way line or fifty (50) feet from the center line, whichever is the greater distance.
- Setback of townhouse units from parking lots shall be ten (10) feet.
- Accessory buildings shall not be permitted forward of the setback line.

7-4 Frontage Regulations

The minimum lot width at the setback line shall be:

- Twenty (20) feet for townhouses, interior lot units.
- Thirty (30) feet for townhouses, corner or end lot.
- Not applicable for apartments.
- No minimum for other permitted uses, except as otherwise required.
- No minimum for townhouses, cluster alternate.

7-5 Yard Regulations

Side - The minimum side yard for each main structure shall be:

- Twenty (20) feet for townhouse end lots and between building groups.
- Fifty (50) feet for apartment structures from streets, property lines and between buildings. However, if off-set in building lines is more than twenty (20) feet, building spacing may be reduced to twenty-five (25) feet.
- Fifteen (15) feet for other permitted uses, including two-family and duplex units, except as otherwise required.

Rear - Each main structure shall have a rear yard of:

- Twenty-five (25) feet for two-family and townhouse units.
- Fifty (50) feet for apartments
- Twenty (20) feet for other permitted uses, except as otherwise required.

7-6 Height Regulations

Buildings may be erected up to thirty-five (35) feet in height except that:

- The height limit for single family detached and duplex dwellings may be increased up to forty-five (45) feet and up to three stories provided each side yard is thirty (30) feet plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- The height limit for townhouses and apartments may be increased up to fifty (50) feet and up to three stories provided each side yard for apartments is fifty (50) feet plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet and for townhouses twenty (20) feet plus one 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, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one foot for each foot in height over thirty-five (35) feet.
- Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- No accessory building which is within twenty (20) feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

7-7 Special Provisions for Corner Lots

- Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.
- The side yard on the side facing the side street in no event shall be less than fifty (50) feet for apartments and twenty (20) feet for townhouses.

7-8 Special Provision for Secondary Structures

- Accessory building aggregate area shall not exceed twenty-five (25) percent of the area of the rear yard and detached accessory structures including carports and garages shall be permitted only in the rear yard.
- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within five (5) feet of the main structure, except that accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.
- Attached carports, garages or other accessory buildings and structures shall be subject to same setback as main structure.
- Open fires escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and be no closer to any property line than five (5) feet

7-9 Cluster Development Alternate, Qualifying Procedure and Open Space Requirements

The cluster development alternate may be permitted by special use permit subject to all provisions of section 2-7 Special Use Permits, as well as Section 2-8 Sketch Plan Requirements. In addition, documentation shall be provided to demonstrate that the land to be developed is under one ownership or control, or, in the case of several owners, that agreement has been reached that the tract shall be developed under single direction and in the manner set forth.

7-9.1 Open Space Requirements

A minimum of thirty-five (35) percent of the subject tract shall be designated as permanent common open space, in accord with the provisions of Article 14. Such land may include parks, woodlands, steep slope, flood plain, bodies of water, or any natural feature appropriate for preservation; however, no more than thirty (30) percent of the required open space shall consist of bodies of water. Private recreational activities such as swimming pools and tennis courts, the use of which is limited to the occupants of the subject development, may be included as part of the required open space, as may those bona fide historic buildings, structures, or sites designated on the Virginia Historic Landmarks Commission Register.

The land area to be set aside for common open space shall be so located and shaped as to have a logical and mutually beneficial relationship to additional open space in adjacent tracts, whenever practical and feasible. All land in or encompassed by a development within this District which is a part of the same tract and is not required open space and is not actually used or planned for development shall be maintained as open space to be enjoyed by the residents, either under the provisions of Article 14 or it may be simply maintained by the developer and/or management in the case of rental properties, on either a temporary or permanent basis.

7-10 Density Bonus

7-10.1 Cluster Alternate: Townhouses

The number of townhouse dwelling units permitted may be increased in accordance with the following schedule up to a maximum total increase of 43% (not to exceed ten dwelling units per gross acre) if the Planning Commission finds that the character of the development and the amenities incorporated in the development warrant such increases and provided said increases are approved by the Town council as a part of cluster alternate approval. Percentages of increase are to be applied separately and treated as additive, not compounded. It shall be the responsibility of the applicant to explain the design elements believed to justify approval of density increase.

Maximum % Increase	Design Element
2%	For each five percent of the net development area (up to 30 percent) devoted to usable common open space improved for active recreational use. (Net development area is gross project area less public streets.)
1%	For each five percent of net development area over 35 percent (up to a total bonus of 20 percent) devoted to unimproved common open space.
5%	Special care in use of existing topography and land features and/or land recontouring.
5%	Preservation of historic buildings and their settings.
5%	Design for minimizing the adverse impact of moving and parked cars on the development and its surroundings by means of curved streets, interior or screened parking, interrupted parking bays, skillful use of topography, screening and other design features.
5%	Siting of buildings and building groupings to include variety, privacy, and compatibility with nearby development, existing or future.
2%	Provision in design for courtyards, gardens and patios.

3%	Design for convenient and attractive pedestrian ways.
5%	Quality and amount of tree and shrub planting, including peripheral and interior screen planting, and fencing, landscaping in parking lots, and use of existing trees in the landscape plan.
4%	Lakes and water features which make a significant contribution to the design of the development.
2%	Use of sculpture, fountains, reflecting pools and similar features in design
15%	Major recreational facilities, not to exceed five percent for swimming pools, five percent for tennis courts and five percent for community center building or club.

The Planning Commission may recommend and the Town Council may permit increases in number of dwelling units comparable to the schedule above and in appropriate cases for dedication of public sites for such facilities as schools, parks, and public buildings where such sites are located in accordance with the Comprehensive Plan.

7-10.2 Cluster Alternate: Apartments

The number of apartment dwelling units permitted may be increased in accordance with the following scheduled up to a maximum total increase of 50% not to exceed fifteen (15) dwelling units per gross acre) if the Planning Commission finds that the character of the development and the amenities incorporated in the development warrant such increases and provided said increases are approved by the Town Council as a special use permit. Percentages of increase are to be applied separately and treated as additive, not compounded. It shall be the responsibility of the applicant to explain the design elements believed to justify approval of density increase.

Maximum % Increase	Design Element
10%	Special care in use of existing topography and land features and/or land recontouring.
10%	Preservation of historic buildings and their settings.
10%	Design for minimizing the adverse impact of moving and parked cars on the development and its surroundings by means of curved streets or drives, interior or screened parking, interrupted parking bays, skillful use of topography, screening and other design features.
10%	Siting of buildings and building groupings to include variety privacy and compatibility with nearby development, existing or future.
5%	Provision in design for courtyards, gardens and patios.
5%	Design for convenient attractive pedestrian ways.
10%	Quality and amount of tree and shrub planting, including peripheral and interior screen planting and fencing, landscaping in parking lots, and use of existing trees in the landscape plan.
10%	Lakes and water features which make a significant contribution to the design of the

development.

5% Use of sculpture, fountains, reflecting pools and similar features in design.

25% Major recreational facilities, not to exceed ten percent for swimming pools, five percent for tennis courts and ten percent for community center building or club.

The Planning Commission may recommend and the Town Council may permit increases in number of dwelling units comparable to the schedule above and in appropriate cases for dedication of public sites for such facilities as schools, parks and public buildings where such sites are located in accordance with the Comprehensive Plan.

7-11 Additional Open Space. All land in or encompassed by a development within this district which is a part of the same tract and is not actually used or planned for development shall be maintained as open space to be enjoyed by the residents, either under the provisions of Article 14 or it may be simply maintained by the developer and/or management in the case of rental properties, on either a temporary or permanent basis.

Article 8 PUD Planned Unit Development District

Legislative Intent. It is the intent of this Article to achieve both the purposes set out in Title 15.1-489 of the Code of Virginia and the following specific purposes of (1) providing increased flexibility in the laws governing the development of those areas in Remington which are now substantially open land and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing markets; (2) ensuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties; (3) encouraging the more efficient allocation and maintenance by private initiative of Common Open Space ancillary to new residential areas; (4) encouraging the more efficient use of those public facilities required in connection with new residential development; (5) encouraging innovations in residential, and nonresidential development so that the growing demands of Remington may be met by greater variety in type, design and layout of buildings.

8-1 General Planning Considerations

In considering an application for Planned Unit Development (PUD), the Town Council may request information which will aid in determining that:

- The population density of the PUD is consistent with the recommended population density embodied in the Comprehensive Plan and zoning for that area.
- The incorporation of the development with existing land use and the proposed land uses adjacent to the site have been attempted.
- The conditions and availability of adjacent streets to efficiently and safely afford movement of the volume of vehicles to be generated by development have been met.
- Additional community facilities made necessary by the proposed development will be provided.
- Additional public services made necessary by the proposed development will be provided or funds reserved for them.
- The adequacy of utility services is sufficient for the proposed uses.
- The amount and relationship of the various types of dwellings proposed by the development are documented.
- The ratio of dwelling units to be owner-occupied and rental is documented.
- The amount, location and proposed use of permanent open space achieved by the development are illustrated.
- The preservation of trees, groves, watercourses, scenic points, historic spots and other community assets and landmarks will be incorporated.

8-2 Standards and Criteria for Planned Unit Development

This Article is formulated according to the principle that the PUD is an innovative departure from the traditional concept of zoning. In providing guidance for PUD, the following standards and criteria are outlined in order to present respective minimum and maximum regulations.

8-2.1 General Criteria:

- Application of the Planned Unit Development Article. The applications and provision of this Article shall be applied only to an area of not less than fifty (50) adjacent and/or contiguous acres within any R district.
- The plan shall provide for at least two dwelling types.
- Not more than fifty (50) percent of the total number of dwelling units shall be provided in apartment uses.
- No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the completion of not less than twenty (20) percent of the dwelling units proposed in the Plan.
- Recreational and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the Plan. Applicable recreational facilities shall be completed prior to construction of the next phase.
- Town Council reserves the right to disapprove any sub-area densities that are in excess of that which would otherwise be allowed for the same dwelling type under this Ordinance.
- The applicant shall designate divisible geographic sections and number and type of dwellings of the entire parcel to be developed as a Planned Unit Development, and shall, in each case, specify the time periods within which development of each such section is to be commenced. The period of the entire development and the commencement date for each section thereof may be modified from time to time by the Council upon the showing of good cause by the applicant.
- The unique nature of a proposal for Planned Unit Development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in the provisions of standard design criteria, standard specifications and standard details for water main, sanitary sewer, storm drain and street construction of the Town of Remington, Virginia, or the FCWSA. The Council may therefore waive or modify the specifications otherwise applicable for a particularly public facility where the Council finds that such specifications are not required in the interest of the residents of the Planned Unit Development and that the modifications of such specifications are not inconsistent with the interests of the Town. Proposed specifications and standards that are contrary to those required under the prevailing Town regulatory codes shall be termed acceptable upon approval by the Town Engineer.

8-3 Use Regulations. A building may be erected, altered or used, and a lot or premises may be used or occupied, for any of the following purposes; and no other.

8-3.2 PUD Uses Permitted by Right:

- Single-family detached dwelling units, conventional and cluster.
- Townhouses, for either rent or sale, conventional and cluster.
- Two-family dwelling units.
- Apartments, for either rent or sale.
- Medium-rise apartments, for either rent or sale.
- Accessory buildings.

- Home occupations.
- Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days, and include items assembled only from households of adjoining neighbors.
- Signs subject to Article 16.
- Off-street parking for permitted uses subject to Article 15.
- Open space subject to Article 14 and 8-9.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer or water service, but not those facilities listed as requiring a special use permit.

8-3.2 Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7:

- Child care center, day care center or nursery school.
- Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons.
- Schools.
- Parks and playgrounds.
- Churches and community buildings.
- Institutions: education and philanthropic; including: museums, art galleries and libraries.
- Swim and tennis clubs.
- Home professional offices.
- Professional and business offices generally.
- Convenience retail commercial uses
- Clinics.
- Banks and savings and loan offices.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communication towers over 125 feet in height, storage yards and substations.

8-4 Density and Area Regulations

8-4.1 Maximum density. The maximum density computed over the entire PUD shall not exceed that specified in the Comprehensive Plan, such computation to exclude from the land area only those streets, which are to be constructed as a part of the PUD. In addition, the maximum density computed over the entire PUD shall not exceed that permitted for the cluster alternate in the zoning district or districts in force in the PUD area at the time of the PUD application unless appropriate changes in zoning districts are approved as a part of the PUD approval. Density bonuses may be awarded in accordance with district schedules as a part of the design approval for the PUD, but not to exceed overall densities specified by the Comprehensive Plan.

8-4.2 Minimum lot size:

- Single-family detached dwelling unit, conventional - 10,000 square feet.
- Single-family detached dwelling unit, cluster - 6,000 square feet.
- Two-family or duplex units, subject to all townhouse
- Requirements, being treated as two (2) attached end units.
- Townhouses, conventional 2,000 square feet.
- Townhouses, cluster – no minimum.
- Apartments – no minimum.

- Nonresidential – no minimum.

8-4.3 Maximum percent lot coverage:

- Single-family detached dwelling units - no regulation.
- Two-family units - no regulations.
- Townhouses, conventional fifty (50) percent of site by buildings and parking.
- Apartments - fifty (50) percent of site by buildings and parking.
- Nonresidential - seventy-five (75) percent of site by buildings and parking.
- Other permitted uses – eighty (80) percent of site by buildings and parking.

8-5 Setback Regulations

Setbacks from streets shall be:

- Twenty-five (25) feet from the right-of-way line or fifty (50) feet from the center line, whichever is the greater distance, for residential uses.
- Forty (40) feet from the right-of-way line or sixty (60) feet from the center line, whichever is the greater distance, for nonresidential uses.
- Setback of townhouse units from parking lots shall be ten (10) feet.
- Accessory buildings shall not be permitted forward of the setback line.

8-6 Frontage Regulations

- Eighty (80) feet for single-family detached units, conventional.
- Sixty (60) feet for single-family detached units, cluster.
- Twenty (20) feet for townhouses and two-family units, interior lots.
- Thirty (30) feet for townhouses and two-family units, corner lots.
- No regulation for other permitted uses, except as otherwise required.

8-7 Yard Regulations

8-7.1 Side - The minimum side yard for each main structure shall be:

- Ten (10) feet for single-family detached units.
- Twenty (20) feet for townhouses and two-family units.
- Fifty (50) feet for apartment structures, from streets, property lines and between buildings; however, if off-set in building lines is more than twenty (20) feet, building spacing may be reduced to twenty-five (25) feet.
- Twenty-five (25) feet for nonresidential permitted uses or a distance equal to the height of the building, whichever is greater.
- Fifteen (15) feet for other permitted uses, except as otherwise required.

8-7.2 Rear – The minimum rear yard for each main structure shall be:

- Twenty (20) feet for single-family detached units.
- Twenty-five (25) feet for townhouses and two-family units.
- Fifty (50) feet for apartment structures.
- Twenty-five (25) feet for nonresidential permitted uses or a distance equal to the height of the building, whichever is greater.

- Twenty (20) feet for other permitted uses, except as otherwise required.

8-8 Height Regulations

Buildings may be erected up to thirty-five (35) feet in height, measured from mean finished grade, except that:

- The height limit for residential dwellings and nonresidential uses may be increased up to fifty (50) feet and up to three stories provided each side yard is thirty (30) feet plus one foot or more of side yard for each additional foot of building height.

