

## Town of Bloxom, Virginia

# BLOXOM TOWN PLAN

During the preparation of this ordinance, financial assistance was provided by the Chesapeake Bay Local Assistance Department, Commonwealth of Virginia.



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

Prepared by:  
Bloxom Planning Commission

With Technical Assistance Provided by:  
Accomack-Northampton Planning District Commission

*Adopted May 23, 1996*



Eastern Shore of Virginia town water  
quality protection planning project

List of Deliverables

FY 96

October 1, 1995 - Sept 30, 1996

LIBRARY

SEP 27 2005

National Oceanic &  
Atmospheric Administration  
U.S. Dept. of Commerce

TD  
225  
B68  
B65  
1996

Town Plans

Adopted Bloxom Plan Amendment

Adopted Tangier Town Plan

Draft Saxis Town Plan Amendment (expected adoption: January 1997)

Draft Hallwood Town Plan Amendment (expected adoption: January 1997)

Zoning Ordinances

Adopted Belle Haven Zoning Ordinance Amendment (CPBA Map)

Adopted Exmore Zoning Ordinance Amendment

Adopted Onley Zoning Ordinance Amendment

Adopted Parksley Zoning Ordinance Amendment

Draft Tangier Zoning Ordinance (expected adoption: February 1997)

Subdivision Ordinances

Adopted Bloxom Subdivision Ordinance

Draft Saxis Subdivision Ordinance (expected adoption: January 1997)

Draft Hallwood Subdivision Ordinance (expected adoption: January 1997)

## **Table of Contents**

The Comprehensive Plan	1
Inventory and Analysis	2
Population Characteristics	3
Natural Resources	4
Existing Land Use	14
Economic Characteristics	17
Goals and Objectives	19
Plan and Implementation	22

**List of Figures**

1.	Town of Bloxom	2
2.	Soils	6
3.	Soil Conditions	8
4.	Chesapeake Bay Preservation Areas	11
5.	Existing Land Use	15
6.	Future Land Use	25

**List of Tables**

1.	Population Characteristics	3
2.	Building Site Development Limitations Summary	7
3.	Employment By Industry	17
4.	Household Income	18

## **The Comprehensive Plan**

A comprehensive plan is an official public document adopted by a local government to be used as a guide for making policy decisions about the physical development of a community, including providing public services for community residents. A comprehensive plan is general in nature and is used as a basis for the zoning ordinance. The Virginia General Assembly, recognizing the need and value for local planning within each area of the Commonwealth, adopted Section 15.1-446.1 of the Code of Virginia (1950) as amended on July 1, 1980 which requires that each city, county or town develop and adopt a comprehensive plan. Section 10.1-446.1 states, "The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory which will, in accordance with present and probable future needs and resources best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants."

In addition to the above mandate, the Virginia General Assembly, recognizing the economic and social importance of ensuring the long term viability of state waters and in particular the Chesapeake Bay and its tributaries, enacted the Chesapeake Bay Preservation Act of 1988 (Act)(§ 10.1-2100, et seq., of the Code of Virginia). The Act is a cooperative effort between the state and local governments with a water quality improvement and protection focus. Section 10.1-2109.B of the Act states that "Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters into each locality's comprehensive plan consistent with the provisions of this chapter." The Town of Bloxom recognizes the importance of maintaining the integrity of state waters and the Chesapeake Bay to the citizens of the Commonwealth and of Bloxom. The waters of the Chesapeake Bay have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Certain lands that are next to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other land areas have severe development constraints as a result of flooding, erosion, and soil limitations. With proper management, these lands offer significant environmental benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control.

To achieve these ends, the Town Council and Planning Commission of the Town of Bloxom have developed the following Comprehensive Plan. Once the plan is adopted by the Town Council, the Plan controls the general location, character and extent of each feature shown on the plan. Before any public area, facility or use can be constructed or established, the Planning Commission must approve it as being substantially in accord with the adopted Plan. The Commission forwards its recommendations on such proposals to the Town Council. Once the Plan is adopted, it should be used as the basis for guiding and regulating land use and physical development.

It is necessary, due to the nature of the Comprehensive Plan and its purpose, that the Town Council regularly review the Comprehensive Plan and update the goals to keep pace with events and development affecting the Town's well being. As required by the Virginia State Code, the document shall be reviewed at no less than a five-year interval.



## I. INVENTORY AND ANALYSIS

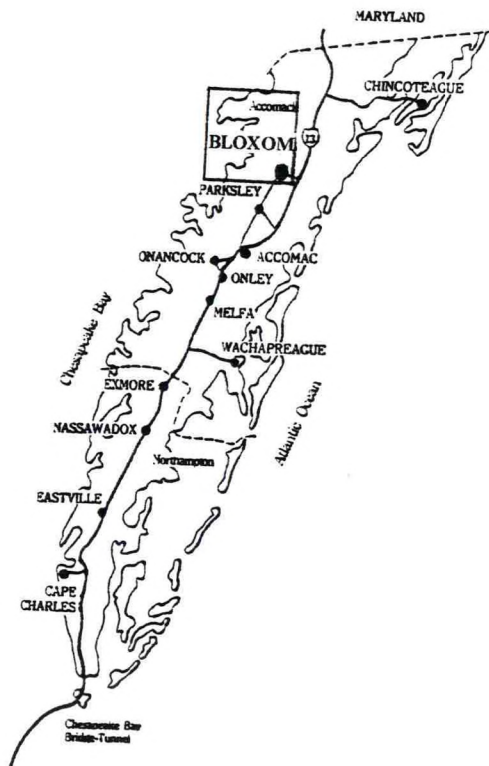
### Overview

The Town of Bloxom, with a population of 357, is located in Accomack County, on the Eastern Shore of Virginia (See Figure 1). The Eastern Shore of Virginia is located at the southern tip of the Delmarva Peninsula, bordered to the north by the State of Maryland, to the east by the Atlantic Ocean, and to the south and west by the Chesapeake Bay.

Bloxom was established in the early 1880's, on the farmland and forest land of the Bloxom, Hinman and Godwin families. In 1884, the railroad came through town and Bloxom continued to grow. By WWI, in 1914, Bloxom was a major produce shipping point. In its prime, Bloxom had seven stores, two banks, two barber shops, two doctors, and three churches--Episcopal, United Methodist and Pilgrim Holiness. Then, in the 1930's, the population began to decline as farm labor needs decreased. In 1950, Bloxom's high school was closed and in 1952, the Pennsylvania Railroad ceased passenger service.

The Town of Bloxom was incorporated in 1951 by founding Town Council members John Somers, Will Littleton, John Bowdoin, Henry Parker and King Godwin. The first Mayor, R. Barton Bull, served for 30 years. A prominent citizen of Bloxom was Melvin Shreves, who served in the Virginia House of Delegates. The Bloxom Volunteer Fire Department was founded in 1955, with the purchase of an old fire engine. The fire department and the churches continue to be the major focus of town social life today.

**Figure 1**  
**Town of Bloxom**



## POPULATION CHARACTERISTICS

Bloxom experienced a 12% population loss between 1980 and 1990, while the population of Accomack County increased by 1%. In September, 1990, the Town of Bloxom, feeling that the 1990 U.S. Census was not accurate, conducted a door-to-door population count. The town population count found 384 people living in Bloxom, 27 more people than the 1990 U.S. Census figure.

In 1990, the age characteristics of Bloxom's population generally reflected that of Accomack County, as shown in Table 1. From 1980 to 1990, the percentage of children in Bloxom experienced a decline of 23%, while the percentage of adults aged 65 and older increased by 28%. This suggests the outmigration of young people, fewer births, and the aging of the adult population.

Bloxom has a very different racial composition than that of Accomack County. In 1990, the population of Bloxom was made up of 91% white residents and 9% black residents, while the County population was 65% white residents and 35% black residents.

**Table 1**  
**Population Characteristics**  
**1980 - 1990**

	1980				1990			
	Accomack County		Bloxom		Accomack County		Bloxom	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent
<b>Age</b>								
0-17	8,151	28%	94	23%	7,521	24%	72	20%
18-64	17,907	55%	259	64%	18,331	58%	216	61%
65 +	<u>5,210</u>	17%	<u>54</u>	13%	<u>5,851</u>	19%	<u>69</u>	19%
Total	31,268		407		31,703		357	
<b>Race</b>								
White	19,753	63%	393	97%	20,499	65%	325	91%
Non-white	11,515	37%	14	3%	11,204	35%	32	9%

Sources: 1980 & 1990 U.S. Census



## **NATURAL RESOURCES**

To insure that future development in Bloxom is compatible with the natural environment, it is necessary to understand the natural resources which exist in the Town. This section of the Town Plan summarizes the natural resources within Bloxom and discusses problems associated with these resources. There are still some farmlands, woodlands and wetlands in Bloxom. The farmlands in Town are connected to larger farm tracts outside the Town limits. The wetlands and forest lands are located on hydric soils which are unsuitable for development. These types of undeveloped lands have potential for future parks and open space, groundwater recharge areas, and resource conservation areas.

### **Watershed**

A watershed is a region or area that drains into a body of water. The entire Town lies within the Chesapeake Bay watershed. Two small streams, locally known as creeks or branches, run through Bloxom and drain the town: Muddy Creek drains the northern part of town and Guilford Church Branch drains the southern part of town.

### **Topography**

The elevation of Bloxom has a range of approximately 15 feet, from a high point of 35 feet near the junction of Shoremain Drive and Bethel Church Road, to a low point of 20 feet where Mason Road crosses Guilford Church Branch. The elevation change of 20 feet results in an average slope in Bloxom of less than 1%, which may result in flooding due to poor drainage. Drainage and stormwater management are important considerations for future development. Stormwater disposal needs must be met while considering groundwater recharge and surface water pollution.

### **Flood Hazard Areas**

Most of Bloxom is not located in the Accomack County 100-year flood plain. The Town's location has been classified as being in Zone C (areas with minimal flooding) by the U.S. Army Corps of Engineers Wave Study for Accomack County. The Town is not likely to be affected by a 100-year flood; however, it is possible for the Town to be affected by a flood of that magnitude due to flat topography, a high water table, and poor drainage.

### **Wetlands**

Only a small portion of the land area in Bloxom contains wetlands. These non-tidal wetlands are located on the banks of Muddy Creek, and Guilford Church Branch. There is also an area of non-tidal wetlands located to the east of Rt. 316. Protecting wetlands is important because they filter water as it passes through which reduces sediment flows into open water and remove nutrients and chemical and organic pollutants. Wetlands also assist with flood control and serve as groundwater discharge and recharge areas.

### **Soils**

Soil characteristics are important in determining land uses. Characteristics such as texture, permeability, wetness and depth to water table can affect development activities. Because all residents in this planning area are served by on-site septic systems, soil suitability for on-site sewage treatment is important in determining which areas are suitable for development.

Bloxom, along with the entire Eastern Shore, lies within the geological region known as the Atlantic Coastal Plain, which is a low-lying region composed of sands, silts and clay. The individual soil groups in Bloxom, along with their characteristics are shown in Figure 2 and described in the following soil characteristics summary:

*Arapahoe Loam (ArA)*

Nearly level, very deep and very poorly drained soil that is located on flats and in depressions of Carolina Bays. Suited for woodlands and wildlife, or cropland when drained. In Bloxom this soil is located east of the railroad tracks.

*Bojac Loamy Sand (BhB), 2-6% slope:*

Gently sloping, very deep and well drained farmland. Moderately rapid permeability and soil instability limit community development and cause a hazard of groundwater pollution when used for septic systems. In Bloxom this soil is located in the northeastern part of town, on the east and west sides of Bethel Church Road.

*Bojac Sandy Loam (BkA), 0-2% slope:*

Nearly level, very deep and well drained farmland. Moderately rapid permeability and instability of the soil are limitations to community development and cause a hazard of groundwater pollution when used for septic systems. In Bloxom, this soil is located in the southeastern part of Town, near Hall Street.

*Dragston Fine Sandy Loam (DrA), 0-2% slope:*

Nearly level, very deep and somewhat poorly drained. Used mainly for cultivated crops and some woodland. Seasonal high water table, rapid permeability, poor filtering capacity, and hazards of seepage limit this soil for community development. In Bloxom, this soil is mainly located in and near Hearn and Liberty Streets.

*Munden Sandy Loam (MuA), 0-2% slope:*

Level, deep and moderately well drained. Seasonal high water table, and rapid permeability are limitations for community development and result in hazard for groundwater pollution when used for septic fields. In Bloxom, this soil is located east of the railroad tracks near Parks and Bull Streets.