8-9 Open Space Considerations

8-9.1 A minimum of twenty-five (25) percent of the site shall be set aside as open space exclusive of street right-of-way. A minimum of one half of this open space shall be Common Open Space. Common Open Space refers to open space within the boundaries of the planned unit development designed and set aside for use by all residents of the planned unit development or by residents of a designated portion of the development, and not dedicated as public lands. The location of the Common Open Space shall be planned as a contiguous area located for maximum benefit of the residents, preserving, and where possible, enhancing natural features.

8-9.2 In determining the amount and location of required permanent open space, the Town Council may request that the applicant:

- Differentiate between open space and the Common Open Spaces and require a reasonable amount of prepared active recreation facilities to be incorporated into the open space plan.
- Preserve all steeply sloped areas for permanent Common Open Space;
- Identify any commercial recreational land use anticipated which land use shall not be part of the required minimum amount of open space;
- Identify any community or institutional recreational facility deemed appropriate by the Town Council and made necessary by the magnitude and density of the Planned Unit Development, which use shall be included in the minimum acreage for open space, provided that such use shall not exceed fifty (50) percent of the minimum area required to be in Common Open Space;
- Document and make the appropriate assurances for the ownership and maintenance of the Common Open Space which insures its continuity and conservation as outlined in Article 14, General Provisions for Open Space.

8-10 Application for Tentative Approval

8-10.1 The application for a change in zoning to the PUD district shall be accompanied by certain detailed information be executed by or on behalf of the landowner and filed with the Zoning Administrator. An initial fee, in the amount set forth by the Town Council by resolution shall be paid upon filing of the application.

8-10.2 The application for tentative approval shall include documentation illustrating compliance with all of the Standards and Criteria for Planned Unit Development in Section 8-2 and where necessary the Town Council may request additional documentation to aid them in their review.

8-10.3 Required documentation shall include but not be limited to, documents illustrating the following:

- The location and size of the area involved in the Planned Unit Development;
- The proposed use areas and net residential density of each proposed land use;
- The location, function, size, ownership, and manner of maintenance of the Common Open Space;
- The uses, dimensions, and location of all buildings and other structures;
- Information showing the feasibility of proposals for sanitary sewerage and storm water disposition;
- The location of all utility systems;
- The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of the land, buildings, and structures including proposed grants or easements for public utilities;
- The provision for parking of vehicles and location and right-of-way widths of proposed streets and public ways;
- In the case of plans which call for development over a period in excess of two years, a schedule showing the time within which applications for final approval of all parts of the Planned Unit Development are intended to be filed, which plans shall be updated annually on the anniversary of submission for final approval;
- A site plan illustrating phasing, where applicable;

8-10.4 One copy of every application for tentative approval received by the Zoning Administrator shall be forwarded to the Remington Planning Commission for study and recommendation. The Town Planning Commission shall review and report upon the application to the Council.

8-11 Public Hearing

A public hearing on the application shall be held by the Planning Commission and Council as for any other amendment to the Zoning Ordinance, pursuant to public notice as set forth in Title 15.1-431 of the Code of Virginia.

8-12 Findings

- After conclusion of the public hearing, the Council shall, by official written communication to the applicant, either (1) grant tentative approval of the Plan as submitted; (2) grant tentative approval subject to specified required revision not included in the Plan as submitted; or (3) deny tentative approval of the Plan. The grant or denial of tentative approval shall be in the form of a written resolution.
- In the event that tentative approval is granted subject to required revisions, the applicant may, within thirty (30) days after receiving a copy of the Council's written resolution, give notice of his refusal to accept all of the revisions in which case the council shall be deemed to have denied tentative approval of the Plan.

8-13 Application for Final Approval

8-13.1 An application for final approval, or any section thereof, shall be submitted to the Zoning Administrator. Such application shall be filed within six (6) months of the Council's action under Section 8-12. Failure to file an application within that time period, or within any reasonable extension granted by the Council, shall terminate the proceedings under this Article.

8-13.2 The application for final approval shall include:

- All documentation submitted with the application for tentative approval;
- All documentation and evidence showing compliance with the conditions of tentative approval, if any, imposed by the Council;
- A detailed storm and surface drainage plan showing the location and dimensions of all storm sewers and drainage facilities including gutters, catch basins, bridges, culverts and swales;
- An agreement to construct required physical improvements located within public rights-of-way or easements or connected to any public facility, together with a bond with surety acceptable to the Town in the amount of the estimated cost of the required improvements as determined by the Zoning Administrator for the Town of Remington. The aforesaid agreement and bond or condition shall be provided for each phase and assure the completion of all work covered thereby within the time to be determined by the Zoning Administrator, which time may be extended by the Town Council upon written application by the owner or applicant, signed by all parties (including sureties) to the original agreement. The form of all bonds and surety shall be subject to the approval of the Town Attorney;
- A site plan delineating all building lots at a scale of (1) inch to fifty (50) feet. (1"=50');
- Schematic architectural drawings of each type of proposed building at a scale of one (1) inch equals sixteen (16) feet.

8-13.3 In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by this Ordinance, the Council shall within sixty (60) days of such filing, grant such Plan final approval except that, in the event the Plan as submitted contains variations from the Plan given tentative approval, the Council may refuse to grant final approval and shall so advise the applicant in writing and set forth by resolution the reasons why the variations are not in the public interest and shall do so within ninety (90) days from the filing of the application for final approval.

8-13.4 In the event that the Plan, or section thereof, is given final approval and thereafter the applicant abandons such Plan and so notifies the Council in writing, or in the event the applicant fails to commence the Planned Unit Development within two (2) years from the date final approval has been granted, no development or further development shall take place on the property included in the Plan except as that permitted by the Zoning District or Districts encompassing the property prior to its having been zoned PUD.

8-14 Administration and Review

8-14.1 Issuance of permits and all matters pertaining to administration of the Plan as finally approved shall be the responsibility of the Zoning Administrator.

Upon the applicant's showing compliance with the requirements of final approval, the Zoning Administrator shall issue permits for construction pursuant to the Plan, or initial section thereof.

The Provisions of Article 2 of the Remington Zoning Ordinance governing Administration and Enforcement shall be fully applicable to the Plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Article and the conditions of final approval.

Nothing in this Article shall relieve the landowner from complying with the standard design criteria, standard specifications and standard details for water main, sanitary sewer, storm drain and street construction for the Town of Remington, and all other pertinent rules and regulations of the Town of Remington or FCWSA unless a specific waiver is granted by the Town Council, based upon unique conditions.

Article 9 C-1 Limited Commercial District

Legislative Intent. The intent of this district is to provide for orderly development of the village business and commerce area of the Town of Remington in accordance with objectives, policies, and proposals of the Comprehensive Plan of the Town. The logical and timely development of land for primarily business purposes is herein a stated purpose of this district while at the same time providing for higher density residential development. The district proposes to encourage the following:

- A uniformity of design to ensure the orderly arrangement of buildings, land uses and parking areas, and all construction hereafter proposed for this area.
- An aesthetic cohesive interrelationship of buildings in order to ensure a harmonious environment, allowing a degree of variety in building design provided said variety is within the overall design framework of the district.
- Maximization of a beneficial interrelationship between vehicular facilities (streets and parking lots), pedestrian facilities (sidewalks, malls, and plazas) and commercial establishments.
- The provision of adequate, appropriately located off-street parking facilities.
- Development which places emphasis on consumer conveniences including an attractive environment.
- The architectural design and arrangement of buildings and spaces so as to conform to the general character and plans of the district.

9-1 Use Regulations. A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other.

9-1.1 Uses Permitted by Right:

- Townhouses, for either rent or sale, subject to all R-3 requirements and regulations (Article 7) and apartments subject to the requirements of this article.
- Duplexes, for either rent or sale, subject to all R-2 requirements and regulations (Article 6).
- Stores for the retail sale of antiques; automobile supplies; art works and supplies; books; cigars; clothing and apparel of any kind; dry goods; drugs; garden supplies; gifts; electrical goods and supplies; food and food products of any kind including production of bakery goods for retail sale in the same establishment, but not including the slaughtering of poultry or any other livestock; furniture; household furnishings and decorator's supplies; hardware; luggage and leather goods; office supplies; optical goods, pets and pet supplies; photographic equipment and supplies; variety goods; toys; jewelry; liquor; music; stationery; newsstands; and other similar retail establishments.
- Stores for the retail sale and/or repair of household appliances, musical instruments and sporting goods.
- Retail service stores and personal service shops such as barber shops; beauty parlors; shoe repair shops; tailor shops; hand laundries; laundromats; establishments for receiving and distributing articles for laundering or cleaning; blueprint, photo-stat, and similar reproduction establishments, and printing establishments not exceeding 3,000 square feet in gross area.
- Offices for business or professional use.
- Banks and other financial institutions.
- Restaurants.
- Clinics - outpatient care only.
- Cleaning and pressing shops limited to six (6) pressing machines, and four (4) dry cleaning machines.

- Studios.
- Vending machines, laundromats.
- Broadcasting stations.
- Theatres.
- Parking lots.
- Public buildings.
- Accessory buildings.
- Signs subject to Article 16.
- Off-street parking and loading subject to Article 15.
- Open space subject to Article 14.
- Utilities related to and necessary service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer or water service, but not those facilities listed as requiring a special use permit.

9-1.2 Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- Single family detached dwelling units subject to R-2 requirements and regulations (Article 6).
- Child care centers, day care centers or nursery schools.
- Retail, personal or business services, offices or restaurants in dwellings or apartment buildings.
- Schools, including trade schools.
- Commercial parking lots and garages.
- Service stations with no outside car storage.
- Rental service establishments, with no outside equipment storage.
- Funeral homes.
- Taxicab stands.
- Automobile and truck sales and service repair groups.
- Farmers markets.
- Medical centers and laboratories.
- Hospitals.
- Printing establishments.
- Commercial recreational establishments.
- Grain and feed supply stores.
- Small equipment sales and/or service operations.
- Clubs and lodges.
- Transportation facilities such as bus terminals, railroad stations.
- Wholesale establishments but not warehouses generally.
- Self-service storage compartments commonly known as mini- warehouses.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers over 125 feet in height, storage yards and substations.

9-2 Area Regulations

9-2.1 Minimum lot size:

- No regulation for commercial uses.
- Apartments - not less than a total area computed on the basis of the number of dwelling units on the lot, and of the number of rooms per dwelling unit as follows:

Number of Rooms/Dwelling Units

1
2
3
4

Square Footage of Lot Area/Dwelling Unit

600
1,000
1,400
1,800

- No regulation for other permitted uses.

9.2.2 Maximum percent lot coverage:

- No regulation for commercial uses.
- Apartments - eighty-five (85) percent of site including buildings, streets, and off-street parking.
- No regulation for other permitted uses.

9.3 Setback Regulations

No building shall be erected closer than six and one-half (6 1/2) feet to the curb line.

9.4 Frontage Regulations

There shall be no minimum lot width.

9.5 Side - No regulation adjacent to any C or M district.

- Twenty-five (25) feet adjacent to any R district.

Rear - No regulation adjacent to any C or M district.

- Twenty-five (25) feet adjacent to any R district.

9.6 Height Regulations

Buildings may be erected up to seventy-five (75) feet in height from grade provided that:

- Side and rear yards adjacent to any other C or M district shall be increased one (1) additional foot for each foot of building height above thirty-five (35) feet.
- Side and rear yards adjacent to any R district shall be increased two (2) additional feet for each one (1) foot of building height above thirty-five (35) feet.
- Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- Accessory buildings over one (1) story in height shall be at least ten (10) feet from any line. All accessory buildings shall be less than the main building in height.

9.7 Special Provisions for Secondary Structures

- Accessory buildings aggregate area shall not exceed twenty-five (25) percent of the open space within a given development.
- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line adjacent to an R district or within five (5) feet of the main structure, except than an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto to subject property or to the nearest storm sewer.
- Attached carports, garages or other accessory buildings and structures shall be subject to same setback as main structure.
- Service stations pumps, pump islands and detached freestanding pump canopies may occupy required yards provided they are not less than fifteen (15) feet from street lines.
- Open fire escape of noncombustible material may project into side or rear yards by not more than four (4) and be no closer to any property line than five (5) feet.

9-8 Screening

All nonresidential uses shall be permanently screened from adjoining and contiguous residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of minimum height five (5) feet and maximum height eight (8) feet. Any area between such enclosure and the property shall be landscaped to form a permanent screening area. The requirement for a screening enclosure and/or screening area may be waived if equivalent screening is provided by existing parks, parkways, recreational areas or by topography or other natural conditions.

The above requirement shall not apply when the (architectural) front of any commercial building faces the street across from an R district or when the strict application of the requirement relative to screening can be demonstrated on the site plan as not serving the purpose for which it is intended.

All apartment buildings shall have a permanent landscaped planting area of at least ten (10) feet in depth designed for screening from view residential and commercial uses which are adjoining and contiguous to the apartment(s).

9-9.1 Lighting Facilities

Lighting facilities, if required, shall be arranged in a manner which will protect the highway and neighboring properties from unreasonable direct glare or hazardous interference of any kind. Lighting facilities shall be required where deemed necessary for the safety and well-being of the local residents.

9-10 Additional Regulations for Apartment Buildings

Apartment buildings shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.

Adequate areas shall be provided for loading and unloading of delivery trucks and for the servicing of refuse collection, fuel, tire and other service vehicles. They shall be so arranged that they may be used without blockage or interference with the use of accessways or parking facilities.

Service areas shall be screened from view from any abutting roadway and from within the parking area.

Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow. Where intersection augmentation is required, the applicant shall bear the cost of any improvements made necessary by his development.

Article 10 C-2 General Commercial District

ORDINANCE NO. 03-14 AMENDS THE REMINGTON ZONING CODE, ARTICLE 10 C-2 "GENERAL COMMERCIAL DISTRICT" BY REMOVING SINGLE FAMILY RESIDENTIAL USES BY RIGHT. ORDINANCE 03-14 IS AUTHORIZED BY THE GRANTS OF AUTHORITY CONTAINED IN VA CODE SECTIONS 15.2-2200, 15.2-2280, 15.2-2285 AND 15.2-2286.

WHEREAS THE Remington Town Council has reviewed and approved the Remington Zoning Code, Article 10, C-2, General Commercial District "Use Regulations";

WHEREAS, The Remington Town Council and the Remington Planning Commission considered the proper use of the C-2 District in the Town of Remington;

THEREFORE, BE IT ORDAINED by the Remington Town Council at a Joint Public Hearing with the Remington Planning Commission and Regular Monthly Meeting on September 15, 2014, that Article 10, C-2, "General Commercial District" of the Remington Zoning Code be amended to read in its entirety as follows:

Legislative Intent. This district is designed for general commercial business and other uses which are not characterized by heavy trucking, highway service uses and/or outside storage or display areas.

10-1 Use Regulations. A building may be erected, altered, or used and a lot or premises may be used or occupied, for the following purposes. If a particular use is not listed below, then the use is not permitted. More than one use is permitted on a parcel of land, provided that the use is a permitted use.

- Stores for the retail sale of antiques; automobile supplies; artworks and supplies; books; cigars; clothing and apparel of any kind; dry goods; drugs; garden supplies; gifts; electrical goods and supplies; food and food products of any kind including production of bakery goods for retail sale in the same establishment, furniture; household furnishings and decorator supplies, hardware; luggage and leather goods; office supplies; optical goods; pets and pet supplies; photographic equipment and supplies; variety goods; toys; jewelry; liquor; music; stationery; newsstands; and other similar retail establishments. Stores for the retail sale and/or repair of household appliances, musical instruments and sporting goods.
- Retail service stores and personal service shops such as barber shops; beauty parlors; shoe repair shops; tailor shops; hand laundries; laundromats; establishments for receiving and distributing articles for laundering or cleaning; and printing establishments.
- Offices for business or professional use.
- Banks and other financial institutions.
- Restaurants.
- Home and commercial rental and leasing establishments.
- Clinics.
- Cleaning and pressing establishments.
- Studios and trade schools.
- Vending machines laundromats.
- Broadcasting stations.
- Hotels, motels with appurtenant restaurants. Bed and Breakfast
- Automobile, truck sales, and service repair garages, automobile body shops, and tire recapping and retreading.
- Churches and community buildings.
- Car Washes.
- Veterinary hospitals.
- Milk and soft drink distribution stations.

- Farm equipment, motorcycle, boat, sport trailer sales and service.
- Service stations.
- Lumber and building supply with covered storage.
- Plumbing and electrical supply with covered storage.
- Cabinet, upholstery, furniture shops.
- Taxidermist.
- Grain and feed supply stores.
- Frozen food lockers.
- Commercial recreational establishments.
- Funeral homes.
- Theaters.
- Public buildings.
- Farmers Markets- A farmers market is a public market place where fresh foods from the local area are sold by the people who have grown, gathered, raised or caught them. A farmer's market may also include the sale of crafts and prepared foods as long as the total number of craft vendors does not exceed the total number of farmers or food vendors. A farmer's market does not include the sale of any type of previously owned items or antiques as is commonplace in a flea market or garage sale.
- Accessory uses customarily incidental to these uses are also permitted
- Utilities related to and necessary service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical/ gas, sewer or water service, but not those facilities listed as requiring a special use permit.

10-1.2 Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- Commercial parking lots and garages.
- Taxi cab stands.
- Clubs, lodges, assembly halls.
- Transportation facilities such as bus terminals, railroad stations
- Animal kennels.
- Outdoor theaters.
- Monument sales.
- Crematories.
- Carnivals fairs, and other similar uses of a temporary nature.
- Wholesale establishments but not warehouses generally.
- Self-service storage compartments commonly known as mini-warehouses.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers over 125 feet in height, storage pods and substations.
- Schools.
- Duplexes, apartments or any other multi-family use.

This ordinance shall take effect upon adoption.

10-2 Area Regulations

10-2.1 Minimum lot size:

- No regulation.

10-2.2 Maximum percent lot coverage:

- Ninety (90) percent including off-street parking.

10-3 Setback Regulations

Setbacks shall be:

- Forty (40) feet from the right-of-way of a local street having a right-of-way of fifty (50) feet or less.
- Sixty (60) feet from the right-of-way of a major thoroughfare or collector street having a right-of-way greater than fifty (50) feet.
- Forty (40) feet from the right-of-way of a service drive.
- Twenty (20) feet from any interior private or public access way.
- Accessory buildings shall not be permitted forward of the setback line.

10-4 Frontage Regulations. There shall be no minimum lot widths.

10-5 Yard Regulations

Side

- Ten (10) feet adjacent to any C or M district including structures but not including parking lots.
- Twenty-five (25) feet adjacent to any R district including parking lots or structures, or a distance equal to the height of the building in this district, whichever is the greater distance.

Rear

- Fifteen (15) feet adjacent to any C or M district including structures but not including parking lots.
- Twenty-five (25) feet adjacent to any R district including parking lots or structures or a distance equal to the height of the building in this district, whichever is the greater distance.

10-6 Height Regulations

- Buildings may be erected up to 3 stories, not to exceed fifty (50) feet in height from grade.
- A public or semipublic building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over fifty (50) feet.
- Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of building on which the walls rest.
- Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

10-7 Special Provisions for Secondary Structures

- Accessory buildings aggregate area shall not exceed twenty-five (25) percent of the open space within a given development.
- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line adjacent to an R district.
- Service stations pumps, pump islands and detached freestanding pump canopies may occupy required yards provided they are not less than fifteen (15) feet from street lines.
- Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) and be no closer to any property line than five (5) feet.

10-8 Screening

The district shall be permanently screened from adjoining and contiguous residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of minimum height five (5) feet and maximum height eight (8) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening enclosure and/or screening area may be waived if equivalent screening is provided by existing parks, parkways, recreational areas or by topography or other natural conditions.

The above requirement shall not apply when the (architectural) front of any commercial building faces the street across from an R district or when the strict application of the requirement relative to screening can be demonstrated on the site plan as not serving the purpose for which it is intended.

10-9 Performance Standards

Performance standards for each use will be in conformance with standards adopted by the Town Council, and in no case shall standards relative to water, air, sound, and land pollution control be less than those standards adopted by the Virginia Department of Health, the Virginia Water Control board and the Virginia Air Pollution Control Board.

Table I Maximum Permissible Sound Pressure Levels Measured (re..0002 dyne per CM)

Frequency Band Cycles Per Second	63	125	250	500	1,000	2,000	4,000	8,000
Along Residential District Boundaries – Maximum Permitted Sound Level in Decibels	64	60	54	48	42	38	34	30
At Any other Point on the Lot Boundary – Maximum Permitted Sound Level in Decibels	72	70	65	59	55	51	47	44

Table II Correction Factors

Condition	Correction in Decibels
Operation between the hours of 10pm & 7am	Minus 5
Sound of impulsive character (i.e. hammering)	Minus 5
Sound of periodic character (i.e. sawing)	Minus 5
Tone (i.e. hum or screech)	Minus 5
Sound source operated less than: 20% in any one hour period	Plus 5

5% in any one hour period
1% in any one hour period

Plus 10
Plus 15

Apply only one of these corrections. All other corrections (including any one of the footnoted corrections) are cumulative.

- The sound pressure level of sound radiated from an establishment, measured at the lot line of the site thereof that is the nearest thereto, shall not exceed the values in any octave band of frequency that are specified in Table I or in Table I was modified by the correction factors set forth in Table II. The sound-pressure level shall be measured with a sound level meter and. an associated octave band analyzer conforming to standards prescribed by the American National Standards Institute.

Smoke Control:

- No smoke shall be emitted from any chimney or other source a visible grey greater than No.1 on the Ringleman Smoke Chart as published by the U.S. Bureau of Mines.
- Smoke of a shade not darker than No.2 on the Ringleman Smoke Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes.
- These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases:

- No emission shall be made which can cause damage to health, to animals or vegetation or other forms of property, of which can cause any excessive soiling at any point.
- No emission of liquid, other than water, or solid particles from any chimney or otherwise shall exceed the following:
- For less than eight (8) million Btu/hr.: a maximum of 0.3 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.
- For over eight (8) million Btu/hr.: a maximum of .08 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.
- For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees F. and fifty (50) percent excess air.

Control of Odors:

- There shall be no emission of odorous gas or other odorous matter in such quantities as to be offensive at lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with asecondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

10-10 Lighting Facilities

- Lighting facilities, if required, shall be arranged in a manner which will protect the highway and neighboring properties from unreasonable direct glare or hazardous interference. Lighting facilities shall be required where deemed necessary for the safety and well-being of the community.

10-11 Additional Regulations where a Grouping or More than One Use is Planned for a Tract.

The development shall consist of a harmonious selection of use and groupings of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit, in such a manner as to constitute a safe, efficient, and convenient retail commercial center.

The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.

All buildings shall be arranged in a group or groups.

The distance at the closest point between any two buildings or groups or units of attached buildings shall be not less than twelve (12) feet.

Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of shops by refuse collection, fuel, fire and other service vehicles; automobile access-ways; and pedestrian walks. Service areas shall be screened from view from any abutting roadway and from within the parking area.

Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow.

Article 11 M-1 Limited Industrial District

Legislative Intent. It is the intent of this district to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

11-1 Use Regulations. A building may be erected, altered or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

11-1.1 Use Permitted by Right:

Retail and service establishments as follows:

- Banks and saving and loan offices.
- Business and office supply establishments.
- Clinics, medical or dental.
- Employment service or agency.
- Janitorial service establishment.
- Offices and office buildings, studios, and the like, business, professional or administrative.
- Restaurant or cafeteria, drive-in or otherwise.
- Security service office or station.
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.

Generally those light manufacturing uses similar to those listed below which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries of the types specifically permitted below:

- Manufacture or assembly of spacecraft or component parts, medical, and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, electrical or electronic apparatus, and communication equipment.
- Manufacture or assembly of boats, boat trailers, bolts, buttons, nuts, screws and rivets, firearms, photographic and metering equipment, electrical appliances, tools, dies, machinery, and hardware products, sheet-metal products, heating, cooling, and ventilating equipment and vitreous enameled products.
- Beverage blending or bottling, bakery products, candy manufacturing, tobacco products, dairy products and ice cream, fruit and vegetable processing and canning, meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry
- Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, shoes and leather products, printing and finishing of textiles and fibers into fabric goods.
- Manufacture of boxes, furniture, cabinets, baskets, and other wood products of similar nature.
- Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
- Molding of candles and soap.
- Manufacture of pottery or other similar ceramic products, from previously pulverized clay, and in kilns fired only by smokeless furnaces.

In case of doubt regarding the nature of a process or use, the Administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use.

- Agriculture and forestry.
- Dwellings for resident watchmen and caretakers employed on the premises.
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines.
- Monument sales establishments with incidental processing to order but not including shaping of headstones.
- Motion picture studios.
- Printing, publishing, and engraving establishment, photographic processing, blueprinting, photocopying and similar uses.
- Private clubs, lodge, meeting halls, labor union or fraternal organizational or sororities.
- Radio or television broadcasting studios and offices, but transmission and receiving towers of height greater than 125 feet only by approval of a special use permit.
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets.
- Sign fabricating and painting.
- Telephone station or booth, including drive-in or talk-from-car stations.
- Public buildings.
- Accessory buildings.
- Signs subject to Article 16.
- Off-street parking and loading subject to Article 15.
- Open space subject to Article 14.
- Utilities related to and necessary service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer or water service, but not those facilities listed as requiring a special use permit

11-1.2 Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- Child care center, day care center, or nursery school primarily for children of employees in the district.
- Wholesale establishment, storage warehouse or distribution center but not a truck terminal.
- Temporary fair and show grounds.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers over 125 feet in height, storage yards and substations.
- Contractors' office storage yards, and equipment yards. *(Added 4/9/07)*

11-2 Area Regulations

11-2.1 Minimum lot size:

- All principal manufacturing and processing uses – one (1) acre.
- Other uses, including permitted retail and service establishment – no regulation.

11-2.2 Maximum percent lot coverage:

- Seventy-five (75) percent including accessory buildings and off-street parking.

11-3 Setback Regulations

Setbacks shall be:

- Fifty (50) feet from the right-of-way of a local street having a right-of-way of fifty (50) feet or less.
- Sixty-five (65) feet from the right-of-way of a major thoroughfare or collector street having a right-of-way greater than fifty (50) feet.
- Forty (40) feet from the right-of-way of a service drive.
- Accessory buildings shall not be permitted forward of the setback line.

11-4 Frontage Regulations

The minimum lot width at the setback line shall be one hundred (100) feet.

11-5 Yard Regulations

Side

- Twenty-five (25) feet on an interior lot or adjacent to any C or M district including accessory buildings or parking structures, ten (10) feet for parking lots.
- One hundred (100) feet adjacent to any R district including accessory buildings or parking structures, fifty (50) feet for parking lots.

Rear

- Forty (40) feet on an interior lot or adjacent to any C or M district including accessory buildings or parking structures, ten (10) feet for parking lots.
- One hundred (100) feet adjacent to any R district including accessory buildings or parking structures, sixty-five (65) feet for parking lots.

11-6 Height Regulations

- Buildings may be erected up to thirty-five (35) feet in height from grade.
- Cupolas, monuments, cooling towers, municipal water towers, chimneys, flues and flagpoles are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

11-7 Special Regulations for Manufacturing and Commercial Buildings

- *Similar Uses Permitted.* Other manufacturing and processing uses which, in the opinion of the Administrator, are of the same general character as those permitted uses listed above shall be permitted. In general all uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at property line boundaries by reason of odor, dust, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire or explosion.
- *Enclosed Buildings.* All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or from a residence district by landscaping, fences, or walls.
- *Landscaping.* Any part of the front yard not used for parking or access-ways, shall be landscaped with grass, trees, shrubs, or pedestrian walks. In general, where approval of a site plan is required, the landscape plan shall be designed to promote harmonious relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end may provide effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.

- *Fencing.* All fencing shall have a uniform and durable character and shall be properly maintained.

11-9 Performance Standards

- Performance standards for each industrial use will be in conformance with standards adopted by the Town Council, and in no case shall standards relative to water, air, sound, and land pollution control be less than those standards adopted by the Virginia Department of Health, the Virginia Water Control board, and the Virginia Air Pollution Control Board.
- The sound pressure level of sound radiated from an establishment, measured at the lot line of the site thereof that is the nearest thereto, shall not exceed the values in any octave band of frequency that are specified in Table I, or in Table I as modified by the correction factors set forth in Table II. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American National Standards Institute.

Table I Maximum Permissible Sound Pressure Levels Measured (re..0002 dyne per CM)

Frequency Band Cycles Per Second	63	125	250	500	1,000	2,000	4,000	8,000
Along Residential District Boundaries – Maximum Permitted Sound Level in Decibels	64	60	54	48	42	38	34	30
At Any other Point on the Lot Boundary – Maximum Permitted Sound Level in Decibels	72	70	65	59	55	51	47	44

Table II Correction Factors

Condition	Correction in Decibels
On a site contiguous to or across a street from the boundary of any R-district established by this chapter.	Minus 5
Operation between the hours of 10pm & 7am	Minus 5
Sound of impulsive character (i.e. hammering)	Minus 5
Sound of periodic character (i.e. sawing)	Minus 5
Tone (i.e. hum or screech)	Minus 5
Sound source operated less than:	
20% in any one hour period	Plus 5
5% in any one hour period	Plus 10
1% in any one hour period	Plus 15

Apply only one of these corrections. All other corrections (including any one of the footnoted corrections) are cumulative.

Smoke Control:

- No smoke shall be emitted from any chimney or other source a visible grey greater than No.1 on the Ringleman Smoke Chart as published by the U.S. Bureau of Mines.
- Smoke of a shade no darker than No.2 on the Ringleman Smoke Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes.
- These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases:

- No emission shall be made which can cause damage to health, to animals or vegetation or other forms of property, of which can cause any excessive soiling at any point.
- No emission of liquid, other than water, or solid particles from any chimney or otherwise shall exceed the following:
- For less than eight (8) million Btu/hr.: a maximum of 0.3 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.
- For over eight (8) million Btu/hr.: a maximum of .08 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.
- For measurement of the amount of particles in gas resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees F. and fifty (50) percent excess air.

Control of Odors:

- There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive lot boundary line. Any process which may involve creation or emission of any odors shall be provided with secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

Control of Glare or Heat:

- Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines.