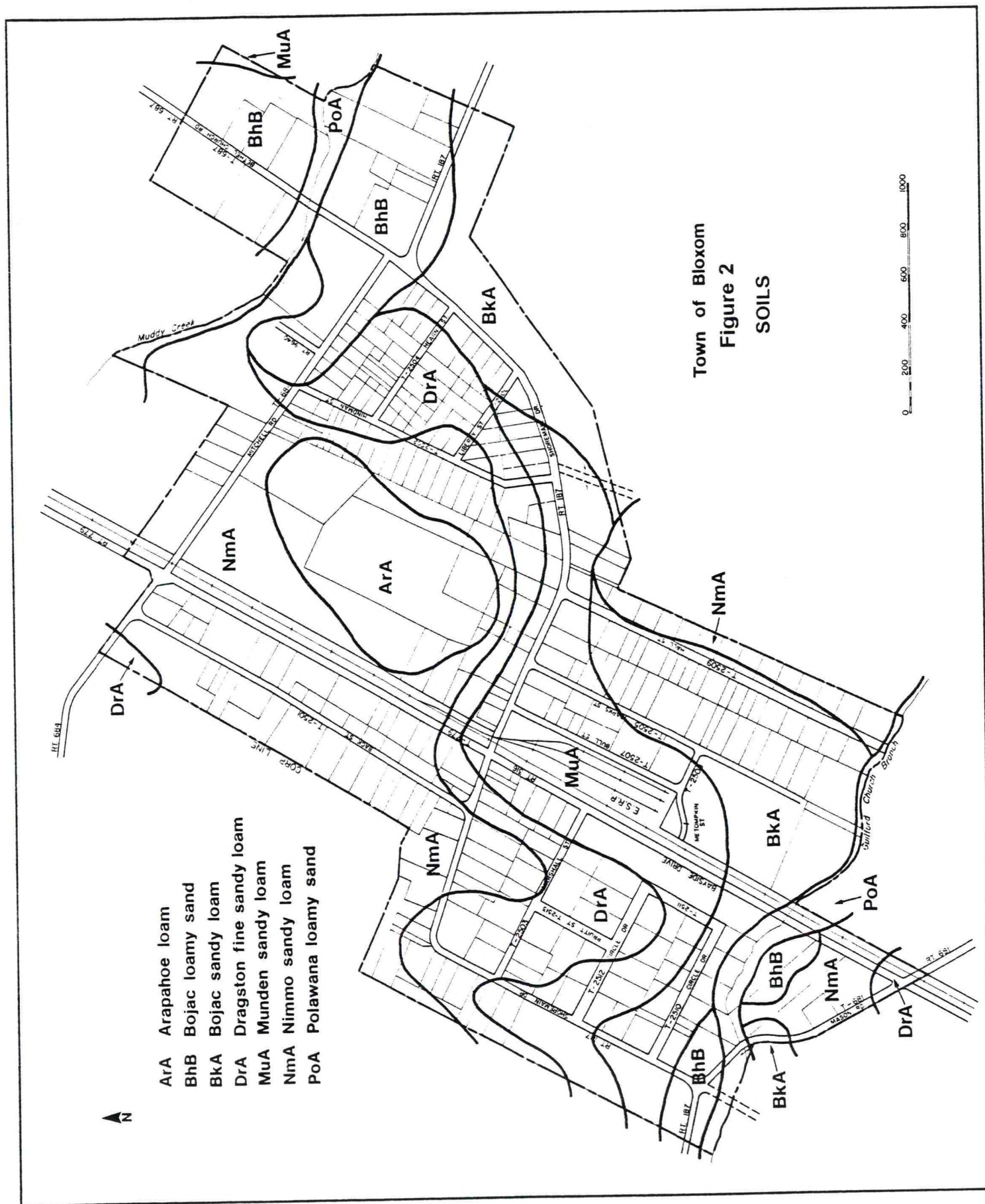
*Nimmo Sandy Loam (NmA), 0-2% slope:*

Nearly level, deep and poorly drained. Used for farmland when drained. Seasonal high water table, seepage, and rapid permeability are limitations for community development and cause a hazard of groundwater pollution when used for septic fields. Limited for roads and streets. In Bloxom this soil type covers much of the western and northern parts of Town.

*Polawana Loamy Sand (PoA), 0-2% slopes:*

Nearly level, very deep and very poorly drained floodplain soil. Found in drainage-ways along small freshwater streams. Rapid permeability, ponding, flooding, and high seasonal water table are limitations for community development. In Bloxom this soil is located along Muddy Creek and Guilford Church Branch.





The Building Site Development Limitations Summary, shown in Table 2, indicates that most of the soils in Bloxom are unsuitable for septic tank filter fields. This is mainly because of the hydric soils in Bloxom and the shallow depth to groundwater. Most of Bloxom has a very shallow depth to groundwater, between 0 and 18 inches. The presence of groundwater near the surface can cause septic system failure, resulting in groundwater contamination and a public health danger. Since all of the soils in Bloxom are hydric or highly permeable, there is a danger of groundwater contamination from failed septic systems, industrial waste, and the improper use of agricultural chemicals.

**Table 2**  
**Building Site Development Limitations Summary**

<b>Soil Type</b>	<b>Dwellings Without Basement</b>	<b>Dwellings With Basement</b>	<b>Small Commercial Buildings</b>	<b>Septic Svstems</b>	<b>Roads</b>
<b>Arapahoe</b> ArA	Severe: wetness	Severe: wetness	Severe: wetness	Severe: wetness. poor filter	Severe: wetness
<b>Bojac</b> BkA, BoA	Slight	Moderate: wetness	Slight	Moderate: wetness	Slight
<b>Dragston</b> DrA	Severe: wetness	Severe: wetness	Severe: wetness	Severe: wetness. poor filter	Moderate
<b>Munden</b> MuA	Moderate: wetness	Severe: wetness	Moderate: wetness	Severe: wetness	Moderate: wetnesss
<b>Nimmo</b> NmA	Severe: wetness	Severe: wetness	Severe: wetness	Severe: wetness	Severe: wetness
<b>Polawana</b> PoA	Severe: wetness	Severe: wetness	Severe: wetness	Severe: wetness. poor filter	Severe: wetness

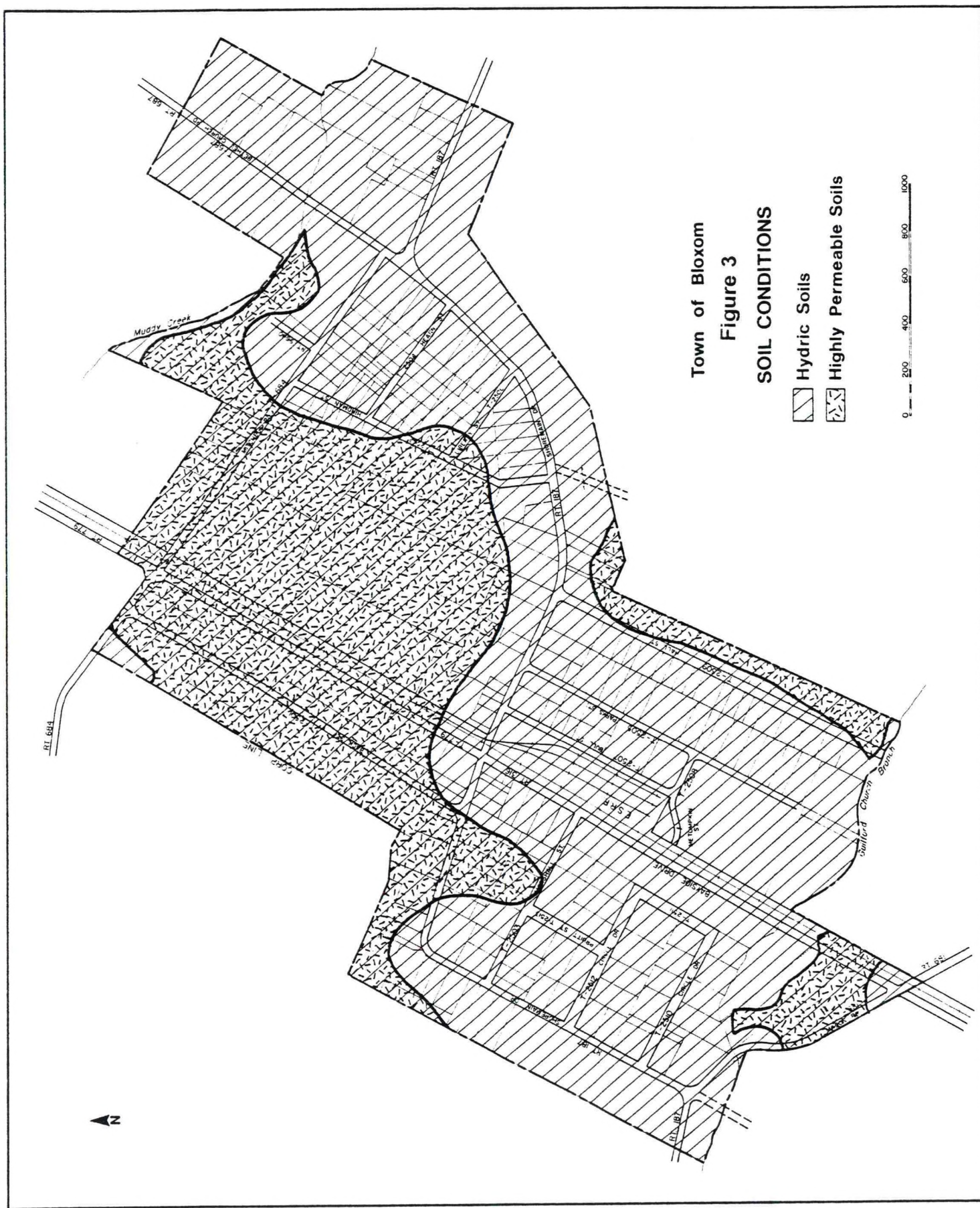
---

Source Accomack County Soil Survey, Tables 10 & 11.

### **Groundwater**

Groundwater management is an important concern for Bloxom, which relies on groundwater for domestic, industrial and agricultural use. The predominance of hydric and highly permeable soils in Bloxom, as shown in Figure 3, indicate a high potential for groundwater contamination. Hydric soils are primarily wet and poorly drained, and highly permeable soils are extremely susceptible to pollutant leaching and have a high potential for groundwater pollution. Contamination of groundwater can be caused by septic system failure, underground fuel storage







tanks, improper solid waste disposal, and improper application and disposal of industrial and agricultural chemicals. All of these uses are potential sources of groundwater overuse and contamination.

Removing vegetation and increasing the amount of impervious surface, such as roads, parking areas and roofs, can result in increased surface discharge and decreased groundwater recharge. By providing recharge areas for stormwater, groundwater equilibrium can be maintained. Excessive groundwater withdrawal, such as for irrigation and industrial use, can lower the water table resulting in less productive or dry wells. An optimum balance between withdrawal and recharge, defined as the safe yield, should be maintained through the continuous observation of water levels and water quality.

Specific data on groundwater conditions in Bloxom do not exist. However, the town should monitor applications for major groundwater withdrawals by nearby users. Proper septic system maintenance and solid waste disposal by town residents and businesses should be encouraged.

### ***Chesapeake Bay Preservation Act***

The Chesapeake Bay Preservation Act is a Virginia law, administered by the Chesapeake Bay Local Assistance Department in Richmond, which works closely with local governments in the Bay watershed. The Act was passed in 1988 and represents an innovative, regional approach to protecting sensitive land and water resources through land use planning techniques. The waters of the Chesapeake Bay have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. It is at the local level that the Bay Act is interpreted, implemented and enforced.

The objectives of the Bay Act are to protect the quality of state waters. While point source water pollution regulations are ineffective in dealing with nonpoint source pollution, local land use regulations can reduce water pollution by requiring development setbacks from shorelines, and allowing natural vegetation to prevent erosion and filter stormwater. The Bay Act requires that Chesapeake Bay *Preservation Areas* be delineated by the Town of Bloxom and certain land use criteria be applied to these areas.

Chesapeake Bay *Preservation Areas* are lands "which, if improperly developed, may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries." By definition, tidal shores, tidal wetlands, certain nontidal wetlands, floodplains, steep slopes, highly permeable soils, and highly erodible soils are among the lands to be managed and protected. Through the delineation of Chesapeake Bay Preservation Areas, the Act aims to protect and manage land critical to water quality in the Chesapeake Bay and its tributaries. Development in these areas must meet general performance criteria that are designed to reduce nonpoint source pollution and protect sensitive lands from disturbance. Chesapeake Bay *Preservation Areas* include *Resource Protection Areas (RPAs)* and *Resource Management Areas (RMAs)*. Bloxom has implemented a Chesapeake Bay Preservation Area Overlay District as part of the Town's zoning ordinance.



This ordinance establishes the RPAs and RMAs.

### **Resource Protection Areas**

RPAs are lands at or near the shoreline containing components which have important value to the water quality of the Bay. The RPA consists of the most ecologically sensitive features--tidal shores; tidal wetlands; and nontidal wetlands adjacent to tidal shores, tidal wetlands, and tributary streams. The RPA also includes a 100-foot buffer landward of these features. This buffer is considered the "last barrier" to runoff before it reaches surface waters. The buffer is intended to slow runoff, prevent erosion, and filter nonpoint source pollution.