Control of Vibration:

- No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

Control of Radioactivity or Electrical Disturbance:

- There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbances (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

Outdoor Storage and Waste Disposal:

- No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- All outdoor storage facilities for fuel, raw materials and products and all fuel, and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.

- Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.
- No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
- All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

Electric, Diesel, Gas, or Other Power:

- Every use requiring power shall be so operated that the service lines, substation, etc. shall conform to the most acceptable safety requirements recognized by the Virginia Bureau of Labor and Industry, shall be so constructed, installed, etc. to be an integral part of the architectural features of the plant, or if visible from abutting residential properties, shall be concealed by evergreen planting.

Industrial Waste or Sewage:

- No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by Sanitary Engineers or other qualified persons at the expense of the owner of the premises.

Drainage:

- Provision shall be made for proper storm water drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accordance with applicable Town ordinances.

Provision and Use of Water:

- All water requirements shall be stated in the application. If water is to be supplied from wells, an approved or accepted geologic study shall be furnished by the applicant with a certification by a professional geologist that the underground capacity for water supply and water table levels will not be appreciably altered in such a way as to endanger the available supply for other properties.
- Any use, which in the option of the Planning Commission and Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause shall be prohibited unless the applicant can substantially prove that such environmental impacts can be eliminated or controlled to meet the performance standards established by the Town.

Article 12 M-2 General Industrial

Legislative Intent. It is the intent of this district to permit a wide array of research, manufacturing, storage, and transportation uses on appropriate parcels within the Town and to set forth regulations which will help protect and foster adjacent residential uses while permitting industries to locate in planned areas. In order to preserve the land for industry the limited area of land in the Town planned for general industrial uses, commercial and retail uses are limited to those associated with manufacturing or storage activities.

12-1 Use Regulations. A building may be erected, altered or used, and a lot or premises may be used or occupied for any of the following purposes, and no other.

12-1.1 Uses Permitted by Right:

- Establishments for scientific research and scientific development which operation is conducted entirely within a closed structure.
- Establishments for limited manufacturing and product fabrication of products from the previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yard, and paint.
- Establishments for the assembly of electrical appliances, electronic instruments and devices, radios, and phonographs. Also, the manufacture of small parts such as coils, condensers, transformers, and crystal holders.
- Laboratories – pharmaceutical and/or medical.
- Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- Cabinet, furniture and upholstery shops.
- Office buildings.
- Furniture moving and storage.
- Truck terminals.
- Warehouses.
- Contractors' offices and warehouses.
- Public buildings.
- Accessory buildings.
- Signs subject to Article 16.
- Off-street parking and loading subject to Article 15.
- Open space subject to Article 14.
- Utilities related to and necessary service within the Town, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer or water service, but not those facilities listed as requiring a special use permit.

12-1.2 Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 2, Section 2-7.

- Contractors' storage yards.
- Fuel, coal, oil distribution yards with underground or above-ground storage (undercover for coal).
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use.
- Monument sales.
- Crematories.
- Maintenance and equipment shops with screened outside storage.
- Bakeries.

- Bottling works.
- Wholesale establishments.
- Lumber and building supply with undercover storage.
- Plumbing and electrical supply with undercover storage.
- Ice plants.
- Frozen food lockers.
- Quarters or dwelling unit designed expressly for a caretaker or watchman serving a use within the district.
- Temporary fair and showgrounds.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers over 125 feet in height, storage yards and substations.

12-2 Area Regulations

12-2.1 Minimum lot size:

- No regulation.

12-2.2 Maximum percent lot coverage:

- Seventy-five (75) percent including off-street parking.

12-3 Setback Regulations

Setbacks shall be:

- Fifty (50) feet from the right-of-way of a local street having a right-of-way of fifty (50) feet or less.
- Sixty-five (65) feet from the right-of-way of a major thoroughfare or collector street having a right-of-way greater than fifty (50) feet.
- Forty (40) feet from the right-of-way of a service drive.
- Accessory buildings shall not be permitted forward of the setback lines.

12-4 Frontage Regulations

- The minimum lot width at the setback line shall be one hundred (100) feet.

12-5 Yard Regulations

Side

- Ten (10) feet on an interior lot or adjacent to any C or M district including accessory buildings, parking lots or structures.
- Fifty (50) feet adjacent to any R district including accessory buildings, parking lots, or structures.

Rear

- Fifteen (15) feet adjacent to any C or M district including accessory buildings, parking lots, or structures.
- Sixty-five (65) feet adjacent to any R district including accessory buildings, parking lots, or structures.

12-6 Height Regulations

- Buildings may be erected up to sixty-five (65) feet in height from grade.
- Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flagpoles and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory building shall be less than the main building in height.

12-7 Special Provisions for Secondary Structures

- Accessory buildings aggregate area shall not exceed twenty-five (25) percent of the open space within a given development.
- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within five (5) feet of the main structure, except that an accessory building may be built on the property line as a party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provisions must be made for disposal of roof water onto the subject property or to the nearest storm sewer.
- Attached carports, garages, or other accessory buildings and structures shall be subject to same setback as main structure.
- Open fire escapes of noncombustible material may project into side or rear yards by not more than four(4) feet and be no closer to any property line than five (5) feet.

12-8 Screening

The district shall be permanently screened from adjoining contiguous residential districts by a wall, fence, evergreen hedge, and/or other suitable enclosure of minimum height five (5) feet and maximum height of eight (8) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening enclosure and/or screening area may be waived if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other nature conditions.

The above requirements shall not apply when the (architectural) front of any commercial building faces the street across from an R district or when the strict application of the requirement relative to screening can be demonstrated on the site plan as not serving the purpose for which it is intended.

12-9 Performance Standards

- Performance standards for each industrial use will be in conformance with standards adopted by the Town Council, and in no case shall standards relative to water, air, sound, and land pollution control be less than those standards adopted by the Virginia Department of Health, the Virginia Water Control board, and the Virginia Air Pollution Control Board.
- The sound pressure level of sound radiated from an establishment, measured at the lot line of the site thereof that is the nearest thereto, shall not exceed the values in any octave band of frequency that are specified in Table I, or in Table I as modified by the correction factors set forth in Table II. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American National Standards Institute.

Table I Maximum Permissible Sound Pressure Levels Measured (re..0002 dyne per CM)

Frequency Band Cycles Per Second	63	125	250	500	1,000	2,000	4,000	8,000
Along Residential District Boundaries –	64	60	54	48	42	38	34	30

Maximum Permitted Sound Level in Decibels At Any other Point on the Lot Boundary – Maximum Permitted Sound Level in Decibels	72	70	65	59	55	51	47	44
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Table II Correction Factors

Condition	Correction in Decibels
On a site contiguous to or across a street from the boundary of any R-district established by this chapter.	Minus 5
Operation between the hours of 10pm & 7am	Minus 5
Sound of impulsive character (i.e. hammering)	Minus 5
Sound of periodic character (i.e. sawing)	Minus 5
Tone (i.e. hum or screech)	Minus 5
Sound source operated less than:	
20% in any one hour period	Plus 5
5% in any one hour period	Plus 10
1% in any one hour period	Plus 15

Apply only one of these corrections. All other corrections (including any one of the footnoted corrections) are cumulative.

- The sound pressure level of sound radiated from an establishment, measured at the lot line of the site thereof that is the nearest thereto; shall not exceed the values in any octave band of frequency that are specified in Table I or in Table I was modified by the correction factors set forth in Table II. The sound-pressure level shall be measured with a sound level meter and. an associated octave band analyzer conforming to standards prescribed by the American National Standards Institute.

Smoke Control:

- No smoke shall be emitted from any chimney or other source a visible grey greater than No.1 on the Ringleman Smoke Chart as published by the U.S. Bureau of Mines.
- Smoke of a shade no darker than No.2 on the Ringleman Smoke Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes.
- These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases:

- No emission shall be made which can cause damage to health, to animals or vegetation, or other forms of property of which can cause any excessive soiling at any point.
- No emission of liquid, other than water, or solid particles from any chimney or otherwise shall exceed the following:
- For less than eight (8) million Btu/hr.: a maximum of 0.3 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.
- For over eight (8) million Btu/hr.: a maximum of .08 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, 70 degrees F., and one atmosphere pressure.

- For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees F. and fifty (50) percent excess air.

Control of Odors:

- There shall be no emission of odorous gas or other odorous matter in such quantities as to be offensive lot boundary line. Any process which may involve creation or emission of any odors shall be provided with secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

Control of Glare or Heat:

- Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines.

Control of Vibration:

- No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

Control of Radioactivity or Electrical Disturbance:

- There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbances (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

Outdoor Storage and Waste Disposal:

- No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- All outdoor storage facilities for fuel, raw materials and products and all fuel, and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.
- No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
- All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

Electric, Diesel, Gas, or Other Power:

- Every use requiring power shall be so operated that the service lines, substation, etc. shall conform to the most acceptable safety requirements recognized by the Virginia Bureau of Labor and Industry, shall be so constructed, installed, etc. to be an integral part of the architectural features of the plant, or if visible from abutting residential properties, shall be concealed by evergreen planting.

Industrial Waste or Sewage:

- No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by Sanitary Engineers or other qualified persons at the expense of the owner of the premises.

Provision and Use of Water:

- All water requirements shall be stated in the application. If water is to be supplied from wells, an approved or accepted geologic study shall be furnished by the applicant with a certification by a professional geologist that the underground capacity for water supply and water table levels will not be appreciable altered in such a way as to endanger the available supply for other properties.
- Any use, which in the option of the Planning Commission and Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause shall be prohibited unless the applicant can substantially prove that such environmental impacts can be eliminated or controlled to meet the performance standards established by the Town.

Article 13 F-1 Flood Plain District

ORDINANCE NO. 02-14 AN ORDINANCE AMENDING ARTICLE 13, THE ZONING ORDINANCE OF REMINGTON VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE Town of Remington, Virginia, as follows:

13-1 - GENERAL PROVISIONS

Section 13 -1.1 - Statutory Authorization and Purpose [44 CFR 59.22(a) (2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

Legislative Intent. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

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

13-1.2 Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the Town of Remington and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the Town of Remington by FEMA.

13-1.3 Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

- C. This ordinance shall not create liability on the part of the Town of Remington or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

13-1.4 Records [44CFR59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator.

13-1.5 Abrogation and Greater Restrictions [44 CFR 60.I (b)]

This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

13-1-6 Severability

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

13-1-7 Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town of Remington shall be guilty of a misdemeanor and subject to the penalties therefore.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of Remington to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

13-2 Administration

13-2.1 Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (A) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Remington chief executive officer.
- (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (C) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation

13-2.2 Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (B) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (D) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- (E) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Darn Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (F) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (G) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- (H) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- (I) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Remington within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (J) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

- (K) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (L) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (M) Administer the requirements related to proposed work on existing buildings:
 - (1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (N) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- (O) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Remington have been modified and:
 - (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- (P) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (Q) It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

13-2.3 Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- (A) Where field surveyed topography indicates that adjacent ground elevations:
- (1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - (2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- (B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- (C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (E) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
- (1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1 A 3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

13-2.4 Jurisdictional Boundary Changes [44CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the Virginia Department of Conservation and Recreation - Division of Dam Safety and Floodplain Management in writing whenever the boundaries of the community have been modified by annexation or the community has

otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

13-2.5 District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Town of Remington where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

13-2.6 Interpretation of District Boundaries

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

13-2.7 Submitting Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, as but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

13-2.8 Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1 -30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 Code of Federal Regulations §65.3 and §65.6(a)(12).

13-3 Establishment of Zoning Districts

13-3.1 Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Fauquier County Virginia and Incorporated Areas prepared by the Federal Emergency Management Agency, dated February 6, 2008, and any subsequent revisions or amendments thereto.

The Town of Remington may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the Town of Remington offices.

1. The Floodway District is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 5 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies -with the Town of Remington's endorsement -for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If 13- 3.1 A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 13-4.

- b. The placement of manufactured homes (mobile homes) is prohibited.
2. The AE Zone on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)]*:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Remington.

Development activities in Zone AE, on the Town of Remington's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies -

with the Town of Remington's endorsement -for a Conditional Letter of Map Revision and receives the approval of the Federal Emergency Management Agency.

**The requirement in 63.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.*

13-3.2 Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

13-4 District Provisions [44 CFR 59.22, 60.2, 60.3]

13-4.1 Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Town of Remington Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

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

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations

13-4.2 General Standards

The following shall apply to all permits:

- (A) New construction and substantial improvements shall be according to Section 13- 3.1 of this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- (B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (D) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (E) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A-H above, in all special flood hazard areas, the additional provisions shall apply:

- (I) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) , other required agencies, and the Federal Emergency Management Agency
- (J) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

13-4.3 Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 3-1 A 3, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non- residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level. See Section 3.1.5 and Section 3.1.6 for requirements in the Coastal A and VE zones. Buildings located in all, AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by Town Administrator).

C. Space Below the Lowest Floor

In zones A and AE fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (b) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - (c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - (f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in 13- 4, section 13- 4.2 and section 13- 4.3.
2. All recreational vehicles placed on sites must either be

- (a) on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions);
- (b) or meet all the requirements for manufactured homes in Article 13-4.3.

13-4.4 Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

13-5 Existing Structures in Floodplain Areas

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

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC and the appropriate provisions of this ordinance.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

13-6 Variances: Factors to be considered. [44 CFR 60.6]

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction

and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the 1% chance flood, also known as the one hundred (100)-year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating

the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

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

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

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the 1% chance flood, also known as the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

13-6.1 GLOSSARY [44 CFR 59.1)

- A. Appurtenant or accessory structure: Accessory structures not to exceed 200 sq. ft.
- B. Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base flood elevation: The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Coastal A Zone: Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
- G. Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials .
- H. Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. Encroachment: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. Existing construction: Structures for which the "start of construction" commenced before the effective date of the FIRM or before March 18, 1980 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

K. Flood or flooding:

A general or temporary condition of partial or complete inundation of normally dry land areas from

- (a) the overflow of inland or tidal waters; or,*
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.*
- (c) mudflows which are proximately caused by flooding are by flooding as defined in paragraph (1)(b) of this definition are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.*

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

L. Flood Insurance Rate Map (FIRM): *An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).*

M. Flood Insurance Study (FIS): *A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.*

N. Floodplain or flood-prone area: *Any land area susceptible to being inundated by water from any source.*

O. Flood proofing: *Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.*

P. Floodway: *The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.*

Q. Freeboard: *A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.*

R. Highest adjacent grade: *the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.*

S. Historic structure: *Any structure that is*

- 1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register*
- 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,*

4. *individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either*
 - a. *by an approved state program as determined by the Secretary of the Interior; or,*
 - b. *directly by the Secretary of the Interior in states without approved programs.*
- T. *Hydrologic and Hydraulic Engineering Analysis:* *Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.*
- U. *Letters of Map Change (LOMC):* *A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:*

Letter of Map Amendment (LOMA): *An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a Land as defined by meets and bounds or structure is not located in a special flood hazard area.*

Letter of Map Revision (LOMR): *A revision based on technical data that may show changes to flood zones, flood elevations floodplain and floodway delineations, and plan metric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.*

Conditional Letter of Map Revision (CLOMR): *A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.*
- V. *Lowest adjacent grade* - *the lowest natural elevation of the ground surface next to the walls of a structure.*
- W. *Lowest floor:* *The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR§60.3.*
- X. *Manufactured home:* *A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.*
- Y. *Manufactured home park or subdivision:* *A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.*
- Z. *New construction:* *For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after March 18, 1980 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the*

effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

AA. Post-FIRM Structures: *A structure for which construction or substantial improvement occurred after March 18, 1980.*

BB. Pre-FIRM Structures: *A structure for which construction or substantial improvement occurred on or before March 18, 1980.*

CC. Recreational Vehicle: *A vehicle which is*

- 1. built on a single chassis;*
- 2. 400 square feet or less when measured at the largest horizontal projection;*
- 3. designed to be self-propelled or permanently towable by a light duty truck; and,*
- 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.*

DD. Repetitive Loss Structure: *A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.*

EE. Severe repetitive loss structure: *A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.*

FF. Shallow flooding area: *A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.*

GG. Special flood hazard area: *The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.*

HH. Start of construction: *For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. -97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary form nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.*

II. Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

KK. Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

LL. Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in is presumed to be in violation until such time as that documentation is provided.

MM. Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

13-7 Enactment

Enacted and ordained the 9th day of June 2014. This ordinance shall become effective upon passage.

Article 14 General Provisions for Open Space

- 14-1 Open Space, General.** Where Common Open Space is required in either the Cluster Alternate within and R district, the PUD district, or elsewhere at the developer's option, there are two alternate arrangements possible for the ownership, maintenance, and perpetuation of the Common Open Space as follows.
- 14-2 Open Space Deeded to Town.** Common Open Space may be deeded to the Town if the open space is to serve the public in general and is consistent with the proposals for acquisition of open space as presented in the Comprehensive Plan. The Town Council shall determine whether or not to accept all such open space based upon conformity to the Comprehensive Plan, size, location, character and general suitability. Such open space must consist of parks and recreation areas, conservation, utility, and drainage easements; or other similarly appropriate area as determined by the Town Council. Nothing herein shall deem it inappropriate for the Town to accept other lands by deed such as public building sites and right-of-way; however, such lands shall not be considered as fulfilling the acreage requirements for Common Open Space.
- 14-3 Open Space Lands in Corporate Ownership.** Common Open Space not serving the public in general; not consistent with the open space proposals as presented in the Comprehensive Plan; and not needed, desired, or dedicated to the Town shall be conveyed to a nonprofit corporation duly established under the laws of Virginia to maintain and manage the Common Open Space, provided that proper agreements and covenants running with the land are made to insure its development and maintenance. All such arrangements are subject to the review and approval of the Town. Such covenants shall provide that the assessments, charges, and costs for the maintenance of the open space lands shall constitute a pro rata lien upon the individual lots, parcels, or other salable units of the development, second only to taxes and any prior lien on each lot or parcel.
- The members of such nonprofit corporate ownership shall be the owners of all lots within the development, and the said land is to be held and used for the benefit of all residents.
- 14-4 General Location, Binding.** All open space lands approved and preliminary sketch, plat or development plan are binding as to general location, acreage, and uses proposed.
- 14-5 Preliminary Sketch and Preliminary Plat Application.** The Town Planning Commission shall review the preliminary sketch and/or the preliminary plat application and make its recommendation to Town Council with regard to the use, applicability and location of the open space as well as its relationship to the Comprehensive Plan.
- 14-6 Indication of Final Plat.** All final plats and development plans shall indicate in the title block, by section as recorded, the open space areas by type of use, the acreage, and the percentage of the total project included on each plat.
- 14-7 Streets, Lots, Parking Bays Not Included.** Streets, service drives, parking bays and all lots to be transferred for sale, where provided as required, shall be computed as a part of the lot coverage, and shall not be credited as open space.

Article 15 General Provisions for Off-Street Parking & Loading

15-1 General Provisions. Any building or other structure erected, altered or used, and any lot used or occupied, for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth in this article, together with adequate passageways or driveways or other means of circulation and access to and from a street or way:

- Single-family dwellings: two (2) all weather parking spaces per family, and except as otherwise provided in this Ordinance, on the same lot therewith. (See Section 15-2).
- Townhouses, apartments and other multifamily residential: two (2) all weather parking spaces per family, and, except as otherwise provided in this Ordinance, on the same lot therewith. (See Section 15-2)
- Dwellings for the elderly and handicapped: one (1) parking space for each four (4) dwelling units.
- Tourist homes, motels, hotels: one (1) space for each accommodation.
- Church, high school, theaters, stadiums, auditoriums, and other similar places of assembly: one (1) space for every five (5) fixed seats.
- Hospitals, nursing, convalescent homes: one (1) space for each two (2) beds' capacity, including infants, cribs, and children's beds.
- All office uses to include medical and dental clinics: one (1) space for each 200 square feet of usable floor space.
- Restaurants, drive-in restaurants: one (1) space for each four (4) seats; one (1) space for each 66 square feet of floor area for drive-in restaurants with no customer seating facilities.
- Retail establishments such as furniture or appliance store, machinery, equipment and automobile sales and service: one (1) per 300 square feet of gross leasable area, five (5) spaces minimum.
- Other retail establishments: one (1) space for each 200 square feet of gross leasable area.
- Industrial uses: one (1) space for each (1) employee for which the establishment is designed or used, whichever is greater.
- All other permitted uses: a total number of spaces sufficient to accommodate the vehicles of all employees of the establishment plus those of all persons who may be expected to visit the same at any one time.

15-2 Space on Same Lot. Except as otherwise provided in this ordinance, all off-street parking space appurtenant to any residential use permitted in any R district shall be provided on the same lot with the use to which it is appurtenant. Parking for townhouses and other dwelling units approved under a cluster alternate or as part of a Planned Unit Development need not be on the same lot as the use to which they are appurtenant but shall be located in accordance with the approved site development plan.

15-3 Alternate Location by Special Use Permit. All off-street parking space appurtenant to any use other than a residential use permitted in any R district shall be provided on the same lot with the use to which it is appurtenant except where practical difficulties prevent such location or where the public safety or the public convenience would be better served by the location thereof other than on the same lot. In such cases, the Town Council may authorize a special use permit for such alternative location of required parking space as will adequately serve the public interest, subject to the following guidelines:

- Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or, in the case of cooperative provision or parking space, in the ownership of at least one of the participants in the combination.
- The entrance to such space shall be located within five hundred (500) feet walking distance of an entrance to the use that such space serves.
- Some portion of the common off-street parking area shall be within three hundred (300) feet of an entrance, regularly used by patrons into the building(s) served thereby.
- The applicable portions of Article 2, Section 2-7 of this Ordinance shall apply.

15-4 Cooperative Parking. Parking space required under the provisions of this Ordinance may be provided cooperatively for two or more uses in a development or for two or more individual uses that will assure the permanent availability of such space, and the issuance of a special use permit by the Town Council.

The amount of such combined space shall be equal to the sum of the amounts required for the separate uses; provided, that the Town Council may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization under the provisions of a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

15-5 Proximity to Municipal Parking Lots. Any building or use located within three hundred (300) feet (measured along lines of public access) of an existing municipally-operated parking lot shall be exempt from the provisions of this Article, except space for employee off-street parking and space for loading and unloading of commercial supplies and goods shall be provided, and except as qualified in Section 15-6 below.

15-6 Safe and Convenient Access. All off-street parking space and off-street loading space shall be provided with safe and convenient access to a public street. If any such space is located contiguous to a public street, the public street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb not exceeding thirty (30) feet in width and located and constructed in accordance with town specifications.

15-7 Design Requirements for Residential Parking Lots. All parking lots in residential districts shall be constructed, operated and maintained in accordance with all of the following conditions:

- In general, where design alternatives exist parking lots shall not be constructed within required front yards.
- All parking lots shall be arranged for functional efficiency and convenience and in general shall be designed to present a pleasing appearance so as to reduce adverse impact on surrounding public or private property. All parking lots, accessory or otherwise, containing more than 10 parking spaces shall include landscaped area equal to at least five percent of the area devoted to parking area and driveways, parking spaces shall be separated from a street line by a landscaped strip at least 10 feet in width and no parking bay shall include a line of more than 15 spaces uninterrupted by a landscaped area at least five feet in width. Landscaping for all lots shall be well maintained at all times, shall include trees, shrubs and ground cover, all meeting the standards of the American Nurserymen's Association and shall include at least one tree of three- inch caliper and 10 to 12 feet high for each 10 parking spaces in the lot. Planting beds shall be more or less evenly distributed and contained with permanent curbing where such curbing is needed for protection of plants

15-7.1 Design requirements for Industrial and Commercial Parking Lots. All parking lots in industrial and commercial districts shall be operated and maintained in accordance with all of the following conditions:

- They shall not be used for the sale, repair or dismantling of any vehicles, equipment, materials or supplies.
- They shall be properly graded for drainage; surface with concrete, asphaltic concrete or asphalt, and maintained in good condition free of weeds, dust, trash or debris.
- They shall be provided with entrances and exits so located as to minimize traffic congestion and the effect of headlight glare.
- They shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicles will extend beyond the boundaries of the lot upon which the parking lot is located.
- Lighting facilities shall be so arranged that they neither unreasonably or unnecessarily disturb occupants of adjacent residential properties, nor interfere with traffic, by either location or glare.
- A ten (10) foot planting strip shall be provided and landscaped with trees, shrubs, or ground cover along all street lines. Except where the district regulations require otherwise, when off-street parking areas for 10 or more automobiles are located closer than 50 feet to a lot in a residence district, or to any lot upon which there is

a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, a continuous opaque visual screen with a minimum height of five feet shall be provided between the parking area and the said lot in a residence district or upon which there is a dwelling. Such screen shall consist of a compact evergreen hedge or foliage screening, an ornamental wall or fence, and earth berm, or a combination of thereof.

15-8 Parking Space Size. Each off-street parking space provided shall not be less than three hundred sixty-five (365) square feet in area. The area of drives, aisles, landscaping, and such other provisions required for adequate access shall be counted as part of the three hundred sixty-five (365) square feet.

- Parking spaces located in parking structures or buildings shall be designed on the basis of a minimum of 270 square feet per vehicle including moving and turning space.
- The dimensions for each individual parking space shall not be less than one hundred eighty (180) square feet (18x10).

15-9 Required Off-Street Loading and Unloading Space. The adequacy of off-street loading and unloading shall be determined by the Zoning Administrator, taking the following factors/standards into consideration:

- The availability of access to an adjacent street, alley, lane, or driveway.
- The location of the facility in relation to the vehicular circulation in adjacent parking spaces.
- The nature of the establishment of to which the facility is appurtenant.
- The required schedule of loading and unloading.
- All off-street loading space shall be provided on the same lot with the use to which it is appurtenant.
- Off-street loading space shall be provided in addition to and exclusive of the parking requirement on the basis of:
 - One (1) space (300 square feet) for each 8,000 square feet of retail gross leasable area.
 - One (1) space (300 square feet) for each 8,000 square feet of office space.
 - One (1) space (300 square feet) for each 10,000 square feet of industrial floor space.
 - Parking spaces for the handicapped and any necessary curb cuts and ramps shall be provided in all parking areas in conformance with the standards for numbers and design found in the Virginia Uniform Statewide Building Code.

Additional loading spaces may be required based upon Planning Commission's review of the site development plan.

Article 16 General Provisions for Signs

Legislative Intent. It is the intent of this Article to regulate the display of all signs so as to assure that they will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not to excessive, for the intended purpose of identification, information, protection, or advertisement. Only those signs specifically enumerated in this Article shall be permitted. No sign shall be erected or placed within any public right-of-way or public place, except as authorized by the Zoning Administrator pursuant to this Ordinance.

16-1 Signs for Which Permit Not Required. No permit shall be required for the following signs, provided they are installed in compliance with the provisions of this Article. Such signs may be displayed in any district, in addition to signs permitted in each district, and the area of any of the following signs shall not be included in computing the aggregate signs area specified for the districts.

- Temporary real estate signs advertising residential properties not exceeding six (6) feet in area which advertise the property on which it is located for sale, rent or lease, such signs not to be illuminated.
- A temporary real estate sign advertising commercial, industrial or other nonresidential properties, or announcing the development of a new subdivision or building development when:
 - Only one sign is erected on the land or building.
 - It is not illuminated.
 - It is not over fifty (50) square feet in area.
 - It is not over ten (10) feet in height.
 - It is not less than twenty (20) feet from any existing or proposed street.
 - It is not less than fifty (50) feet from any street or intersection, or adjacent property.
 - Such sign shall be removed upon completion of building development or sale of seventy-five (75) percent of lots.
- Professional nameplates not exceeding two (2) square feet in area, when placed flat upon the wall of the building.
- Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area per project. Such signs shall not be illuminated.
- Traffic and municipal signs, railroads crossing signs, danger, safety, temporary, emergency, non-advertising or decorative signs as may be authorized by the Zoning Administrator.
- Temporary signs of any political party or announcing the candidacy of any individual for any nomination or office, not exceeding four (4) square feet in areas such signs shall be removed not later than (10) days after the date of the election to which they pertain. A bond shall be required in the amount of fifty (\$50) dollars guaranteeing the removal of said signs. The bond is refundable in full upon compliance.
- Temporary signs as authorized by the Zoning Administrator advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event within the Town, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause; provided that no such sign shall be displayed in any R district except on the immediate site of the event to which it pertains; and provided further, that all such signs shall be removed within ten (10) days after the last day of the event to which they pertain.
- Signs not exceeding two (2) square feet in area warning the public against hunting, fishing or trespassing on the land on which the same are displayed.
- Any informational or directional sign or historic marker erected by a public agency, which may include signs displayed by the Town for the purpose of giving directions to business districts and commercial facilities for the convenience of the traveling public; provided that no such sign shall give direction or distance to any specific business establishment. Such signs shall not exceed twelve (12) square feet in area.
- Identification signs in any R district not exceeding two (2) square feet in area.

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

16-2 Signs Permitted in All Districts. The following types of signs are permitted in all districts, except as noted in other sections of this Article, in addition to those signs permitted in a particular district under the provisions of this Article. The area of any such signs shall not be included in computing aggregate sign areas specified for the districts.

- Not more than one (1) sign, not exceeding six (6) square feet in area, in any lot in any R district and not exceeding thirty-two (32) square feet in area in any lot in all other districts on a multiple dwelling building group or on any other building or on a lot or other parcel of land, advertising the prospective sale, rent, lease or trade of such real property, displayed by the owner thereof, or by his agent, provided, that such sign shall be removed within three (3) days after the sale, rental, lease or trade of such real property; except that any such sign advertising the availability of dwelling units for rent in any multiple dwelling or any multiple dwelling building group may be displayed for as long as any dwelling units therein are available for rent.
- Signs not exceeding one (1) per street and four (4) square feet in area may be displayed for the sole purpose of giving directions to specified churches and community buildings, provided that such directional signs shall not be illuminated except by indirect lighting.
- One (1) sign giving the place name of an established neighborhood or community and not more in addition thereof than direction to the location of features in such neighborhood or community may be displayed in such neighborhood or community or at not more than one entrance thereto on each street bounding the same . No such sign shall exceed an overall height of six (6) feet and an area of twenty (20) square feet, containing such place name and directional information, including the area of the structure on which the same is placed.
- Signs in a parking lot to identify entrances, exits and divisions of the lot into sections and to control vehicular and pedestrian traffic in the lot provided each sign does not exceed four (4) square feet in area.
- Signs on bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies which signs or bulletin boards shall not exceed fifteen (15) square feet on each face or have an aggregate area in excess of thirty (30) square feet. Such signs or bulletin boards shall be indirectly lighted.
- Internal directional or identification signs of any type, one per building or one per loading door, located to be read from parking lots, loading areas or walkways within the site of a group of related buildings or uses giving the use, name or occupancy of the building or use, limited in area to ten (10) square feet and height to eight (8) feet. Such signs shall not be illuminated except by indirect lighting.
- Directory boards, indirectly lighted or unlighted, located on or behind the building lines for the purpose of directing the public to and identifying the occupants or tenants of a building, their location in the building and occupation, provided that the letters in such directory boards shall not exceed one (1) inch in height. Each boarder shall not exceed six (6) inches in width; each face shall not exceed fifteen (15) square feet; and the aggregate area shall not exceed thirty (30) square feet.