In Bloxom, the RPAs are limited to the minimum areas required under the Bay Act Regulations. This includes all lands 100 feet landward of Muddy Creek and Guilford Church Branch, including associated nontidal wetlands, as shown in Figure 4. Redevelopment of existing structures is allowed, while new development is generally limited to water-dependent uses, such as fishing piers.

### **Resource Management Areas**

Resource Management Areas provide additional water quality protection and protect the environmentally sensitive features of the RPA. RMAs include land types that, if improperly developed, have the potential for causing significant water quality degradation or for diminishing the functional value to RPAs. RMA components include floodplains, non-tidal wetlands not included in the RPA, sensitive soil types, and other lands necessary to protect water quality.

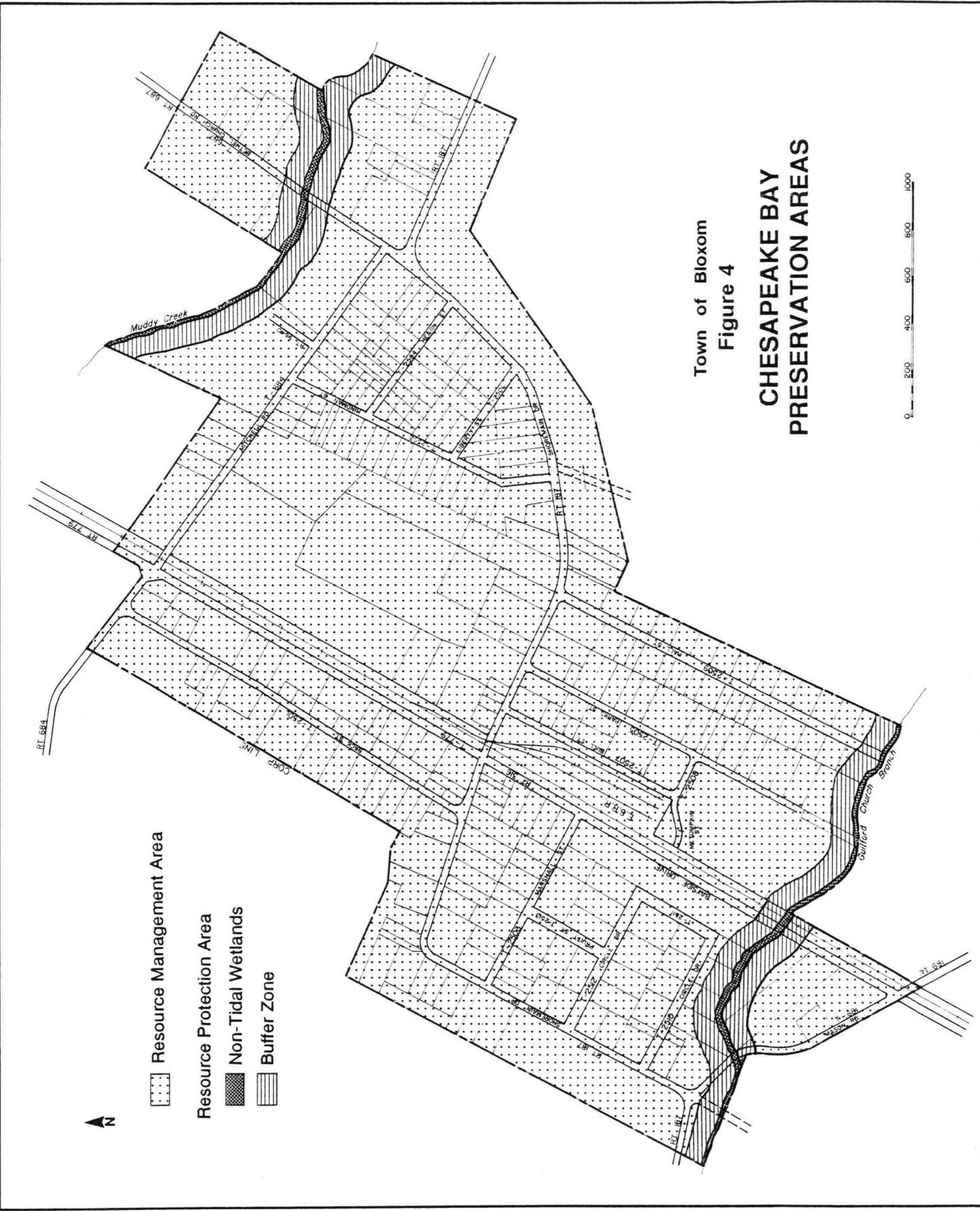
All of Bloxom is characterized by either hydric soils or highly permeable soils. Based on the presence of these sensitive land types, the RMA in Bloxom includes all of the land in Town not already in a RPA. All land clearing and construction activities normally allowed by the existing zoning ordinance are allowed in RMAs by following specific land development practices, which must meet the general performance criteria of the Bay Act. General performance criteria include such practices as preserving natural vegetation, minimizing land disturbance, minimizing impervious cover and controlling stormwater runoff.

### ***Potential and Existing Sources of Pollution***

#### **Nonpoint Source Pollution**

Pollution can be classified as either point source pollution or nonpoint source pollution. Point source pollution is pollution that can be traced to a specific point, such as discharge from a pipe into a river. Nonpoint source pollution is pollution that does not come from a specific pipe or other identifiable point, but from a variety of scattered sources, such as stormwater runoff. It occurs when pollutants, which accumulate on land during dry weather, are carried into streams and eventually into the Chesapeake Bay in runoff produced by rainfall. Nonpoint source pollution contains sediment, heavy metals, bacteria, nutrients, pesticides, oil and so forth. Agricultural land use is the predominant source of nonpoint source pollution in the state. Although there is not much agricultural land use within Bloxom, there is a substantial amount outside the boundaries of the Town.







### **Failing Septic Systems**

The Town of Bloxom relies completely upon private septic systems for household and commercial waste water treatment. There are approximately 163 septic systems known to be operating within the Town. Health department records indicate the failure rate for septic systems operating within the Town to be very low: less than two percent in 1993, one percent in 1994 and one percent in 1995.

### **Underground Storage Tanks**

According to the Virginia Water Quality Assessment for 1992, underground storage tanks are the primary source of groundwater contamination in Virginia. Underground storage tanks are particularly dangerous because they are out-of-sight, out-of-mind. Often, leaks are not detected until substantial contamination of the surrounding soils has already occurred. Further, tanks which were abandoned before more stringent regulations were put in place often pose an unwanted and potentially expensive liability on the property owner or the Town.

Underground storage tanks are regulated by the Environmental Protection Agency under the authority of the federal Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976. Underground storage tanks are regulated if the tank system, including its piping, has at least 10% of its volume underground and contains a regulated substance. Subtitle I excludes several different types of underground tanks including but not fully inclusive of the following: (1) farm or residential tanks of 1,100 gallons or less storing motor fuel for noncommercial uses, (2) tanks for storing heating oil for consumption on the premises where stored, and (3) septic tanks.

The Commonwealth of Virginia has adopted the EPA rules with the exception that individual fuel oil tanks with the capacity to contain over 5,000 gallons are regulated in the same manner as other regulated tanks. The Virginia Water Control Board (VWCB) is responsible for enforcing underground tank regulations in the Commonwealth. The enabling authority for the VWCB is Article 11 of the State Water Control Law which prohibits any introduction of petroleum or other harmful products that could potentially affect state waters including groundwater. Under these regulations, the VWCB must keep track of and inventory all underground storage facilities within the state. The state deals with all aspects of underground storage tanks including design, construction installation, compatibility standards, leak detection, record keeping, reporting, closure, corrective action, and financial responsibility. The VWCB is also responsible for ensuring that tanks installed prior to 1989 are upgraded to new tank standards before December of 1998.

According to the VWCB records, seven facilities have had registered tanks in the Town of Bloxom. Many of the tanks have been closed, and currently there are three facilities with eight registered tanks, containing gasoline, kerosene and diesel. Only one tank site has been documented as leaking, and this case was closed in 1994.

### **Above Ground Storage Tanks**

Individual above ground storage tanks are regulated by the federal government through the Clean Water Act of 1972, which requires owners of single tanks with a capacity greater than 660

gallons or multiple tanks with an aggregate capacity greater than 1,320 gallons to register and formulate a "Spill Prevention Control and Countermeasure Plan." The Commonwealth of Virginia, which controls above ground storage tanks through the VWCB, has adopted requirements for tank owners to present an "Oil Discharge Contingency Plan" (ODCP) before a storage tank may be registered. The purpose of an ODCP is to have a plan of action in the event of a catastrophic release of oil from the largest tank. The plan must also identify what the impact of such a discharge will be on the environmental receptors and what will be done to mitigate those impacts in the event of a spill.

Individual tanks with a capacity of less than 660 gallons or multiple tanks with an aggregate capacity of less than 1,320 gallons are not currently regulated by the state or federal government. Most home fuel oil tanks are typically only 200 to 660 gallons and are not regulated. It is therefore up to the individual owner to ensure that leaks and spills do not occur.

According to the VWCB, approximately 90 percent of releases from individual tanks are as a result of overfill or the tipping over of the tank. Overfill can occur if the driver/filler is not paying attention or if it is not known what the capacity of a tank is. To reduce the risk of an accidental spill, the homeowner or fuel oil company should inspect a tank before filling to ensure that it is sturdy and does not exhibit signs of corrosion. An owner should also have the capacity of the tank clearly marked on the tank and specifically indicate the filling cap location.

A liquid propane gas (LPG) storage facility is located in Town on the east side of Bayside Drive just north of Shoremain Drive. The storage facility is used to refill LPG gas delivery trucks. The facility includes three tanks, with a total capacity of 90,000 gallons. Town residents are concerned about the safety of these tanks and do not want to permit additional LPG storage facilities in town.



## **EXISTING LAND USE**

### **Residential**

Figure 5 shows the existing types of land uses in Bloxom. The predominant land use is residential. Housing in Bloxom consists of 175 dwelling units, including 141 single family units, 3 multi-family units and 25 manufactured homes. Most houses in Bloxom are owner-occupied; only 25 are rental units. The majority of housing in Bloxom is in good condition, with the exception of some areas on the west side of Town.

Deteriorated housing conditions exist on Back Street, including housing with no indoor plumbing (the 1990 census indicated that 29 units in Bloxom lacked complete plumbing facilities). The Town was awarded \$500,000 in Community Development Block Grant Funds for the rehabilitation of 21 units with 10 units receiving first-time indoor plumbing. Rehabilitation was completed in 1996.

### **Business**

The majority of commercial land use in Town is located along Bayside Drive and Shoremain Drive, as seen in Figure 5. Commercial land uses in Town include a florist shop, a grocery store, a go-cart race track, a used furniture store, a nursery, four beauty shops and a deli. This area is lacking in aesthetic appeal and would benefit from the addition of sidewalks, landscaping and other visual improvements. Located nearby on Bayside Drive is the Railroad Square which covers approximately two acres. It is currently used by Eastern Shore Railroad as a siding. The Town has expressed interest in acquiring this piece of property to be used for a park and to provide parking for the business district.

### **Agriculture**

There is minimal agricultural land use in Town. Most of the existing agricultural land use is located on the southeast side of Shoremain Drive, as shown in Figure 5.

### **Zoning**

The Town of Bloxom adopted a zoning ordinance in 1992. The majority of the Town is zoned as Residential, and a Business-Neighborhood district is located along the intersection of Bayside and Shoremain Drive.

### **Transportation**

Bloxom is served by a sufficient road system. Routes 316 and 779 provide north-south access for the Town, and Route 187 provides east-west access. Town residents complain of speeding on the main roads through town and would like to have the town speed limit reduced to 25 mph. The intersection of Route 187 and Mason Road in the southwest part of town is a dangerous intersection and a stop sign needs to be installed there. U.S. Route 13, located approximately two miles east of Town, provides regional access.

### **Community Facilities**

Community facilities are the structures and services provided through tax collection.







### **School**

Bloxom contains one school, Bloxom Primary School, which serves approximately 360 children from Bloxom and Accomack County in grades K-3. This school is the former Bloxom High School, which closed in 1950. Older students attend North Accomack Primary School, Parksley Middle School and Arcadia High School.

The Accomack County School Board is planning to close the school during the summer of 1997. The students will then attend a new school which will be located in Accomack County, although the site has not yet been chosen. The School Board plans to sell the building if possible, or revert it back to the County. Currently there are no plans for use of the building when it becomes vacant. The Town has not expressed interest in the building because of maintenance costs.

### **Streets and Sidewalks**

Bloxom has an adequate road system which is maintained by VDOT. There are no sidewalks in Bloxom, and Town residents have expressed interest in having sidewalks built along Shoremain Drive in the Business District.

### **Drainage**

Since the topography in Bloxom is flat, with an average slope of less than 1%, an adequate town drainage system needs to be maintained to prevent local flooding. Several drainage ditches are located in Town which lead toward Muddy Creek and Guilford Creek. VDOT maintains a small portion of these ditches (less than 100 feet), while the town finances the maintenance for the majority of the ditches. The system needs to be improved because the Town still experiences drainage problems.