16-3 Signs Regulations for the R-E, R-1, and R-2 Zoning Districts

- In addition to the regulations set forth in Section 16-2, Signs Permitted in All Districts, the following sign regulations shall apply to the R-E, R-1 and R-2 Zoning Districts. Only the following sign structures shall be permitted:
 - ground
 - wall
 - projecting

- All sign structures in these districts shall be set back from any street line at least one-half the distance as required for, the main building, and twenty five (25) feet from any side lot line, except temporary signs which locations shall be approved by the Zoning Administrator. No sign structure shall be erected to a height exceeding ten (10) feet and shall not be illuminated, except church bulletin boards and identification signs as defined.
- No commercial signs shall be permitted.
- No billboards of any kind shall be permitted

16-4 Sign Regulations for the R-3 and PUD Zoning Districts

- In addition to the regulations set forth in Section 16-2, Signs Permitted in All Districts, the following sign regulations shall apply to the R-3 and PUD Zoning Districts. Only the following sign structures shall be permitted:
 - ground
 - wall
 - projecting
- All sign structures in this districts shall be set back ten (10) feet from any street line, and ten (10) feet from any side lot line, except temporary signs which locations shall be approved by the Zoning Administrator. No sign structure shall be erected to a height exceeding ten (10) feet and any illuminated sign shall conform to section 16-11 of this Article.
- Commercial signs shall be permitted only within approved commercial areas in PUD districts, and shall be subject to the regulations in section 16-5 of this Article.

16-5 Sign Regulations for the C-1 Zoning District

- In addition to the regulations set forth in Section 16-2, Signs Permitted in All Districts, the following sign regulations shall apply to the C-1 Zoning District. Only the following signs structures shall be permitted:
 - Ground signs if there are no projecting signs
 - Wall signs, but not painted signs
 - Projected signs if there are no ground signs
 - Marquee signs
- All sign shall be appurtenant to the business advertised and on the same lot.
- All ground sign structures in these districts shall be located no closer than the right-of-way line of any street, except temporary signs which location shall be approved by the Zoning Administrator. Any illuminated sign shall conform to Section 16-11 of this Article.
- Ground signs where permitted shall be subject to the following limitations:
 - Located at least twenty-five (25) feet from any side or rear property line when adjacent to an R zone.
 - Shall have a concrete or asphalt curb island protecting the sign against damage when located in a parking area.
 - Sign and structure shall not exceed ten (10) feet in height.
 - Shall not exceed the thirty-two (32) square feet in area.
 - No more than one (1) ground sign per building shall be permitted.

- Wall signs are limited in number but shall not exceed an aggregate area of one hundred (100) square feet for each wall fronting on a street or ten (10) percent of the area of the wall on which it is placed, whichever is less.
- Projecting signs are permitted if there are no ground signs one for each business on the premises and limited in area thirty-two (32) square feet.
- No billboards of any kind shall be permitted.

16-6 Sign Regulations for the C-2, M-1, and M-2 Zoning Districts

- In addition to the regulations set forth in section 16-2, Signs Permitted in All Districts, the following sign regulations shall apply to the C-2, M-1, and M-2 zoning districts. Only the following sign structures shall be permitted:
 - Ground
 - Wall
 - Projecting
 - Marquee
 - Painted
 - Shopping center or industrial park
- All signs shall be appurtenant to the business advertised and on the same lot.
- All ground sign structures in these districts shall be located no closer than the right-of-way line of any street, except temporary signs which location shall be approved by the Zoning Administrator. Any illuminated sign shall conform to Section 16-11 of this Article.
- Ground signs where permitted shall be subject to the following limitations:
 - Located at least twenty-five (25) feet from any side or rear property line when adjacent to an R zone.
 - Shall have a concrete or asphalt curb island protecting the sign against damage when located in a parking area.
 - Sign and structure shall not exceed twenty-five (25) feet in height.
 - Shall not exceed the one hundred (100) square feet in area. As an alternative to the permitted shopping center or industrial park sign, a group of three or more contiguous businesses or uses may combine permitted ground sign area to provide a single ground sign advertising the group if there are no other ground signs and if the combined sign area does not exceed one hundred fifty (150) square feet.
 - No more than one (1) ground sign per building shall be permitted.
- Wall signs, painted or otherwise, are limited to one for each wall fronting on a street and shall not exceed an area of one hundred (100) square feet or ten (10) percent of the area of the wall on which it is placed, whichever is less.
- Projecting signs are permitted if there are no ground signs, one for each business on the premises and limited in area of fifty (50) square feet.
- No billboards of any kind shall be permitted.

16-7 Sign Permits. A sign permit shall be obtained from the Administrator before any sign is erected, structurally rehung, or replaced.

- 16-8 Application.** Each application for a sign permit shall be accompanied with plans and specifications showing the location dimensions, materials and details of construction along with the fee in accordance with the Fee Schedule as set forth by the Town council by resolution.
- 16-9 Bond or Insurance.** No person shall erect, structurally alter, rehang, or replace any sign which projects over the street line or which is installed nearer to the street line than the height of the sign, until he has filed with the Zoning Administrator a bond or an insurance policy endorsement of current liability insurance in effect, naming the Town of Remington, in an amount sufficient to indemnify the Town from any liability resulting from the construction, erection, or maintenance of such sign.
- 16-10 Maintenance and Removal.** The owner of any sign shall keep such sign properly maintained at all times, and any sign which is hereafter unlawfully installed or maintained, or which ceases to be used for a period exceeding sixty (60) days shall be taken down and removed by the owner, agent or person having control of the building, structure or land upon which such sign is located, within ten (10) days after written notification from the Zoning Administrator. Upon failure to comply with such notice within the time specified therein, the Zoning Administrator may cause the removal of such sign and any expenses incident thereto shall be paid by the owner of the building, structure, or land upon which the sign is located.
- 16-11 Illumination**
- Where illuminated signs are permitted, all exposed incandescent lamps used to illuminate ground signs, marquees, roof signs, or wall signs shall be equipped with reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and prevent glare.
 - Illumination of any advertising sign in a C or M district located within three hundred (300) feet of any R district, except an R district planned for a C or M use, shall be extinguished between the hours of 12:00 midnight and 7:00 a.m.
 - There shall be no sign with intermittent or flashing lights or moving parts, excluding signs for traffic regulation, marking of hazards and the like.
 - No search light type devices shall be permitted which direct a beam of light off the property on which the sign is located.
- 16-12 Sign Restrictions.** The following restrictions apply to signs permitted in any district unless qualified:
- Ground sign - Except for the shopping center and industrial park sign as permitted herein, no ground sign shall be erected with a total length greater than fifteen (15) feet or total height greater than twenty-five (25) feet. The thickness between the faces of any ground sign shall not exceed two (2) feet. If the ground sign exceeds three (3) feet in height it must be mounted on a fixed structure, poles, or braces which do not interfere with either vehicular or pedestrian visibility or movement. Illuminated, it shall be by indirect lighting methods only.
 - Wall sign - No wall sign shall be erected less than eight (8) feet above the sidewalk or ground, exclusive of professional name and office identification plates installed flush against the wall as specified in Section 16-1 of this Article; nor extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building. No wall sign letter shall exceed 24 inches in height, provided however that the Zoning Administrator may approve a letter height of not more than 48 inches for one or more letters if remaining letters are reduced in size to maintain overall scale. If illuminated, it shall be by indirect lighting methods.
 - Projecting sign - No projecting sign erected over a sidewalk or public area for pedestrians shall be less than eight (8) feet in height above such area at the lowest part of the sign. It shall not extend above the roof or parapet

wall to which it is attached. No such sign or part thereof shall extend nearer the curb line of any street or walk than two (2) feet. No such sign erected between buildings over a public access-way or alley shall be less than sixteen (16) feet above the level of such access-way or alley. If such projecting sign is illuminated it shall be by indirect lighting methods.

- Marquees - Marquees projecting beyond the property line shall be erected with a clearance of not less than eight (8) feet above the adjacent sidewalk level; shall not exceed three (3) feet in the vertical dimension; nor extend closer than two (2) feet inside the curb line.

Marquee signs shall not exceed twenty (20) square feet on any side or front section of such marquee. No such sign may extend above the top of the marquee. If illumination is used such lighting must be indirect.

- Painted signs - Only painted signs showing the name of business or owner, or an entrance sign shall be permitted in any zone and such sign shall be located on the building which it identifies. No letter or figure on any painted sign shall exceed twenty-four (24) inches in height, provided however that the Zoning Administrator may approve a letter height of not more than 48 inches for one or more letters if remaining letters are reduced in size to maintain overall scale.
- Shopping center or industrial park sign - One (1) ground sign is permitted at each major entrance of a shopping center or industrial park, such sign not to exceed two hundred fifty (250) square feet in area and thirty (30) feet in height for a shopping center or one hundred fifty (150) square feet and fifteen (15) feet in height for an industrial park and display only the name of the shopping center or industrial park and the names of the tenants thereof and the name and address of the management of the shopping center or industrial park. Sign area for such signs are not intended to count against permitted sign area for individual tenants, but the shopping center sign is intended to replace individual ground signs for attached buildings in the center. Detached buildings in a shopping center or industrial park may have individual ground signs and other signs as permitted in the regulations for the district in which the buildings are located.
- Sign types permitted - Except as otherwise provided, these regulations shall be interpreted to permit one sign of each permitted type, in accordance with applicable regulations, for each street frontage, for each permitted use on the premises. For the purpose of this regulation, sign “types” are wall, ground, projecting and marquee signs, or special purpose signs specifically listed in the district regulations. Wall signs may be painted where painted signs are permitted.
- Roof signs - No sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building.
- Portable signs - Portable signs, on wheels, carriages, or on fixed supports shall be considered as ground signs and shall be included in any measurement of permitted sign area whether or not a permit is required. Portable signs shall not be placed in addition to other permitted ground signs.
- Vision clearance - No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance or other requirements of this ordinance or applicable traffic ordinances.
- Unapproved supports - No signs shall be attached to trees, utility poles, or any other applicable traffic structure.

16-13 Alteration of Nonconforming Signs. Any sign erected prior to the adoption of this Ordinance which does not conform to the provisions of this Article shall not be altered except in conformity with the provisions of this

Article. If damaged to the extent of one-half (1/2) of its replacement value, it shall not be rebuilt except in conformity with the provisions of this Article.

16-14 Nonconforming Signs

- Signs which do not conform to the regulations and restrictions set forth in this Article may be continued only so long as the existing or a more restrictive use of a sign is not discontinued for more than two (2) years and so long as the signs are maintained in their sound structural condition.
- The uses of such signs shall conform to the provisions of this Article whenever the signs are enlarged, extended, reconstructed or structurally altered.
- No nonconforming sign may be moved on the same lot, building or structure or to any other lot, building or structure which does not permit such nonconforming sign.

16-15 Unusual Signs and Displays. Applications for unusual signs and displays which give rise to questions of interpretation of these regulations or applications for signs and displays which are essentially in compliance with these regulations as to scale and general appearance but which may violate the strict interpretation of the regulations by reason of the special characteristics, design and location of the sign or display may be referred by the Administrator to the Board of Zoning Appeals for approval as a special exception under Article 19. This provision shall not be interpreted to authorize the Board to permit larger or more numerous signs or different types of signs than those specifically permitted by these regulations or to permit any type of sign which is specifically prohibited by these regulations.

Article 18 Nonconforming Use

18-1 Continuation

- If at any time of enactment of this Ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this Ordinance, such manner of use or purpose may be continued as herein provided.
- If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- If any nonconforming use (structure or activity) is discontinued for a period exceeding two years, after the enactment of this Ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this Ordinance.
- Whenever a nonconforming structure, lot or activity has been changed to a more restricted nonconforming use, such existing use may only be changed to a use of the same restricted category or an even more restricted use or to a conforming use.

18-2 Permits. All nonconforming uses shall be issued a certificate of occupancy as soon as identified after the adoption of this ordinance.

18-3 Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months or ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10%) percent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

18-4 Changes in District Boundaries. Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as result of such change shall become subject to the provisions of this Article.

18-5 Expansion or Enlargement. A nonconforming structure to be extended or enlarged shall conform with the provisions of this Ordinance.

18-6 Nonconforming Lots. Any lot of record at the time of the adoption of this Ordinance which is less in area or width than the minimum required by this Ordinance may be used when the requirements regarding setbacks, side and rear yards are met.

18-7 Restoration or Replacement

- If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50%) percent of the costs of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this Ordinance.
- If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75%) percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this Ordinance.

- Where a conforming structure devoted to a nonconforming activity is damaged less than fifty (50%) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy- five (75%) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve months and completed within eighteen months from the date of partial destruction.
- The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

Article 19 Board of Zoning Appeals

19-1 General Provisions

- A board consisting of five members shall be appointed by the Circuit Court of Fauquier County. The Board shall serve without pay other than for traveling expenses. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- The term of office shall be for five years. One of the five appointed members shall be an active member of the Planning Commission.
- Members may be removed for cause by the appointing authority upon written charges after a public hearing.
- Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.
- The Board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.
- For the conduct of any hearing and the taking of any action, a quorum shall be not less than three (3) members of the Board.

19-2 Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties:

- To hear and decide on applications for special exceptions upon which the Board is specifically authorized to pass under this Ordinance.
- To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this Article (Article 8, Chapter 11, Title 15.1, Code of Virginia) or of any ordinance pursuant thereto.
- To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done, as follows:

19-2.1 Variances

- When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of specific piece of property at the time of effective date of the Ordinance, or whereby reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.
- No such variance shall be authorized by the Board unless it finds:

- That the strict application of the Ordinance would produce undue hardship;
- That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia 1950, as amended.
- That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance. In authorizing a variance the Board may impose such condition regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest.

19-2.2 Variances Within Floodway District

- In addition to the Provisions of Section 19-2.1, the Board of Zoning Appeals shall consider the following factors in granting any variance to the Flood Plain Management Regulations
- No variance shall be granted for any proposed use, development or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100) year flood due to the danger to life and property from increased flood heights or velocities caused by encroachments.
- A Variance shall be granted only after the Board of Zoning Appeals has determined that the granting of such variance will not result in:
 - Unacceptable or prohibited increases in flood heights.
 - Additional threats to public safety.
 - Extraordinary public expense.
 - Create nuisances.
 - Cause fraud or victimization of the public.
 - Conflict with local laws or ordinances.
- Variances shall only be granted after the Board of Zoning Appeals has determined that the variance will be the minimum modification necessary to afford relief.
- The Board of Zoning Appeals shall notify the applicant for any variance, in writing, that the granting of a variance to construct a structure below the one hundred (100) year flood evaluation increases risks to life and property and will result in increased premium rates for flood insurance.
- A record of the above notification as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are granted shall be noted in the annual report submitted to the Federal Insurance Administrator.