### **Recreation**

While there are no public recreational facilities in town, Bloxom is in close proximity to excellent outdoor recreation opportunities available on the Eastern Shore, including boating, fishing and hunting.

### **Solid Waste**

The town provides solid waste collection services for town residents and businesses through a contract with Shore Disposal.

### **Public Safety**

Police protection is provided by the Accomack County Sheriff's Department and the Virginia State Police. The Bloxom Rescue Squad provides ambulance service. Fire protection is provided by the Bloxom Volunteer Fire Department, and the Bloxom Rescue Squad provides ambulance service.

### **Other Facilities**

Other facilities in Bloxom include a Town Hall and a Post Office, both located on Shoremain Drive.

## ECONOMIC CHARACTERISTICS

Economic opportunities within Accomack County and Bloxom are presently limited. Residents of Accomack and Northampton Counties have some of the lowest average income levels in the State. Employment within the Town is for the most part limited to retail services and agriculture.

### Employment

In 1989, there were 265 persons in Bloxom between the ages of 16-65. Of these working age persons, 152 were employed, which is 57% of the working age population. Table 3, Employment By Industry, shows that three industry categories employed over half of working Bloxom residents: Manufacturing, Retail Trade and Professional Services.

**Table 3**  
**Employment By Industry**  
**1990**

	ACCOMACK COUNTY		BLOXOM	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Agriculture, Forestry, Fisheries, Mining	1,278	9%	6	4%
Construction	1,065	8%	15	10%
Manufacturing	2,573	19%	30	<b>20%</b>
Transportation, Communi- cation, Public Utilities	448	3%	8	5%
Wholesale Trade	799	6%	4	3%
Retail Trade	2,562	19%	32	<b>21%</b>
Finance, Insurance, Real Estate	364	3%	5	3%
Business and Repair Services	558	4%	9	6%
Personal, Entertainment, and Recreational Services	595	4%	8	5%
Professional Services	2,403	17%	27	<b>18%</b>
Public Administration	<u>789</u>	6%	<u>8</u>	5%
Totals:	13,690		152	

---

Source: 1990 Census of Population and Housing, STF 3.



## Income

Table 4 indicates that Bloxom's median household income of \$16,538 in 1989 was about 19% less than the Accomack County median household income of \$20,431. 45% of households in Bloxom had incomes below \$15,000 in 1989, compared to 37% of households in Accomack County as a whole.

**Table 4**  
**Household Income in 1989**

	<u>Accomack Co.</u>	<u>Percent</u>	<u>Bloxom</u>	<u>Percent</u>
Less than \$5,000	1,355	11%	21	14%
\$5,000 - \$9,999	1,582	12%	27	18%
\$10,000 - \$14,999	1,697	13%	19	13%
\$15,000 - \$24,999	2,958	23%	34	23%
\$25,000 - \$34,999	2,226	18%	18	12%
\$35,000 - \$49,999	1,596	13%	14	9%
\$50,000 or more	<u>1,232</u>	<u>10%</u>	<u>17</u>	<u>11%</u>
Totals:	12,646	100	150	100
<hr/>				
Median House- hold Income:	\$20,431		\$16,538	

Source: 1990 U.S. Census, STF 3.

## II. GOALS AND OBJECTIVES

This section of the Town Plan will focus on outlining goals and objectives for the Town, based upon the findings of the Inventories and Analysis section. Goals and objectives are an important part of the planning process because they form the framework for public and private decision makers. Goals are general statements of a future condition, while objectives and strategies provide specific guidelines and proposals used in achieving goals. Objectives are statements of a measurable activity to be accomplished in pursuit of a goal. A strategy is a specific proposal to do something directly related to accomplishing the objective. These goals and objectives should be reviewed periodically as circumstances within the Town change over time. Upon review, it may be necessary for some of them to be amended.

### NATURAL RESOURCES

**Goal 1:**        **Protect and improve the groundwater and surface water resources of the Commonwealth from pollution.**

**Objective 1:**    *Ensure adequate implementation and enforcement of the Chesapeake Bay Preservation Act.*

**Strategies:**    Educate and inform the development community and the town about water quality protection and specific program requirements of the Town's Bay Act Program.

Develop administrative procedures in cooperation with Accomack County to define the Town's role in review, administration and enforcement of the Town's Chesapeake Bay Preservation Act Program.

Enlist the assistance of Accomack County and the Chesapeake Bay Local Assistance Department in the review of stormwater management plans for development projects.

**Objective 2:**    *Protect and manage ground water resources within the Town.*

**Strategies:**    Promote water conservation through education of the Town's citizenry.

Work with the Department of Environmental Quality and Accomack County toward long term protection and management of the ground water resources of the Eastern Shore of Virginia.

**Objective 3:**    *Achieve a reduction in existing pollution sources.*

**Strategies:**    Work with the Department of Environmental Quality to educate the owners of above ground storage tanks on the proper maintenance and care of these tanks to

prevent accidental spills.

Explore opportunities for water quality improvement as areas within the Town redevelop.

## **LAND USE AND DEVELOPMENT**

**Goal 1:** To preserve the integrity of existing developed areas and to encourage a harmonious mix of land uses which provide a balance of uses and opportunities for Town residents.

**Objective 1:** *Protect and promote single-family residential neighborhoods within the Town.*

**Strategies:** Ensure that adequate screening and buffers are placed to protect the character of existing neighborhoods from intrusion by adjacent land uses.

Promote safe and quiet single-family residential neighborhoods.

**Objective 2:** *Focus redevelopment and development activities in areas most suitable so that environmentally sensitive areas are protected and public and private costs associated with development are minimized.*

**Strategies:** Coordinate Town and County land use planning activity with Accomack County officials.

Identify areas where development should be limited due to physical constraints.

Work with Accomack County to develop and implement a development review process in the Town that requires an adequate assessment of a site's physical constraints prior to the approval of any land disturbance.

**Objective 3:** *Maintain and improve community facilities.*

**Strategies:** Promote the development of sidewalks along Shoremain Drive in the Business District.

Maintain and improve drainage conditions.

Develop a capital improvements program to ensure that community facilities are maintained, improved and expanded.



## HOUSING

**Goal:** To provide safe and adequate housing for the future and present residents of Bloxom.

**Objective:** *Preserve and protect the existing housing stock in the Town.*

**Strategies:** Encourage maintenance of all housing structures.

Encourage rehabilitation of substandard housing through continued rehabilitation assistance for lower income residents.

Continue demolition of abandoned and other irreparable structures to prevent blight and health hazards.

## ECONOMY

**Goal:** To maintain economic vitality and improve the financial condition of the community.

**Objective 1:** *Improve the economic opportunities for the residents of Bloxom.*

**Strategies:** Encourage the participation of the Town Council and local residents in the development of an economic strategy.

Support implementation of U.S. Route 13 Corridor Plan.

**Objective 2:** *Maintain and improve the vitality of Bloxom's business district.*

**Strategy:** Develop a commercial revitalization plan for Bloxom which includes town identification, parking, landscaping, sidewalks, and business district appearance improvements.

### **III. PLAN AND IMPLEMENTATION**

This section of the Town Plan is based upon the goals and objectives outlined in the previous section and on factors discussed in the Inventory and Analysis section. This section includes recommendations of plans and actions which can be used to achieve the goals and objectives. Town citizens should bear in mind that even the most realistic or conservative plans may not be fully implemented as intended, for any number of reasons. Therefore, the recommendations outlined in this plan should be viewed as targets, not as firm commitments or mandates. If desired results are not achieved, an evaluation should be conducted to determine the reasons so the Town can decide whether to continue to pursue the original objectives or to modify them. The Town Plan should be reviewed and amended every five years.

#### **NATURAL RESOURCES PLAN**

The citizens of Virginia are dependent upon the economic benefits derived from the Chesapeake Bay, and the Town recognizes the importance of the Bay Act in maintaining the integrity of state waters and the Chesapeake Bay. This is reflected in the goal of the natural resources plan, to protect and improve the groundwater and surface water resources of the Commonwealth from pollution. One objective of this goal is to ensure adequate implementation and enforcement of the Chesapeake Bay Preservation Act.

##### **Chesapeake Bay Preservation Act**

In 1988, the Commonwealth of Virginia enacted the Chesapeake Bay Preservation Act (Bay Act) which provides localities with the framework to protect water quality and environmental features through land use planning techniques. The Bay Act has two important goals: to prevent the addition of more nonpoint source pollution during land development activities; and to reduce nonpoint source pollution that occurs during redevelopment activities.

Bloxom has implemented a Chesapeake Bay Preservation Area Overlay District as part of the Town's zoning ordinance. This ordinance establishes the Resource Protection Areas (RPAs) and Resource Management Areas (RMAs), which together form the Town's Chesapeake Bay Preservation Area District, covering the entire Town. In the RPAs, redevelopment of existing land structures is allowed, but new development is restricted to water dependent uses, such as fishing piers. RMAs allow new development or redevelopment activities, provided that they meet general performance criteria of the Bay Act, as stated in Section III-6.12 of Bloxom's Town Zoning Ordinance.

It is important to implement and enforce these criteria so that the water quality of the Chesapeake Bay can be protected from the effects of nonpoint source pollution. The Town can achieve the objectives of the Bay Act through the use of Best Management Practices (BMPs), which is defined as a practice or combination of practices that is determined by a state or designated area wide planning agency to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.



The Town should encourage the use of BMPs, which are specifically designed to reduce the impact of rainwater on land, slow overland water flow with its associated problematic runoff, and absorb nutrients and pesticides. There are several types of BMPs available which are efficient and inexpensive. BMPs can be structures such as wet ponds and infiltration trenches or they can be nonstructural such as vegetated filter strips and site design to reduce pavement and preserve existing vegetation.

#### *Vegetation*

It is very important to preserve indigenous vegetation on a site because the natural vegetation prevents erosion, filters runoff, and allows stormwater to soak into the ground. Preserving existing vegetation is economical because it requires little or no maintenance.

Adding to and enhancing naturally occurring vegetative buffer areas by planting a variety of ground covers, shrubs and trees will maximize the ground's ability to remove pollutants and decrease runoff. Environmentally sound landscaping should be encouraged in the Town. One form of this is to implement the use of "BayScapes," which are landscapes and gardens well adapted to the Chesapeake Bay region. The BayScapes program was developed by the U.S. Fish and Wildlife Service and the Alliance for the Chesapeake Bay to teach homeowners how to practice conservation landscaping, create wildlife habitat, use beneficial plants, conserve water, create diversity, utilize Integrated Pest Management and plan for the long term. Detailed publications describing BayScapes are available from the U.S. Fish and Wildlife Service.

#### *Reduce Impervious Cover*

Another way to limit nonpoint source pollution is to minimize the use of impervious cover, which includes surface areas such as rooftops and parking lots where water cannot sink into the ground. Many alternative surfaces will allow water to permeate underlying soil: brick in sand, well-placed stepping stones with grass strips in between, and wood decking. Effective techniques for minimizing impervious cover in the Town include: requiring pervious material (such as gravel or clam shells) to be used for parking areas alleys or other low traffic driveways; minimizing the size of parking areas and driveways; and minimizing site coverage.

#### **Groundwater**

The Town has identified the protection of groundwater resources as a goal. Water conservation should be promoted in the Town. Possibilities for this include informing the Town's citizens about water conservation measures, such as low flush toilets and low flow fixtures. In order to ensure an adequate and pure source of potable water for the Town as well as to ensure against groundwater contamination, the Town should develop a working relationship with the Department of Environmental Quality and Accomack County in the management and protection of ground water resources of the Eastern Shore of Virginia, through participation in the activities of the Eastern Shore of Virginia Ground Water Committee.

Achieving a reduction in existing pollution sources is important in protecting groundwater resources. Owners of above ground storage tanks should be educated on the proper maintenance and care of these tanks in order to prevent accidental spills.



## LAND USE AND DEVELOPMENT PLAN

The Town of Bloxom has identified as its goal preserving the integrity of existing developed areas and encouraging a harmonious mix of land uses that provide a balance of uses and opportunities for Town residents. One objective in attaining this goal is to protect and promote single-family residential neighborhoods within the Town. This can be accomplished by using the future land use map as a guide for future residential development and through implementation of Bloxom's *Town Zoning Ordinance*, which is based upon the future land use map. The future land use map for Bloxom is shown in Figure 6. This map guides decisions regarding land use within the Town, and should be reviewed on a regular basis to ensure that the concepts described continue to meet the changing needs of the Town. The three land use categories shown in the map are discussed below.

Residential. Single-family homes should be the dominant land use within this category, and the needs of single family residents should be considered first in making land use decisions in this category. Any other land uses allowed in this category should be compatible with these needs. Examples of other land uses appropriate to this category include churches, home occupations, and parks. The zoning districts which correspond to this category are "Residential Single Family R-10" and "Residential, Single-Family R-15," as found in Bloxom's *Town Zoning Ordinance*.

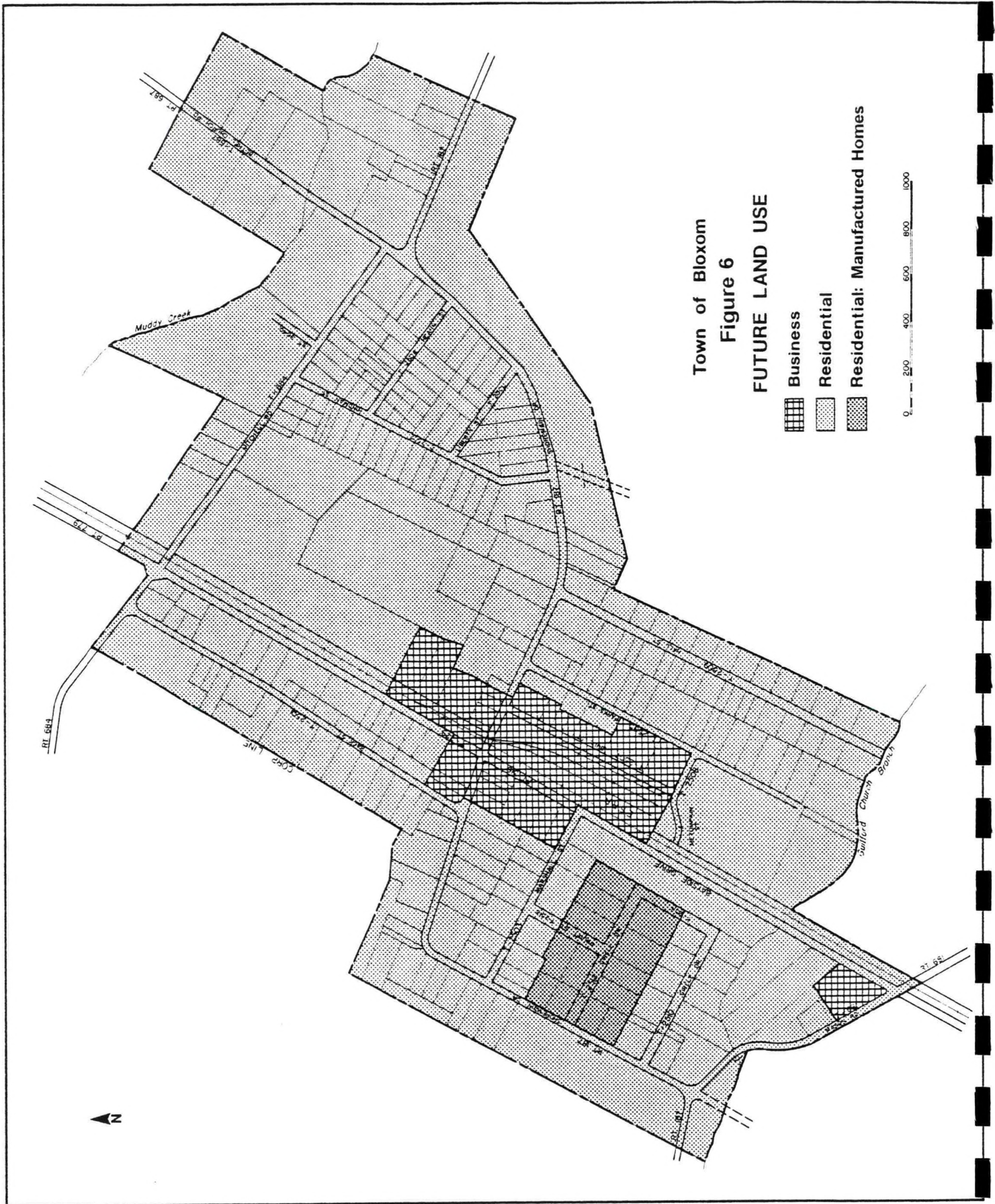
Residential, Manufactured Homes. This land use category recognizes the importance of manufactured housing as an affordable housing option. The term "mobile home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia by the term "manufactured home." This category allows for the location of single-wide manufactured homes in an area where manufactured homes are the dominant housing type. The zoning district which corresponds to this category is "Residential Manufactured Housing."

Business. This land use category proposes to promote business uses and offices that serve local or neighborhood needs as well as general business needs. The zoning district which corresponds to this category is "Business, Neighborhood."

Another objective of the land use goal is to maintain and improve community facilities. The development of sidewalks along Shoremain Drive, and the maintenance and improvement of drainage ditches were identified as issues of concern in the Inventory and Analysis section. For large budget items such as these, the Town should consider developing a capital improvements program (CIP), which is a five year plan that identifies major projects needed by the Town. A CIP is prepared by the Planning Commission, and includes cost estimates, the means of financing the projects, priorities and time schedules.

Future development of the land area around Bloxom will create the opportunity and the need for services now being provided to town residents to be extended into outlying areas. At that time the Town will naturally look to extend its boundary to include the areas that are being provided town services. Another important factor to consider in extending the town boundary is the lack of extra-territorial jurisdiction by the town. New development that occurs adjacent to the Town will be shaped by Accomack County land use regulations. These factors make it increasingly







important for town officials to work with County officials in ensuring that adjacent development is compatible to the Town in terms of use, scale, design and density. The Town has expressed interest in enlarging the town limits to conform to property lines, natural features, and roads. The Town should also consider including adjacent areas that are likely to be developed in the future, to ensure compatibility with existing Town development.

## **HOUSING PLAN**

The Town has identified providing safe and adequate housing for future and present residents of Bloxom as a goal. The majority of residential housing stock in Bloxom is in good condition. Maintenance of existing housing structures should be encouraged by the Town, along with the demolition of abandoned and other irreparable structures, so as to prevent blight and health hazards. Bloxom received Community Development Block Grant funds to rehabilitate substandard housing in Town. Of the 21 units that have been rehabilitated, 10 units received first-time indoor plumbing. The Town should continue working with Accomack County and the Accomack-Northampton Housing Authority to identify Community Development Block Grant projects.

## **ECONOMIC PLAN**

Economic opportunities within Accomack County and the Town of Bloxom are presently limited. Residents of Accomack and Northampton Counties have some of the lowest average income levels in the state. Employment in Bloxom is for the most part limited to retail services and agriculture. In order to provide more residents opportunities for economic improvement, there is a need to diversify the economy. This includes participating in regional economic development and educational efforts to attract industry and provide a skilled work force.

The Business District in Bloxom needs improvement, including parking, landscaping and sidewalks, which would benefit the appearance of the area. This could take be implemented into a capital improvement program, as discussed earlier in this section.

The Town should also support implementation of U.S. Route 13 Corridor Plan. U.S. Route 13 is located approximately two miles east of Bloxom, providing regional access. The Virginia Department of Transportation prepares traffic counts and projections for future use of U.S. Route 13 on an annual basis, which indicate that the volume of cars and trucks on U.S. Route 13 is increasing and will continue to increase.



# TOWN OF TANGIER

## TOWN PLAN

Adopted August 12, 1996

Prepared By:

Tangier Planning Commission

Technical Assistance Provided by:

Accomack-Northampton  
Planning District Commission  
P. O. Box 417  
Accomac, Virginia 23301

During the preparation of this ordinance, financial assistance was provided by the Chesapeake Bay Local Assistance Department, Commonwealth of Virginia.



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

## Table of Contents

<b>I.</b>	<b>Introduction</b>	p. 1
	The Comprehensive Plan	p. 1
<b>II.</b>	<b>Existing Conditions</b>	p. 3
	Community Profile	p. 3
	Natural Resources	p. 5
	Land Use	p. 14
	Community Facilities	p. 18
	Economy	p. 21
<b>III.</b>	<b>Goals and Objectives</b>	p. 25
<b>IV.</b>	<b>Plan Recommendations</b>	p. 32
<b>V.</b>	<b>Implementation</b>	p. 39

## List of Tables

Table 1	Population Change, 1960-1990	p. 4
Table 2	Population Characteristics, 1980-1990	p. 4
Table 3	Housing Data	p. 16
Table 4	Employment by Industry	p. 21
Table 5	Household Income	p. 23

## List of Figures

Figure 1	Location Map of Tangier	p. 2
Figure 2	Soils Types	p. 7
Figure 3	Soil Conditions	p. 9
Figure 4	Chesapeake Bay Preservation Areas	p. 12
Figure 5	Existing Land Use Map	p. 15
Figure 6	Future Land Use Map	p. 35



# **I. Introduction**

## **THE COMPREHENSIVE PLAN**

A comprehensive plan is an official public document adopted by a local government to be used as a guide for making policy decisions about the physical development of a community, including providing public services for community residents. A comprehensive plan is general in nature and is used as a basis for the zoning ordinance.

The Virginia General Assembly, recognizing the need and value for local planning within each area of the Commonwealth, adopted Section 15.1-446.1 of the Code of Virginia (1950) as amended on July 1, 1980, which requires that each city, county or town develop and adopt a comprehensive plan. Section 15.1-446.1 states, "The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory which will, in accordance with present and probable future needs and resources best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants."

In addition to the above mandate, the Virginia General Assembly, recognizing the economic and social importance of ensuring the long term viability of state waters and in particular the Chesapeake Bay and its tributaries, enacted the Chesapeake Bay Preservation Act of 1988 (Act)(§ 10.1-2100, et seq., of the Code of Virginia). The Act is a cooperative effort between the state and local governments with a water quality improvement and protection focus.

Section 10.1-2109.B of the Act states that "Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters into each locality's comprehensive plan consistent with the provisions of this chapter." The Town of Tangier recognizes the importance of maintaining the integrity of state waters and the Chesapeake Bay to the citizens of the Commonwealth and of Tangier. The waters of the Chesapeake Bay have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Certain lands that are next to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other land areas have severe development constraints as a result of flooding, erosion, and soil limitations. With proper management, these lands offer significant environmental benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control.

To achieve these ends, the Town Council and Planning Commission of the Town of Tangier have developed the following Comprehensive Plan. Once the plan is adopted by the Town Council, the Plan controls the general location, character and extent of each feature shown on the plan. Before any public area, facility or use can be constructed or established, the Planning Commission must approve it as being substantially in accord with the adopted Plan. The Commission forwards its recommendations on such proposals to the Town Council. Once the Plan is adopted, it should be used as the basis for guiding and regulating land use and physical development.

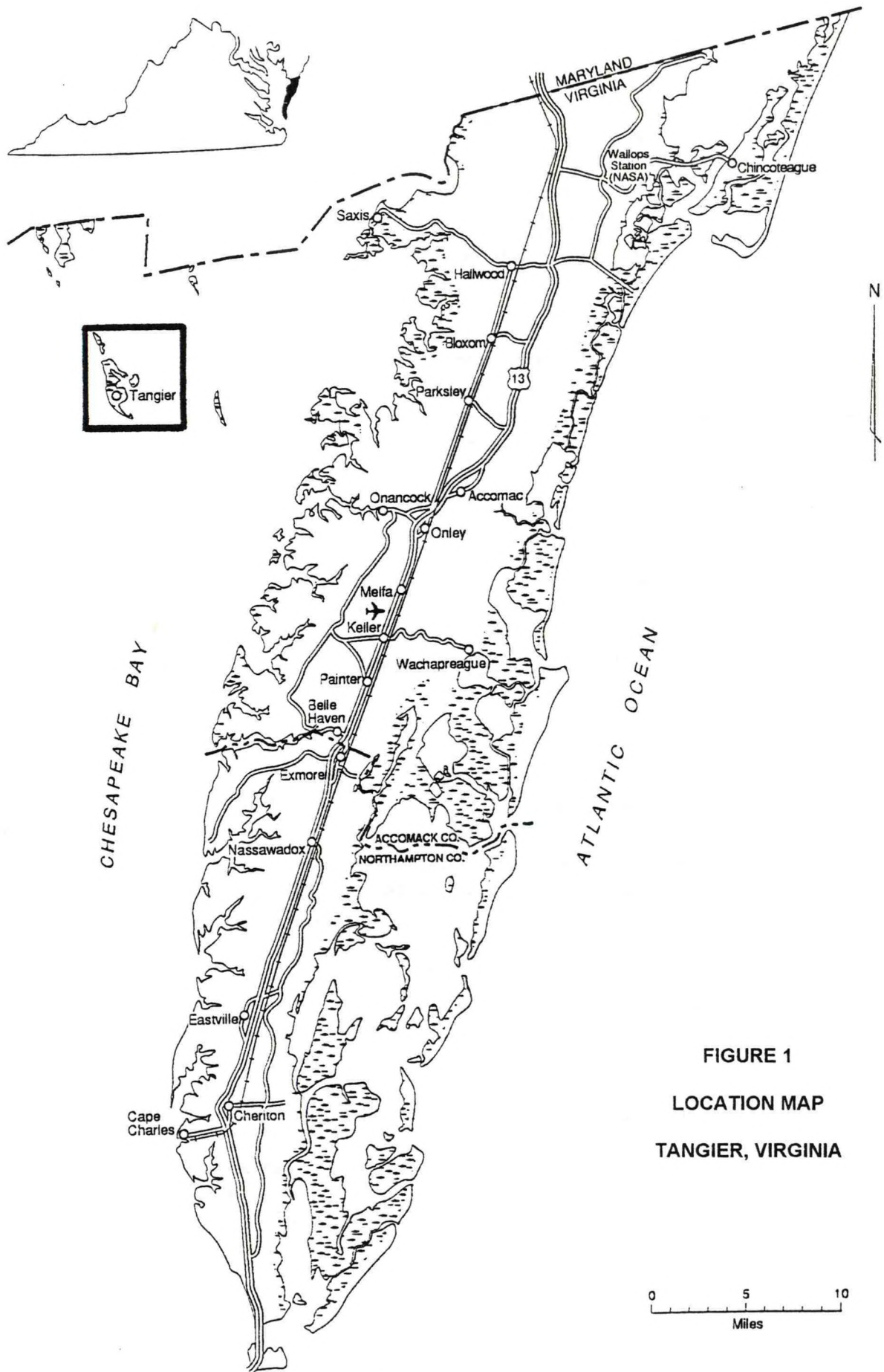


FIGURE 1  
LOCATION MAP  
TANGIER, VIRGINIA



## **II. Existing Conditions**

### **COMMUNITY PROFILE**

The Town of Tangier encompasses nearly all of Tangier Island, which is located in the Chesapeake Bay, 12 miles from the mainland (see Figure 1). The island is about five miles long and one and a half miles wide, with a land area of approximately 500 acres and a population of 659. The island is 80% marsh, wetlands and water. Although geographically separated from the mainland, the Town of Tangier is part of Accomack County in the Eastern Shore of Virginia.