19-2.3 Special Exceptions

In order to provide for adjustments in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of these regulations as instruments for fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to their efficient operation, special exceptions and, limited as to location and especially in locations described in this Article, special use and yard exceptions are permitted by the terms of these regulations. In considering an application for a special exception, the Board shall give due regard to the specific guides and standards of this section and in general to the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed exception. It shall also take into account the special characteristics, design, location, construction, method of operation, effect on traffic conditions, or any other aspects of the particular use or structure, that may be proposed by the applicant.

If it should find, after the hearing, that the proposed establishment or use will not adversely affect the health safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire or otherwise unreasonably affect public safety, nor impair the character of the district or adjacent districts, nor be incompatible with the general plans and objectives of the official Comprehensive Plan of the Town of Remington, nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with the general purpose and objectives of this Ordinance, the Board shall grant the exception and authorize the issuance, of a special exception permit. In those instances where the Board finds that the proposed use may be likely to have an adverse effect as above, the Board shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment; maintenance or operation, in addition to those expressly stipulated in this Ordinance.

The following buildings and uses are permitted as special exceptions under the terms and conditions specified above:

- Special Use Exceptions
- A garage or other building accessory to a single-family dwelling which building does not comply with the regulations of the district in which it is located.
- Extension of a nonconforming use in a building so as to increase floor area by not more than 25 percent.
- Restoration, repair or replacement of a nonconforming activity destroyed or damaged by more than fifty(50) percent or a nonconforming structure destroyed or damaged by more than seventy- five (75) percent of the cost of restoration of the activity or structure.
- Unusual signs and displays in accordance with the provisions of Section 16-15.
- Temporary uses and structures in any district not specifically listed in the regulations and determined by the Board to be in the public interest for the district in which located; provided that such uses be of a temporary nature and do not involve the erection of substantial buildings. Such use or structure shall be authorized by the issuance of a temporary and revocable permit for not more than a 24 month period subject to such conditions as will safeguard the public health, safety, and welfare.
- An accessory dwelling unit in a single-family dwelling or in an accessory building in a R-E or R-1 residential district, provided that either the main dwelling or the accessory dwelling unit be occupied by the owner of the property, that the accessory dwelling unit shall not exceed 25 percent of the total floor area of the main dwelling nor contain less than 500 square feet of floor area, that the general appearance of a single-family dwelling shall be maintained, that no exterior stairways to a second floor be constructed at the front or side of

the main building, and that at least three off-street parking spaces are available on the property for use by the owner-occupant and the tenant.

- Special Yard Exceptions
 - An exception in the yard regulations on a lot where on the adjacent lot, there is a front, side, or rear yard that does not conform with such yard regulations in a way similar to the exception applied for, but not to encroach upon an existing or proposed right-of-way.
 - An exception in the depth of a rear yard on a lot, in a block where there are nonconforming rear yards.
 - An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall for a building hereafter constructed or extended be the required minimum front yard depth.
 - Construction of a single-family dwelling with reduced yard spaces on a legal nonconforming lot.

19-3 Rules and Regulations

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

19-4 Appeal to the Board of Zoning Appeals

- An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the Zoning Administrator.
- Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certified to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the Board or by a court of record, on application and on notice to the zoning Administrator and for good cause shown.

19-5 Appeal Procedure

- Appeals shall be filed with the Board of Zoning Appeals in care of the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.
- Appeals requiring an advertised public hearing shall be accompanied by cash payments to the Town in accordance with the Fee Schedule as set forth by Town Council by resolution.

19-6 Public Hearings

- The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant or any matter upon which it is required to pass under the ordinance or to effect any proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

19-7 Court Petition

- Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the Town may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (10) days after the filing of the decision in the office of the Board.
- Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowances of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
- The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision from which an appeal is made.

Article 20 Amendments

- 20-1 Authority for Change.** 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 by resolution of the Town Council, or by motion of the Planning Commission, or by petition of any property owner, addressed to the Town Council.
- 20-2 Application for Amendment.** Every application for amendment of the Zoning Ordinance shall contain the following as applicable:
- The applicant's name and address and his representative and the interest of every person represented in the application.
 - A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, the land use and zone classification of abutting districts and photographs of the area to be rezoned and abutting area
 - A statement of the circumstances in the proposed district and in the proposed and abutting districts and any other factors on which the applicant relied as reasons for supporting the proposed rezoning.
 - The approximate time schedule for the beginning and completing of development in the area.
 - A plan to scale, indicating the locations of structures, uses, areas for off-street parking and loading.
 - Information about the market area to be served by the proposed development if a commercial use, including population, effective demand for proposed business facilities, and any other information describing the relationship of the proposed development to the needs of the market area as the Planning Commission shall prescribe.
- 20-3 Referral to Planning Commission.** The zoning ordinance shall not be amended unless the Town Council has referred the proposed amendment or reenactment to the Planning Commission for its recommendations. The Commission shall hold a public hearing on the amendment, after notice as required by Section 15.1-431 of the Code of Virginia, and may make appropriate changes in the proposed ordinance or amendment as a result of such hearing. Failure of the Planning Commission to report in sixty days to the Town council shall be deemed approval.
- 20-4 Town Council Amendment Procedure.** Before approving and adopting any zoning ordinance or amendment thereof, the Town Council shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.1-431 of the Code of Virginia after which the Town Council may make appropriate changes or corrections in the ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing.
- 20-5 Joint Public Hearing.** The Town Council and the Planning Commission may hold a joint public hearing pursuant to public notice as required by Section 15.1-431 of the Code of Virginia.
- 20-6 Majority Requirement for Change in Ordinance.** An affirmative vote of at least a majority of the members of the Town Council shall be required to adopt, amend or reenact a zoning ordinance.
- 20-7 Timing of Application Consideration and Reconsideration.** Proposed amendments shall be considered as soon as feasible, based on the regular schedule of Planning Commission and Town Council meetings and the schedule

of newspaper publication relative to public notice. A petition for rezoning which has been denied by the Town Council will not be reconsidered for a period of one (1) year from the date of denial.

20-8 Conditional Zoning

- Purpose. Where competing and incompatible uses conflict, traditional zoning methods and procedures are sometimes inadequate. In such cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this section to provide a zoning method as authorized under Sec. 15-1-491, Code of Virginia 1950, as amended, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community even though said conditions may not be generally applicable to land similarly zoned. While the conditions may vary from property to property by reason of the nature of the use and different circumstances at a particular location, it is not the intention of this section to authorize conditions limited to a particular individual or group, owner or operator, and the provisions of this section shall not be used for the purpose of discrimination in housing.
- Proffer in Writing. As a part of a petition for rezoning or amendment of the zoning district map the owner or owners of the property involved may, prior to a public hearing before the Town Council, voluntarily proffer in writing such reasonable conditions, in addition to the regulations provided for the zoning district or districts as herein set forth, as he deems appropriate for the particular case provided that:
 - The rezoning itself must give rise for the need for the conditions;
 - Such conditions shall have a reasonable relation to the rezoning;
 - Such conditions shall not include a cash contribution to the Town or to Fauquier County;
 - Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the subdivision ordinance;
 - No condition shall be proffered that is not related to the physical development or physical operation of the property; and
 - All such conditions shall be in conformity with the Comprehensive Plan of the Town of Remington.

For the purpose of this Ordinance, proffered conditions shall be interpreted to include written statements, development plans, profiles, elevations, and/or other demonstrative materials. Materials of whatever nature and intended as conditions shall be annotated with the following statement signed by the owner or owners of the subject property: "I (we) 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 unless an amendment thereto is mutually agreed upon by the Town Council, and the undersigned."

- Review and Revision of Proffered Conditions. Additional conditions may be proffered by the applicant during or subsequent to the public hearing before the Planning Commission, provided however that after proffered conditions are signed and made available for public review and the public hearing before the Town Council has been advertised (whether or not jointly held with the Planning Commission) no change or modification to any condition shall be approved without a second advertised public hearing thereon.

After the Town Council public hearing has been advertised or commenced, should additional or modified conditions be proffered by the applicant, which conditions were discussed at the public hearing before the Planning Commission, then a second public hearing need be held only before the Town Council before the application and the modified conditions can be approved.

Should additional conditions be proffered by the applicant at the time of the public hearing before the Town Council, which conditions were not addressed at the public hearing before the Planning Commission, or if the proffered conditions are modified beyond the scope of any conditions considered at the public hearing before the Planning Commission, the application shall be the subject of a second public hearing before both the Planning Commission and the Town Council which hearing may be either separately or jointly held.

- Annotation of Zoning District Map. The zoning district map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. Such conditions shall become a part of the zoning regulations applicable to the property in question, regardless of changes in ownership or operation, unless subsequently changed by an amendment to the zoning_ district map, and such conditions shall be In addition to the specific regulations set forth in this Ordinance for the zoning district in question.
- Enforcement of Conditions. The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to such rezoning or amendment to the zoning district map, including: (a) the ordering in writing of the remedy of any noncompliance with such conditions; (b) the bringing of legal action to ensure compliance with such conditions, including injunction, abatement, or other appropriate action or proceeding; and (c) requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Town Council, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Provided, further, that failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or zoning permits, as may be appropriate.
- Conformity of Site Development Plans. Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations, or other demonstrative materials, and no development shall be approved by any Town official in the absence of said substantial conformity. For the purpose of this Section, substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant
- Change of Approved Conditions. Once conditions have been approved, and there is cause for an amendment which would not be in substantial conformity with the proffered conditions, then an application shall be filed for an amendment. If the amendment concerns an approved site development plan, such application shall include the submission requirements for a site plan set forth in Article 1, except that the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the site plan amendment application. Such amendment shall be the subject of public hearing in accordance with the requirements for a new application.
- Review of the Zoning Administrator's Decision. Any zoning applicant who is aggrieved by the decision of the Zoning Administrator pursuant to the provisions of this Section may petition the Town Council or the review of the decision of the zoning Administrator.

Article 21 Violation and Penalties

- 21-1 Conformance to Provision.** All departments, officials and public employee of the Town of Remington which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.
- 21-2 Violation of Provisions.** Any person, firm or corporation, whether as principal, employed or otherwise violating, causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand (\$1,000) dollars. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.
- 21-3 Recourse for Unlawful Use.** The Zoning Administrator of the Town of Remington may institute any appropriate action of proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or and, or to prevent any illegal act, conduct, business or use in or about such premises.

Article 22 Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include future. Words in the singular include the plural, and the plural includes the singular.

Accent: *Giving prominence to one or more elements of site design.*

Accessory dwelling unit: *A subordinate dwelling unit in a main building or accessory building as approved by the Board of Zoning Appeals under Article 19.*

Accessory use or structure: *A detached subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building, including, but not limited to, private garage, carport, parking space other than for residential, swimming pool, tennis court, storage or utility building, living quarters for household employees or caretakers.*

Acreage: *A parcel of land, regardless of area, described by metes and bounds which is a numbered lot on any recorded subdivision plat.*

Active recreation area: *Area designed for intensive play or athletic activity by either juveniles or adults.*

Administrator or agent: *The official charged with the enforcement of the Zoning ordinance. He may be any appointed or elected official who is designated to the position by the Town Council.*

Agriculture: *The tilling of the soil, the raising of crops, horticulture and forestry, including the keeping of animals and fowls, but not including any agricultural industry or business, such as fruit packing plants, dairies or similar use.*

Alley: *A permanent service way providing a secondary means of vehicular access to an abutting property, and not intended for general traffic circulation.*

Alteration: *Any change in the total floor area, use, adaptability or external appearance of an existing structure.*

Animal hospital or clinic: *Establishment where treatment is received and no activity is conducted outside the main building. Kennels are not by definition included.*

Apartment house: *A building used or intended to be used as the residence of three or more families living independently of each other.*

Applicant-Owner: *An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any track of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation or in representing or executing the requirements of the ordinances of the Town of Remington.*

Appraiser: *A person who earns his livelihood from the appraisal of real property, as contrasted with the selling of property, and who meets the standards for membership in the American Institute of Real Estate Appraisers.*

Architect: *A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as an architect.*

Area-Gross Leasable: *Inside square footage of a building including retail, wholesale, and storage space, exclusive of halls, closets, elevator shafts, toilets, etc., and any outside display.*

Atrium house: A one-story single-family attached dwelling, shaped to surround or partly surround a private open space called an atrium, it being a type of Townhouse unit. (See Townhouse)

Automobile graveyard: Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, are placed.

Basement: A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

Boardinghouse: A building where, for compensation, lodging and meals are provided for up to ten persons.

Building: A structure having one or more stories and a roof designed primarily for support and shelter of persons, animals or property of any kind. When a building or structure is divided into separate parts by fire walls, and having separate plumbing, electrical, heating, drainage, and ventilation each part so divided shall be deemed a separate structure.

Building, accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. (See Accessory Use or Structure.)

Building area: The area of the horizontal section of the buildings taken at their greatest outside dimensions on the ground floor including all attached structures.

Building, height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, main: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Building line: The line which establishes the distance of a building from any lot boundary line.

Block: That land abutting on one side of a street extending to the rear lot lines (or, for parcels of land extending through to another street, to a line midway between the two streets) and lying between the nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and boundary of any railroad right-of-way, park, school ground or un-subdivided acreage or center line of any drainage channel twenty (20) or more feet in width.

C-District: Any zoning district beginning with "C", such as C-1 or C-2.

Cellar: a story having more than one-half of the height below grade.

Child care center, day care center or nursery school: A private establishment enrolling four or more children between 2 and 5 years of age where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center, day care center, or nursery school.

Cluster development: Development premised on unit density which allows unit credit based on gross acreage but permits development including lots and streets on a given percentage of the overall gross site.

Coherence: Logically consistent arrangement of plan elements. Commission.

Commission: The Planning Commission of Remington, Virginia.

Comprehensive Plan: Maps, charts, description matter officially adopted by the Town Council showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways and recreation areas; for the general location and extent of facilities for water, sewer, and for the general location, character, and extent of community facilities.

Construction standards: Specifications and standards as adopted by or applicable in the Town of Remington relating to the construction of all physical improvements.

Cul-de-sac: A street with only one outlet having an appropriate turn-around area for a safe and convenient reverse of traffic movement.

Dairy: A commercial establishment for the manufacture and sale of dairy products.

Developer or subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any track of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation or in representing or executing the requirements of the ordinances of the Town of Remington.

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

District: District as referred to in the State Code, Section 15.1-486.

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

Duplex: A building consisting of only two dwelling units.

Dustless surface: A surface adequately covered in accordance with good construction practice; with a minimum of either two applications of bituminous surface treatment concrete, or bituminous concrete approved by the Town, and to be maintained in good condition at all times.

Dwelling: Any structure which is designed for use for generally permanent residential purposes, not including hotels, boardinghouses, lodging houses, tourist cabins, automobile trailers or mobile homes.

Dwelling for the elderly and handicapped: A building or portion thereof containing at least 10 dwelling units and. within which at least 90 percent of all dwelling units are occupied by or designed for occupancy by:

- (a) Families of two or more persons the head of which (or his or her spouse) is 62 years of age or over or is handicapped, or
- (b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death.
- (c) A single person who is 62 years of age or over, or a non-elderly handicapped person between the ages of 18 and 62, or
- (d) Two or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certification to be essential to the care or well-being.