### **History of the Area**

Tangier Island, settled nearly three centuries ago by folk from the southwest of England, has a colorful history. Captain John Smith "discovered" the island in 1608, though Indians like the Pocomoke had been fishing it for hundreds of years. There is some disagreement among historians as to whether Captain Smith named Tangier after the beaches of Tangiers in Morocco or whether the name is of unknown origin and not used until approximately 100 years later.

In the mid-1600's Ambrose White purchased the island from Indians for two English overcoats. About 20 years later he sold the island to Charles Scarborough and John West. The first permanent settlement occurred in 1686, when John Crockett arrived with his sons and their families. During the war of 1812, the island was occupied by 14,000 British troops, who were between attacks on Washington and Baltimore. The residents were virtually prisoners until the British departed in 1815, and life resumed on Tangier with farming as the primary occupation.

During the early history of Tangier, agriculture and stock raising were the chief occupations of the residents. It was not until the advent of the railroad in the latter part of the 1900's that the market for seafood boomed. Just after the Civil War, in 1866, a cholera epidemic broke out. The island was evacuated and all livestock were destroyed. The quarantine lasted over a year, and when it was over only half of the former population returned. At about the same time, a steamboat line and rail service became accessible, opening up northern markets for seafood.

The Town was incorporated on May 22, 1915, and is now a part of Accomack County magisterial district #2, the Atlantic District. Today residents of Tangier continue to enjoy a close-knit community. Tourism plays an increasingly larger role in the local economy, although many residents still make their living on the water. Seafood harvests have declined in recent years. It is hoped that current efforts to restore the Bay will be successful, ensuring the continuation of seafood harvesting as a mainstay of Tangier's economy.

### Population Characteristics

Tangier has experienced a steady decline in population since 1960. Table 1 shows that between 1960 and 1990, the Town population fell 20%, while the population of Accomack County increased by 4%.

**TABLE 1**  
**Population Change**  
**1960 - 1990**

<u>ACCOMACK COUNTY</u>			<u>TANGIER</u>	
<u>Year</u>	<u>Population</u>	<u>% Change</u>	<u>Population</u>	<u>% Change</u>
1960	30,635	—	876	—
1970	29,004	- 5%	814	- 7%
1980	31,268	8%	766	- 6%
1990	31,703	1%	659	- 14%

The population of Tangier is slightly younger than that of Accomack County, as shown in Table 2. Tangier has a smaller percentage of children and considerably more older adults, although the median age on Tangier is the same as that of the County. Between 1980 and 1990, the percentage of children on Tangier dropped from 27% to 23%, and the percentage of adults aged 65 and over increased from 12% to 14%. This suggests the outmigration of young people, fewer births, and the aging of the adult population. Tangier has a very different racial composition than that of Accomack County. The population of Tangier consists of 100% white residents, while the County population includes 65% white residents and 35% black residents.

**TABLE 2**  
**Population Characteristics**  
**1980 - 1990**

	<u>1980</u>		<u>1990</u>	
	<u>Accomack</u>	<u>Tangier</u>	<u>Accomack</u>	<u>Tangier</u>
<b>Age</b>				
0-17	8,151 (28%)	210 (27%)	7,521 (24%)	152 (23%)
18-64	17,907 (55%)	466 (60%)	18,331 (58%)	411 (62%)
65 +	5,210 (17%)	95 (12%)	5,851 (19%)	94 (14%)
<b>Median Age</b>	35	32	37	37
<b>Race</b>				
White	19,753 (63%)	771 (100%)	20,499 (65%)	657 (99.7%)
Non-white	11,515 (37%)	0	11,204 (35%)	2 (.3%)

Source: U.S. Census of Population and Housing, SFT 1A, 1980 & 1990.



## **NATURAL RESOURCES**

To insure that future development on Tangier is compatible with the natural environment, it is necessary to understand the natural features which exist on the island. A large portion of the land area of Tangier consists of marshes. The shoreline is characterized by salt marshes with occasional narrow, sandy beaches.

### **Climate**

Tangier experiences mild winters and warm, humid summers due to its location in the Chesapeake Bay. The temperature averages 39 degrees in January and 78 degrees in July. Average annual rainfall is 43 inches. Extremely cold winters, which sometimes freeze portions of the Chesapeake Bay, create special problems for residents of Tangier, who are dependent on boat and air transportation, and on commercial fishing for a living. From April through August, prevailing winds blow from the south to southwest between 10 to 15 miles per hour. Prevailing winds from September to March are northerly with those exceeding 25 miles per hour coming from the northwest to northeast direction. Winds ranging from the southerly to the northerly directions generate waves which erode the western shore of Tangier. Tides have a mean range of 1.6 feet and a spring range of 1.9 feet under normal conditions; however, the combined influence of low pressure centers and persistent high winds during the period from September to April results in high tides with elevations as high as five feet.

### **Topography**

Tangier Island is a relatively uniform environment comprised of beaches, marshes and three north-south sand ridges. The three ridges, on which most of Tangier's development has occurred, range from 1,700 feet to 6,100 feet in length and up to 1,300 feet in width. The island is very flat. The highest elevation on Tangier is less than six feet above sea level, making slopes effectively 0 percent. The combination of low elevation and inadequate slope for drainage make Tangier susceptible to poor drainage and flooding.

### **Flood Hazard Areas**

Because of the flat land and low elevation, most of the Town lies within the 100-year floodplain. The only areas of land lying outside of the floodplain are the airstrip, a small area along Main Ridge, and a small area along Canton Ridge. Land within the 100-year floodplain statistically averages one flood in a 100-year time period, which is a 1% chance of flooding in any given year. However, such flooding may occur as many times as conditions cause.

### **Surface Water**

There are no freshwater streams or natural water bodies on Tangier Island. The island is surrounded by tidal waters and cut by tidal creeks and guts, and all surface water has a high saline content.

### **Wetlands**

There are 338 acres of tidal wetlands in and around Tangier. Wetlands are critical because they filter manmade and natural pollution from surface and ground water. Wetlands also protect beaches from erosion, retain storm water and limit erosion during flooding, which is especially



important for Tangier since most of the Town lies within the 100-year floodplain. Wetlands are crucial habitats for resident and migratory birds, and provide spawning ground for many kinds of aquatic life, including crabs, an important element in Tangier's economy. The tidal creeks between the ridges are vegetated by large stands of saltmarsh cordgrass, which serves as a spawning and nursery ground for fish, acts as a deterrent to shoreline erosion, and serves as a trap for sediment in upland runoff. Black needlerush is common in the marsh area between the western shore and airport, and a large meadow is found east of Canton Creek. Saltmeadow hay communities are also found at the southern end of the island. Many of the parts of this marsh have been periodically burned. Black needlerush and saltmeadow community grasses are less valuable to wildlife, marine life, and waterfowl than saltmarsh cordgrass, but saltmeadow marshes are valuable in protecting water quality and as a buffer against coastal flooding.

### **Erosion**

Tangier's erosion rate has been fairly constant over the past 100 years. Between 1850 and 1942, the average erosion rate was 18 feet per year. The rate increased to 20 feet per year between 1942 and 1967. Between 1967 and 1978, the erosion rate varied from 14 feet to 21 feet per year, depending on the location. For planning purposes, an erosion rate of 20 feet per year is projected.

The western side of Tangier has a 5,700 foot long sea wall, built in 1990 by the Army Corps of Engineers to counteract significant erosion occurring along the western shore of the island, threatening the airport runway. The shoreline south and north of the seawall has been eroding at a higher rate relative to the total shoreline.

Erosion is now occurring along Tangier Creek at the mouth of the North Channel. As a result of the direct exposure to northwest winds, which can generate significant wave action and sheets of ice in winter. In addition, the shoreline erosion has caused increased shoaling in the channel. The erosion problem in the mouth of North Channel causes delays and inflicts damage on vessels, landing facilities and other structures. Local interests desire the construction of a breakwater to protect these navigation facilities and to restore safe boating. A Navigation study done by the Army Corps of Engineers in 1995 concluded that although a breakwater would effectively control the erosion, it was not economically feasible and no Federal action would be taken.

### **Soils**

Tangier is composed of several different soil types, as shown in Figure 2. The soils along Canton Ridge and Main Ridge are mostly composed of Bojac Sandy Loam (BkA) and Munden Sandy Loam (MuA), which are a brown or grayish-brown fine sandy loam with an average depth of eight inches. When wet, this soil has a slight tendency to run together, while in dry weather, there may be some baking. The soil along West Ridge is mostly comprised of Arapahoe-Melfa Complex (AmA), a poorly drained soil. This soil has severe limitations for development mostly due to water content and is generally unsuitable for cultivation or development.

Except for small areas of Coastal Beach, the remainder of Tangier's soils are Melfa-Hobucken Complex, which characterize tidal marshes, and are a brown or gray slimy sandy loam to loam



CHESAPEAKE BAY

# TOWN OF TANGIER

N

MAILBOAT HARBOR

TANGIER  
SOUND

COD HARBOR

FIGURE 2

## SOIL TYPES

- AmA Arapahoe-Melfa Complex
- BeB Beaches
- BkA Bojac Sandy Loam
- McA Melfa-Hobucken Complex
- MuA Munden Sandy Loam
- UpD Udorthents and Udipsamments

0 100 200 400 600 800 1000  
FEET

or clay loam, with the top portions interspersed with decomposing vegetable matter and roots of coarse grass, saturated all year and penetrated by winding tidal channels. There are also some areas of Udorthents and Udipsamments (UpD), which are mainly fill and sandy materials that are found around structures and in marshes near dredged areas.

In Tangier, all of the soils are highly permeable, and most are also hydric, with a depth to water of 0-18 inches, as shown in Figure 3. Highly permeable soils are extremely susceptible to pollutant leaching and have a high potential for groundwater pollution. Hydric soils are primarily wet and poorly drained.

Arapahoe-Melfa Complex (AmA):

Nearly level, very deep, and very poorly drained soil. This soil has severe limitations mostly due to water content that make it generally unsuitable for cultivation or development. Better suited for recreational uses.

Bojac Sandy Loam (BkA):

Nearly level, very deep, and well drained. Located on broad flats, this soil is very well suited for cultivated crops. Instability limits the soil for shallow excavations.

Melfa-Hobucken Complex (McA):

Nearly level, very deep, and very poorly drained soil that is located primarily in tidal marshes. The soil is saline and subject to tidal flooding.

Munden Sandy Loam (MuA):

Nearly level, very deep, and moderately well drained soil that is found on broad flats and in depressions. This soil is well suited for cultivation, although seasonal high water table, seepage, permeability, and instability of the soil are limitations for community development.

Udorthents and Udipsamments (UpD):

Nearly level to moderately steep, very deep soils that may range from well drained to somewhat poorly drained. These soils are mainly fill and sandy materials that are found around structures and in marshes near dredged areas.

## **Ground Water**

The Town's water supply comes from 1,000 ft. artesian wells, which draw from the Eocene aquifer. Tangier's water supply is part of a different hydrogeologic system than the rest of the Eastern Shore. The Town's water supply is affected by ground water flow from the upper Potomac aquifer on the Virginia mainland, and the quality and quantity of its water supply is affected more by activities off the island than on the island. It is important that Tangier monitor its water carefully and urge conservation on the part of residents, since there is little local control over the supply. Although the Town's water supply is not affected by its own ground water recharge, it is still important to protect this resource because Tangier's ground water system affects the surrounding wetland areas. Pollution or disruption of this system could negatively affect the ecological diversity of the island.

## **Wildlife**

Tangier Island supports a variety of wildlife, especially bird species. Located along the Atlantic Flyway, Tangier and its neighboring islands are attractive to migratory waterfowl, including Canada geese and tundra swans. Nonmigratory species include mallards, widgeons, black ducks



CHESAPEAKE BAY

TOWN OF TANGIER


N

MAILBOAT HARBOR

TANGIER  
SOUND

COO HARBOR

FIGURE 3  
SOIL CONDITIONS

 Hydric Soils

Note: All soils in the Town of Tangier are highly permeable

0 200 400 600 800 1000  
FEET



and redhead ducks. The last two are of some concern to biologists. Black ducks are on the decline nationally, but remain strong in Virginia, while redhead ducks have seen their habitat areas diminish and Tangier Island is one of their last havens. The number of birds found often fluctuates because of the dynamic nature of the island. For instance, a winter storm may change the configuration of a favored beach, requiring the bird population to move for a season or until the beach reappears to their liking. Other species that have been sighted on Tangier include rails, terns, skimmers, greenback herons, egrets, and an occasional eagle or falcon.

Other animal species found on Tangier include muskrats and otters as well as horseshoe crabs and diamondback turtles, which use the island as a breeding ground. There are many kinds of marine organisms in the area, all contributing to the food web of the Chesapeake Bay. The most important commercial marine life resource to Tangier is the Atlantic blue crab, which many Tangiermen depend on for their livelihood.

### **Chesapeake Bay**

Tangier lies within the nation's largest estuary, the Chesapeake Bay, which has provided more crabs for human consumption than any other water body on earth. Although many residents of Tangier still make a living as watermen, this way of life is threatened due to the decline of the Bay. Water pollution is a contributing factor to the Bay's decline, and studies have shown that nonpoint source pollution has a devastating impact on the Bay's water quality.

### **Nonpoint Source Pollution**

Nonpoint source pollution occurs when pollutants, which accumulate on land during dry weather, are carried to streams and to the Bay in runoff produced by rainfall. It is called nonpoint because it does not enter the waterbody from a pipe or other identifiable point. Nonpoint source pollution contains sediment, heavy metals, bacteria, nutrients, pesticides, oil and so forth. The amount of runoff and nonpoint source pollution increases as the amount of impervious surface, such as pavement and buildings, increases.

There is no stormwater management on Tangier. When rainfall lands on the island, all runoff from the rain goes directly into surrounding wetlands and the Bay. This includes all pesticides and fertilizers used in yards, petroleum products accumulated on roads, and other pollutants. Besides harming the water quality of the Bay, this runoff pollution is detrimental to the organisms, fish, birds and other life that utilize the wetlands. It is especially detrimental to Tangier because the wetlands serve as nurseries for small crabs, fish, and other marine life, which contribute to the livelihood of the residents.

### **Chesapeake Bay Preservation Act**

In 1988, the Commonwealth of Virginia enacted the Chesapeake Bay Preservation Act (Bay Act), which provides localities with the framework to protect water quality and environmental features through land use planning techniques. The waters of the Chesapeake Bay have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. The citizens of Virginia and particularly Tangier are dependent upon the economic benefits derived from the Chesapeake Bay, and the Town recognizes the importance



of the Bay Act in maintaining the integrity of state waters and the Chesapeake Bay.

The objectives of the Bay Act are to protect the quality of state waters. While point source water pollution regulations are ineffective in dealing with nonpoint source pollution, local land use regulations can reduce water pollution by requiring development setbacks from shorelines, and allowing natural vegetation to prevent erosion and filter stormwater. The Bay Act requires that Chesapeake Bay Preservation Areas be delineated by the Town of Tangier and certain land use criteria be applied to these areas. Chesapeake Bay Preservation Areas are lands "which, if improperly developed, may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries." Development in these preservation areas must meet general performance criteria that are designed to reduce nonpoint source pollution and protect sensitive lands from disturbance. Chesapeake Bay Preservation Areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs).

### **Resource Protection Areas**

RPAs are lands at or near the shoreline containing components which have important value to the water quality of the Bay. RPAs include tidal shores, tidal wetlands, nontidal wetlands which are adjacent or connected by surface flow to tidal wetlands or tidal shores, and a 100-foot buffer landward of these features. Most of Tangier is an RPA because of the extensive wetlands and tidal shorelines, as depicted on the U.S. Fish and Wildlife National Wetland Inventory Map. When the 100-foot buffer is delineated adjacent to the inland border of the tidal shore and wetland area, very little of the Town remains outside of the RPA, as shown in Figure 4. In land designated as an RPA, only water dependent uses, such as marinas and commercial fishing facilities, can be constructed. Redevelopment of existing uses are also allowed in RPAs, but new development of homes, businesses and related structures are not allowed. However, this will not impose an undue hardship for Tangier because all land suitable for development has already been built upon, and redevelopment is allowed in RPAs.

### **Resource Management Areas**

RMAs include land adjacent to and landward of RPAs. The purpose of the RMA is to provide additional water quality protection and to minimize pollution impact to the RPAs. RMAs include land types that, if improperly developed, have the potential for causing significant water quality degradation or for diminishing the functional value to RPAs. RMA components include floodplains, non-tidal wetlands not included in the RPA, sensitive soil types, and other lands necessary to protect water quality. All of Tangier is characterized by either floodplains or highly permeable soils. There are also some parts of the Town characterized by hydric soils with a shallow depth to water table. Based on the presence of sensitive land types, all of Tangier that is not designated as an RPA is designated as an RMA. The RMA is designated as the upland areas shown on the NWI Map, and includes West Ridge, Main Ridge and Canton Ridge, as shown in Figure 5. In an RMA, any land use which is allowed under the existing zoning ordinance is permitted. Tangier currently does not have a zoning ordinance, but is in the process of developing one. All development and redevelopment activities in an RMA must meet the general performance criteria of the Bay Act, which includes preserving natural vegetation, minimizing land disturbance, minimizing impervious cover, and controlling stormwater runoff.



CHESAPEAKE BAY

TOWN OF TANGIER

MAILBOAT HARBOR

TANGIER  
SOUND

COD HARBOR

FIGURE 4

CHESAPEAKE BAY  
PRESERVATION AREAS

-  Resource Protection Area (RPA)
-  Resource Management Area (RMA)
-  Intensely Developed Area (IDA)

0 100 200 300 400 500 600  
FEET



### **Intensely Developed Areas**

The regulations provide for localities to designate portions of CBPAs as Intensely Developed Areas (IDAs). The IDA is an overlay to the underlying RPA/RMA designation. IDAs are to be designated in areas where development is currently concentrated and where little of the natural environment remains. Generally, IDAs are industrial, heavy commercial or institutional areas, largely devoid of natural vegetation. An IDA is a redevelopment area and the IDA may be exempt from the buffer requirements, although any redevelopment activities would have to comply with Stormwater Management and Erosion and Sediment Control requirements. The Town has elected to designate an IDA along the existing dock/harbor area along Main Street and Rt. 1307. The IDA is shown in Figure 4.

## **LAND USE**

Because most of Tangier Island is low marshland, only about a half square mile of the island is habitable and residents have been forced to make maximum use of available land. Virtually all development has occurred on the three sand ridges of the island, which are separated by marsh and tidal creeks, and connected by narrow wooden bridges. These ridges are known as Main Ridge, West Ridge and Canton Ridge. Canton Ridge is the shortest and eastern-most ridge, and is completely residential. Main Ridge, as the name implies, is the longest and most heavily developed ridge. Its land uses include residential and commercial. West Ridge is primarily residential, but several other types of uses are located at the northern end. Existing Land Use is shown in Figure 5.

## **Zoning Ordinance**

The zoning ordinance is the legal mechanism by which the goals and objectives of the comprehensive plan are implemented. Through zoning, land is divided into districts according to existing or desired land uses. The general purpose of a zoning ordinance is the protection of the health, safety and general welfare of the community. All zoning ordinances are made up of two components: text and the official zoning map. The zoning text describes the regulations, standards and procedures, and the map defines the location of zoning districts on the land. The Town of Tangier currently has no zoning ordinance or zoning map, both of which are required by the Chesapeake Bay Preservation Act and Regulations. The Tangier Town Plan will be the basis for creation of the zoning ordinance.

## **Residential**

Tangier contains 292 residential units, which are located along the three ridges. Canton Ridge is completely residential with 22 houses and six mobile homes. Main Ridge contains 169 houses and 22 mobile homes, and West Ridge contains 47 houses and 26 mobile homes. Residential areas are characterized by small lots. In places, mobile homes have been placed beside existing conventional dwellings due to the shortage of developable land. Not all dwellings front a public street or walkway. Those which do not are reached by private sidewalks.

Tangier has a unique residential character. Most of the houses in Town are white-frame houses of a late Victorian style. Although some homes are surrounded by white picket fences, a substantial number have chain link fences which detract from the appearance and character of the Town. Over time, residences expect to replace the chain link fences with picket fences as necessary.

There are very few vacant lots left which are suitable for development; however, it is possible that some existing structures will be demolished in the future and new homes will be built in their place. Since there is no current zoning ordinance, there are no controls or restrictions to ensure that potential new homes will complement the existing structures in character and architectural style. It is important to protect the residential character and aesthetics of Tangier from inappropriate redevelopment.

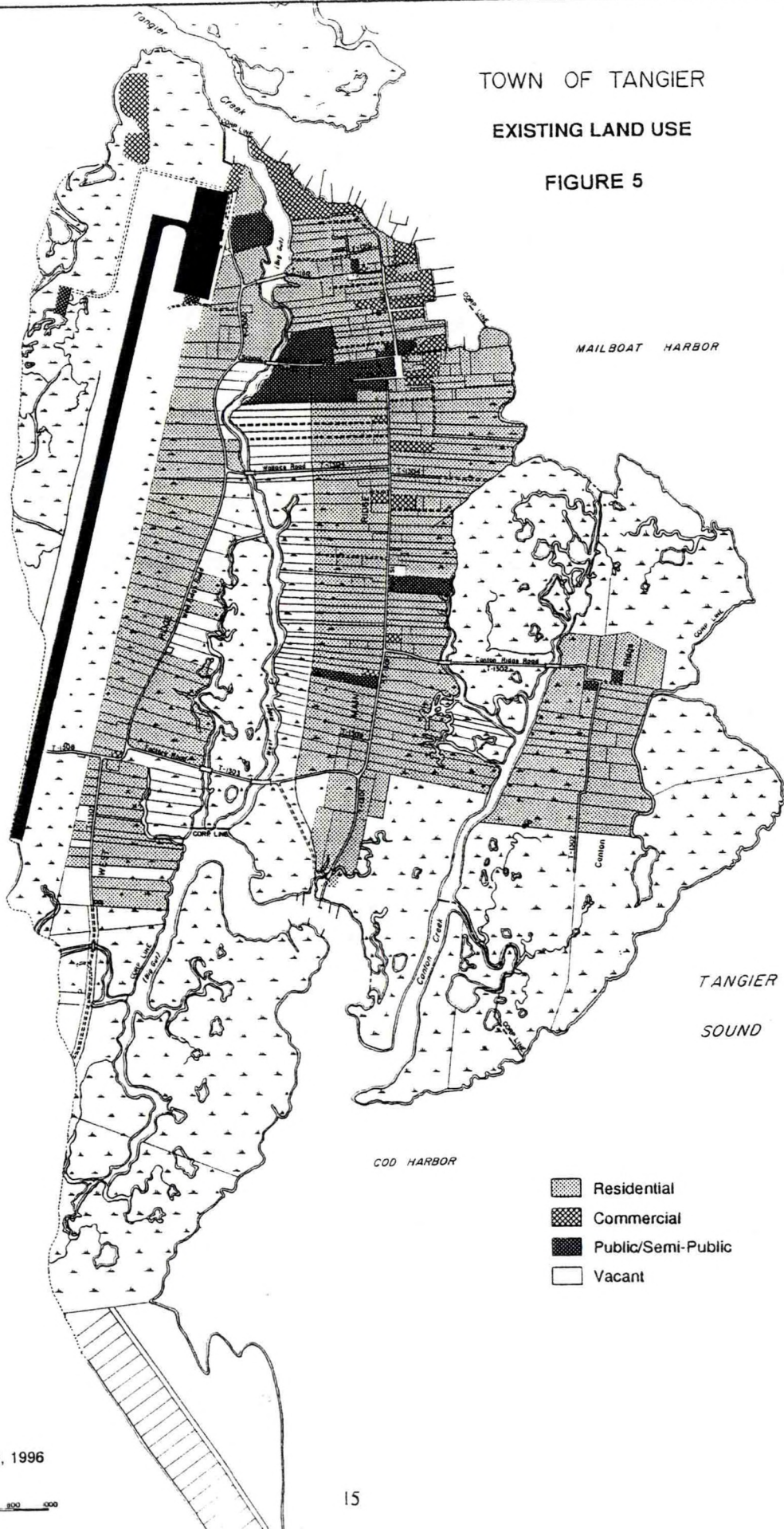


# TOWN OF TANGIER

## EXISTING LAND USE

FIGURE 5

CHESAPEAKE BAY



- Residential
- Commercial
- Public/Semi-Public
- Vacant

Adopted August 12, 1996

0 100 200 300 400 500 600  
FEET

### Housing Characteristics

In 1990, Tangier had an occupancy rate of 91%, as shown in Table 3. Of the 9% that are vacant, at least four are dilapidated and boarded up. Of these structures, some appear to be unsafe and not possible to rehabilitate. Of Tangier's occupied housing units, 92% are owner occupied and 8% are renter occupied. Tangier's owner occupancy rate of 92% is substantially higher than that of Accomack County (75%) and the state of Virginia (60%).