For the purpose of this definition Handicapped Person means any adult having an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a

nature that such ability could be improved by more suitable housing conditions. A person also shall be considered handicapped if he or she is developmentally disabled; i.e., if he or she has a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which constitutes a substantial handicap to such individual.

Dwelling, multiple-family: *A structure arranged or designed to be occupied by more than one family, the structure having more than two dwelling units.*

Dwelling, two-family: *A structure arranged or designed to be occupied by two families, the structure having only two dwelling units.*

Dwelling, single-family: *A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.*

Dwelling unit: *One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.*

Easement: *A grant by property owner of the use of land for a specific purpose or purposes.*

Engineer: *A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as a "professional engineer."*

External relationships: *Those associations pertaining to both on- and off-site considerations.*

Family: *One or more persons occupying a premise and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, lodging house, tourist home or hotel.*

Floodway: *The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100 year flood can be carried without substantial increases in flood heights.*

Flood Fringe: *The area between the floodway and the boundary of the 100 year flood.*

Frontage: *The minimum width of a lot measured from one side lot to the other along the street right-of-way.*

Garage, private: *Accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units.*

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

Garden apartment: *A dwelling unit situated within a structure consisting of no more than three (3) stories with access to the dwelling units provided by means of an interior hallway or foyer, each dwelling unit normally consisting of a portion of one floor of the structure.*

Gasoline service station: *Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.*

Geometric design: *Typical cross-sections used in street design.*

Golf course: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

Golf driving range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing Body: The Town Council of Remington, Virginia.

Guest room: A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

Health official: The Director of the Health Department for the Town of Remington, County of Fauquier, Virginia, or his designated agent.

Highway engineer: The Resident Engineer of Fauquier County, Virginia, employed by the Virginia Department of Transportation (VDOT).

Home garden: A garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.

Home occupation: Any occupation or activity conducted solely by a member of the family residing on the premises which is incidental and secondary to the use of the premises for dwelling, provided that (a) not more than the equivalent area of one quarter of one floor shall be used for such purpose; (b) that such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for purely domestic household purposes; (c) that no commodity is stored or sold, except as are made on the premises; (d) there shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that building is being utilized in part for any purpose other than that of a dwelling. When within the above requirement, home occupation includes, but is not limited to the following: (e) art studio; (f) dressmaking; (g) activities permitted in Home offices (see home offices); (h) teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include the conduct of barber shops and beauty parlors; nursing homes, convalescent homes, rest homes, child care centers, day care centers or nursery schools; home professional offices, restaurants, tea rooms, tourist homes, massage parlors or similar establishments offering services to the general public.

Home office: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and no equipment other than usual office equipment and no one is employed other than members of the family residing on the premises, and in general an occupation where services are performed in such a way that visits to the premises by members of the public are infrequent.

Home professional office: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and no equipment other than usual office equipment but which may include employees other than members of the family and visits to the premises by members of the public may be frequent.

Hospital: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

Hospital, special care: A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.

Hotel: A building designed or occupied as the more-or-less temporary abiding place for ten or more individuals who are, for compensation, lodged with or without meals, and in which provision is not generally made for cooking -in individual rooms or suites.

Illustrative material: Accompanying - pictorial and written data.

Improvements: All utilities, facilities, buildings, and structures including but not limited to streets, cul-de-sacs, storm and sanitary sewers, water lines, curb and gutter and landscaping required pursuant to the terms of regulations of Remington, Virginia.

Internal Relationships: Those associations pertaining to on-site considerations.

Junk yard: The use of any area of land lying within and one hundred (100) feet of a state highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term 'junk yard' shall include the term 'automobile graveyard' as defined in chapter 304, Acts of 1938, Code of Virginia.

Jurisdiction: The limits of territory within which authority may be exercised by the governing body.

Kennel: A place prepared to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.

Landscape architect: A person who is registered by the Commonwealth of Virginia as a landscape architect.

Landscape design: The planned treatment of land, structures, plants, topography, and other natural features.

Livestock market: A commercial establishment wherein livestock is collected for sale and auctioned off.

Lot: A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building or in the case of land not transferred for sale, a measured parcel of land having fixed boundaries and designated on a plat or survey showing the metes and bounds or simply described by metes and bounds.

Lot area: The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street or right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street right-of-way.

Lot, corner: A lot abutting upon two or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot and the longest side fronting upon a street shall be considered the side of the lot.

Lot, depth of: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: An interior lot having frontage on two streets.

Lot, interior: A lot other than a corner lot with only one street frontage.

Lot line: A property boundary line of any lot held in single and separate ownership from adjacent property, except that, in the case or any lot abutting a street, the lot line or such portion of the lot as abuts the street shall be deemed to be the same as the street line and shall not be the center line of the street, or any other line within the street line even though such may be the property boundary line.

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

Lot of record: A lot which has been recorded among the land records in the Office of the Circuit Court of Fauquier County, Virginia.

M-District: Any zoning district beginning with "M", such as M-1 or M-2.

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

Materials: The physical elements of which something is made or fabricated.

Medical or Dental Clinic: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

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

Motor court or motel: A building or group of two or more detached or semi-detached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for providing sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

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

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

Nonconforming structure: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Off-street parking space or parking bays: A reasonable level space, available for the parking one (1) motor vehicle, not less than nine (9) feet wide and having an area of not less than one hundred sixty-two(162) square feet exclusive of passageways or other means of circulation or access.

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).

On-site: That area within the boundary of any land to be developed or planned.

Open space: Water or land left in undisturbed open conditions or developed as a landscaped area unoccupied by habitable buildings, streets, or parking lots.

Owner-Applicant: see applicant-owner.

Parking space- all weather: A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

Parcel: Any tract of land or water not subdivided.

Passive recreation area: Natural areas, primarily scenic; for passive activities, e.g., sitting, walking, riding, or picnicking.

Patio house: For purposes herein, same as atrium house, (see Atrium, House, Townhouse).

Pen: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.

Performance bond: A bond of surety, and/or cash deposit approved by the Governing Body equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite term. (A performance and payment bond also provides for the payment of subcontractors.)

Planner: Person qualified to prepare site development plans, either licensed as such or meeting the standards for membership of the American Institute of Certified Planners.

Plat: A map or plan of a tract or parcel of land which is to be or has been subdivided (when used as a verb, plat is synonymous with subdivide)

Profile: A drawing of a side or sectional elevation of an object.

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

Public water and sewer systems: A water or sewer system owned and operated by municipality or county, or owned and operated by a private individual or a corporation approved by the Governing Body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

R-District: Any zoning district beginning with "R", such as R-E, R-1, R-2, and R-3 and also including the PUD district.

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

Restaurant – drivein: Same as restaurant except that "carryout" services are available or provided.

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: Drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop .

Rooming house: See boarding house.

School: Any public, parochial or private place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors which teaches those academic subjects that are fundamental and essential in general education and which provide kindergarten, elementary, secondary stages of .education, or a vocational school,

under the supervision of a state or lawfully constituted ecclesiastical governing body and with standards of instructions meeting the requirements of the Commonwealth of Virginia, but excluding any privately operated schools of trade, vocation, avocations, and business.

Setback: The minimum distance by which any building or structure must be separated from the front lot line.

Setback line: The line which establishes the required setback. The same as building line.

Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than two (2) square feet in area is excluded from this definition.

- (a) **Advertising:** A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained. An advertising sign shall also include a sign directing attention to a product offered upon the premises, but which product or service is or could be offered elsewhere than on the same premises, with the exception that where the trade name of the product is a basic factor in directing attention to the business, the display of that sign shall be considered a business use.
- (c) **Billboard:** Any sign which is not an accessory sign or which is not specifically limited to a special purpose by these regulations.
- (d) **Commercial:** A sign directing attention to business, commodity, service or entertainment conducted, sold or offered on the same premises upon which the sign is maintained (see Advertising above).
- (e) **Directional:** A sign marking an entrance or exit or giving other directions to the general public.

Double-Faced Sign: A sign with two parallel, or nearly parallel, faces, back to back, and located not more than 24 inches from each other.

- (a) **Flashing:** Flashing sign shall mean any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when such sign is in use.
- (b) **Ground:** Ground sign shall include any sign supported by uprights or braces placed in or upon the ground and not attached to any building.
- (c) **Identification:** A sign indicating the name of a permitted use, the name or address of a building or the name of the management thereof
- (d) **Illuminated:** Illuminated sign shall mean any sign which has character letters, figures, design or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Indirectly illuminated sign: A sign which does not produce artificial light from within itself but which is (1) opaque and backlighted or is (2) illuminated by spotlights or floodlights not a part of or attached to the sign itself. Also, for purposes of this Ordinance a sign of translucent nontransparent material illuminated from within with no exposed or exterior bulbs, tubes or other light source.

- (a) **Informational:** A sign conveying instructions with respect to the premises on which it is maintained or giving directions or providing information to the public at large by official notices, place names, tourist information and the like.
- (b) **Marquee:** Marquee shall mean any canopy or other covered structure other than a projecting sign projecting from and wholly supported by a building and extending beyond the building wall.
- (c) **Painted:** a painted sign shall mean any sign painted on the exterior surface of a building.
- (d) **Portable or freestanding:** A sign on a frame not attached to any surface and intended to be easily moved
- (e) **Projecting:** a sign attached to a structure, approximately perpendicular to the building wall.
- (f) **Real Estate:** a sign that advertises the property on which it is located, for sale, rent, or lease. Such signs shall be removed upon the sale, rental, or lease of the property on which it is located.

- (g) *Roof: roof sign shall mean any sign erected, constructed, and maintained wholly upon or over the roof of any building.*
- (h) *Shopping center: Shopping center sign shall mean any sign designating a group of retail stores laid out and developed or operated as a unit according to an integrated design plan.*
- (i) *Sign area: That area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, - whichever lines includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area; for other signs with more than one face, each side shall be included in a computation of sign area. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign area.*
- (j) *Sign height: The vertical distance from the street grade or the average lot grade at the front setback line, whichever produces the greater vertical distance, to the highest point of the sign*
- (k) *Structure: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise, exhibiting a sign.*
- (l) *Temporary: A sign applying to an activity such as horse shows auctions, carnival, festival or other community sponsored activities, and intended to be displayed for not more than thirty (30) days.*
- (m) *Wall: Wall sign shall include any signs or lettering, projecting not more than eight (8) inches, which are placed against or attached to the front, rear or side wall of a building, but shall not include professional nameplates.*

Simplicity: Directness of expression in design.

Site development plan: Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information as required by the Subdivision and Land Development Ordinance.

Special exception: A use, activity, or exception to these regulations specifically listed in this ordinance as a special exception for review and action by the Board of Zoning Appeals under the terms and conditions of this Ordinance.

Special use permit: Permission or approval granted by the Town Council in accordance with Article 2, Section -7, thereof, in situations where provision therefor are made by terms of this Ordinance.

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

Steep slope: A slope exceeding fifteen (15) percent.

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

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

Street: A strip of land subject to vehicular and/or pedestrian traffic providing means access to property; also designated as street, road, lane, drive, avenue, right-of-way, highway, boulevard, trail, court, place, terrace, etc.

- (a) *Line: The dividing line between a street or road right-of-way and the contiguous property.*
- (b) *Secondary collector: A street that carries or is anticipated to carry a volume of through-traffic exceeding four hundred (400) vehicles per day, the right-of- way of which shall not be less than seventy (70) feet nor more than ninety (90)feet depending upon existing or anticipated traffic volume.*

- (c) *Local*: A street that carries or is anticipated to carry a volume of traffic less than four hundred (400) vehicles per day, the right-of-way of which shall not be less than fifty (50) feet.
- (d) *Primary thoroughfare*: A street that carries or is anticipated to carry a volume of traffic exceeding 3,000 vehicles per day, the right-of-way of which shall not be less than seventy (70) feet, and should where feasible, have a minimum right-of-way of ninety (90) feet.
- (e) *Arterial*: A highway, utilized primarily as a supplement to, and an extension of, the interstate highway system, defined in the Commonwealth Transportation Board's Standards as an arterial highway. A minimum right-of-way of one hundred twenty (120) feet is required and carrying capacity is in excess of 8,000 vehicles per lane per day.
- (f) *A thoroughfare utilized to carry interstate traffic with a minimum right-of-way of three hundred (300) feet in rural area and carrying capacity in excess of 1,500 vehicles per lane per hour.*
- (g) *Service drive*: A public right-of-way generally parallel with and contiguous to a major highway. Primarily designed to promote safety by eliminating pernicious ingress and egress to the major safe and orderly points of access to the major highway.
- (h) *Private*: A local or collector street constructed to Town and State standards or the equivalent thereto, guaranteed to be maintained by a private corporation by means of a covenant, deed, and easement acceptable to the Town of Remington; such streets shall have guaranteed public vehicular access.
- (i) *Width*: The total width of the strip of land dedicated or reserved for public travel includes roadway, curb and gutter, sidewalks, planting strips, and where necessary, utility easements.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc., but not private driveways.

Subdivide: The process of dividing land to establish a subdivision. See Subdivision Ordinance for precise definition and derivatives thereof.

Surveyor, land: An individual who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as a "registered land surveyor."

Tourist court, auto court motel, hotel, cabins, or motor lodge: One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Tourist home: A dwelling where only lodging is provided for compensation for up to five (5) persons (in contradistinction to hotels and boardinghouses) and open to transients.

Town engineer: The designated professional civil engineer or engineering consulting firm for the Town of Remington.

Townhouse: A dwelling unit situated directly on the ground, attached by means of a common vertical wall or walls, extending from the floor of the basement to the roof, to a series of similar dwelling units, each of which has individual access from the outdoors and each of which normally consists of two (2) or three (3) stories. The term "townhouse" is inclusive of the terms "atrium house" and "patio house."

Travel lane: Space specifically designated and reserved on the site for the movement of vehicular traffic.

Travel trailer: A mobile unit less than twenty-nine (29) feet in length and less than four thousand five hundred (4,500) pounds in weight which is designated for temporary human habitation.

Use: Activity proposed for any portion or part of a parcel, tract, or lot.

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

U.S.G.S.: U.S. Geological Survey.

U.S.C.&G.S.: U.S. Coast and Geodetic Survey.

Utility: (1) Facilities provided by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

Yard: An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided therein.

Yard, front: An open space on the same lot as a building between the front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.

Yard, rear: An open, unoccupied space on the same lot as a building between the rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.

Yard, side: An unoccupied space on the same lot as a building line between the side of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

Article 23 Severability; Effect of Conflicting Ordinances; Effective Date

- 23-1 Severability of Ordinance.** Should any section of provisions of this Ordinance be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.
- 23-2 Conflicting Ordinances.** It is not intended by this Ordinance to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued there under, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restriction upon the use of buildings of land, or upon the height and bulk of buildings, or prescribes larger open space than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control.

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

- 23-3 Effective Date.** The effective date of this Ordinance shall be from and after final passage and legal application, and its provisions shall be in force thereafter until repealed.

This Zoning Ordinance of Remington, Virginia shall be effective at or after 12:01 a.m. July 1, 1988.

ADOPTED THE 13TH DAY OF JUNE, 1988.