As shown in Table 3, 92% of the population in Tangier lives in a family household, which is a household where two or more persons living together are related by birth, marriage or adoption. Of the residents aged 65 and over, fully one third live alone, and most are women. A number of single person fixed-income households have been unable to maintain their houses and have requested help from agencies that provide housing assistance.

The two indicators most often used to define housing deficiencies are overcrowding and lack of plumbing facilities. Census figures indicate that 14 units are considered substandard due to a lack of complete plumbing facilities. Overcrowding is not a significant factor in Tangier. Less than one percent of the owner-occupied units are considered overcrowded, and no rental units have crowded conditions, which are defined as more than one person per room. A walking tour of Tangier reveals numerous occupied houses which have been allowed to deteriorate to various stages of disrepair. Several houses are abandoned and uninhabitable, posing a safety risk.

**Table 3**  
**Housing Data**  
**1990**

	Number	Percent
Total Units	277	100%
Total Occupied Units	253	91%
Total Vacant Units	24	9%
Total Occupied Units:	253	100%
Owner Occ. Units	233	92%
Renter Occ. Units	20	8%
<u>Persons in:</u>		
Family Households	605	92%
Nonfamily Households	54	8%
Family Households of Residents Aged 65+	62	66%
Nonfamily Households of Residents Age 65+	32	34%
Male Living Alone	6	
Female Living Alone	25	

Source: 1990 U.S. Census of Population and Housing, STF 1 & 3.



## **Commercial**

Commercial land uses are mostly concentrated on Main Ridge, near the harbor area, adjacent to the North Channel. The shore adjacent to the channel is developed with boat repair facilities, crab processing houses, marinas, fuel facilities, docks, retail businesses and bait and ice houses. Approximately 25 businesses are located in this area, including a relatively large boatyard with drydock and marine railway facilities. West Ridge is primarily residential, but its northern end contains several other types of uses including the airport, a neighborhood center and a boat yard.

Retail businesses include eight eateries, seven gift shops, three bed and breakfasts, and two grocery stores. Also located along Main Ridge are the post office, fire department and two churches. Because of the growth of tourism in Tangier, it is possible that more businesses could appear in Town. Currently there are no height restrictions or restrictions on architectural style. It is important to enact land use and zoning ordinances to keep future development compatible with existing structures. As a result of the growth of tourism on the island, many residential houses are developing into businesses, such as craft and souvenir shops. This has lead to an increase of signs throughout the island. There is concern that many of the signs are distracting and detract from the Town's character and visual appeal. Currently there are no ordinances or restrictions regulating the use of signs. This could develop into a greater problem in the future, as tourism grows and the potential for more retail business increases.

## **COMMUNITY FACILITIES**

Community facilities are the structures and services provided by government and include schools, water and sewer, waste disposal, public safety, recreational facilities and some medical services.

### **Water Supply**

The Town provides public water and sewage treatment to residents. The water comes from five 1,000 ft. artesian wells and is stored in a water tower with a tank capacity of 150,000 gallons. Water usage is not metered but is estimated to be from two to three million gallons per month. It is expected that the water tower will need maintenance in the near future.

### **Wastewater Treatment**

The sewage treatment plant serves all the homes and businesses in Tangier. The plant, which is the biggest budget item in the Town, has been damaged by storms, rust and corrosion due to its proximity to salt water, and is in the process of being upgraded to meet state requirements.

### **Solid Waste**

The disposal of solid waste on Tangier Island is a problem. The Town operates a waste incinerator for the disposal of most trash, which is collected twice a week from residential homes and daily from businesses. Larger items that cannot be burned in the incinerator, such as appliances, along with the ash from the incinerator, are disposed of at the town dump, located on the northwest side of the island. The town dump, which covers approximately 2.5 acres, is now at full capacity and must be replaced by a suitable alternative. This dump has been used by Tangier residents for hundreds of years, and is located just yards away from the Chesapeake Bay. The dump site is not at a landfill nor is the land suitable for a landfill because of the high water table. Pollutants from the dump site are a big concern because they leach straight into the Bay when it rains. Tangier is working with the Virginia Department of Environmental Quality and Accomack County to clean the dump site by hauling the trash away on barges. After the trash is initially hauled away, it is expected to be removed on a periodic basis, approximately two to three times a year.

A recycling program for aluminum cans has recently been implemented in Tangier. Cans are collected by students at the school and transported to the mainland by the Chesapeake Bay Foundation. Proceeds from the aluminum will go towards playground equipment. The students are enthusiastic about this new program, and residents have shown support by participating in the recycling effort.

### **Transportation**

The primary mode of transportation between Tangier and the mainland is water transport. Most people on the island own boats or have access to them. Since the harbor at Crisfield, Maryland is more accessible than any in Accomack County, and because mail bound for Tangier is routed through Crisfield, the Tangier-Crisfield route is more heavily travelled than any other. Island residents travel to Crisfield via the mail boat, private ferry service, and personal boats for shopping, business, and entertainment purposes. Tangier residents store over 100 cars in Crisfield's garages and parking lots. Supplies for the grocery stores are brought to the island by



boat, and large items such as mobile homes and building supplies are brought in by barge.

Water access to Tangier is gained via the Tangier North Channel which extends from the western shore of the island to the eastern shore, between West Point and East Point Marsh, and out into Tangier Sound. Incoming boat traffic uses this channel into Mailboat Harbor to the docks and piers at the Town of Tangier. Channel maintenance is a continuing problem as drifting sand fills the channel at a relatively rapid pace. At times, large boats and barges are unable to use the channel. Dredging of the North and East Channels is done periodically by the Army Corps of Engineers. The dredged sand is pumped over to the southwest shore of the island to protect the shoreline near the seawall.

A second means of transportation to Tangier is by air. An airstrip owned by the Town is located on the west side of the island. This airport is a critical aspect of Tangier's transportation system. When ice covers the Bay, it is the island's only link to the mainland. Most business visitors travel by air, and many deliveries are received on the island by airplane. The airport has no landing lights, and the runway surface is in need of repair. The Town has been working with state and county officials to acquire funding for improvements.

Transportation on the island is by foot, bicycle, golf cart or motorcycle. There is little need for cars and trucks on the island, and residents who own vehicles generally garage them in Crisfield, Maryland. There are a few mini-size cars and trucks in Town, but the street system is not conducive to frequent automobile travel. In general, the streets are very narrow and poorly surfaced. Tangier has approximately three miles of narrow roadway. The hard-surfaced roads are maintained by the State of Virginia, although the state is now requiring 10 feet of clearance in order to maintain them. Most of Tangier's streets are eight feet wide and only Main Street has the required clearance. The Town is attempting to work out an agreement with the Virginia Department of Transportation (VDOT). Currently, VDOT has agreed to maintain the roads which they have maintained in the past. Two of the bridges which connect Main Ridge to West Ridge have been rebuilt, and are rated for the legal load of 15 tons.

### **Public Safety**

Fire protection for the Town is provided by the Tangier Volunteer Fire Department. The fire alarm is activated by the 911 center on the Eastern Shore. Equipment includes one mini-pumper, one S-10 pick-up truck, and a Jeep with a pump. The fire company also provides ambulance service and has one van-type ambulance. In the last year the fire company responded to approximately 54 ambulance calls and eight fires. The State of Maryland provides emergency air lift services by helicopter. The Town employs one full-time police officer who is on call 24 hours a day. Tangier also has an agreement with the Virginia Marine Resources Commission (VMRC) whereby the two VMRC officers that live on Tangier can provide back-up or respond when the permanent officer is away.

### **Schools**

The Tangier Combined School is part of the Accomack County school system and houses students from grades K-12. The school building, built in 1932, is old, seriously overcrowded and

in need of extensive repair. The Accomack County School Board plans to build a new school across from the existing school on the site where the ballfield is currently located. Construction is scheduled to be complete by September, 1997. To acquire post-secondary education, Tangier residents leave the island. The Eastern Shore Community College is available to students as well as other Virginia and non-state schools of higher education. Seven out of 10 high school students in Tangier continue their education after high school.

### **Recreation**

The Town of Tangier acquired funds from the Department of Housing and Urban Development in 1976 to build a neighborhood facility, which provides an area for recreation (basketball court), two conference rooms and a kitchen. The facility is well-used, particularly during the colder months. Accomack County assists in the operation of the facility, which employs a manager. Maintenance of the Recreation Center is funded in part by the School Board, and in part by the Town, which is concerned about the growing cost of repairs and upkeep of the facility, and the impact this is having on the Town's budget. Although there is limited organized recreation in Tangier, the lifestyle and environment available to the residents offers many opportunities for active recreation, including swimming, boating, fishing, water-skiing, cycling and walking. A narrow sand beach is located on the southwestern side of the island and is used by residents for recreational purposes. However, this beach does not have picnic facilities or adequate access, which the citizens have expressed an interest in. The Town maintains a public dock area, although the fees do not generate sufficient revenue for adequate maintenance.

### **Medical Services**

Tangier has a health clinic staffed by a doctor on Tuesdays and Thursdays. Transportation costs for the doctor are partially funded through Accomack County taxes and emergency 911 funds. Two registered nurses are residents of the Town. A dentist visits the Town monthly, and an optometrist visits six times each year.



## ECONOMY

On Tangier, the commercial seafood harvesting industry has long provided the economic base for the island community. Fishing grounds in the vicinity of Tangier produce excellent catches of crabs, which can be processed on the island. Income is also provided by tourism. Most of the visitors to the island are attracted by good seafood and by the unique historical characteristics of the community. Because of its isolation through the years, Tangier has retained much of the quaint appearance and dialect of colonial days. Table 4 shows the employment of Tangier residents by industry.

TABLE 4  
Employment by Industry  
1990

	<u>ACCOMACK COUNTY</u>		<u>TANGIER</u>	
	Number	%	Number	%
Agriculture, Forestry,				
Fisheries, Mining	1,278	9.3	63	<b>24.5</b>
Construction	1,065	7.8	15	5.8
Manufacturing	2,573	18.8	6	2.3
Transportation	448	3.3	27	10.5
Communications, Other				
Public Utilities	256	1.9	3	1.2
Wholesale Trade	799	5.8	8	3.1
Retail Trade	2,562	18.7	54	<b>21.0</b>
Finance, Insurance,				
Real Estate	364	2.7	0	0.0
Business and Repair				
Services	558	4.1	18	7.0
Personal, Entertainment,				
& Recreation Services	595	4.3	3	1.2
Professional Services	2,403	17.5	60	<b>23.3</b>
Public Administration	<u>789</u>	<u>5.8</u>	<u>0</u>	<u>0.0</u>
Totals:	13,690	100	257	100

Source: U.S. Census of Population and Housing, 1990, Summary Tape File 3A.

## Seafood Industry

The fisheries industry is based on the Atlantic blue crab, although some oystering and finfishing also occur. From April to November, hard crabs are harvested in crab pots placed in local waters. Most of the catch is marketed in Crisfield, Maryland. Moneywise, the soft crab fishery is the most valuable. Tangier is sometimes referred to as the "soft shell crab capital of the world." Peeler crabs are caught in traps, scrapes, pots and dip nets, held in floats until they shed, and sold as soft crabs. Approximately 52 small crab houses which process soft-shell crabs are located along North Channel. Altogether, there are approximately 60 to 70 in the harbor area. The typical soft-shell crab processing business in Tangier processes crabs with an annual dockside

value from \$18,000 to \$25,000. From December through March, Tangier watermen either enter the dredge crab industry in Hampton or Cape Charles. The recreational fishery in Tangier is small, most of it taking place in the fall. The absence of easy access to Tangier and the lack of awareness on the part of sports fishermen of the fishing opportunities on Tangier contribute to the slack recreational fishery. Table 4 indicates that about a quarter of the island's residents make their living as watermen. Residents of Tangier believe this figure to be much higher at around 75%.

While the Town used to depend almost totally upon the harvesting of crabs, fish and oysters from the Bay, that is now changing due to the decline of the Bay water quality and fisheries. Although the decline of the Bay's health is now levelling out in part due to the Chesapeake Bay Preservation Act resulting in better water quality, the future of the Bay is uncertain. Disease and overharvesting in some areas are concerns, as are poor management of the seafood industry, industry regulations and future economic opportunities in the seafood industry.

Retail trade (21%) and professional services (23%) are the other major employment categories represented. These service industries are supported by Tangier's seafood and tourism industries. Much of the economic activity of the community is concentrated in the harbor area, adjacent to the North Channel. This area is developed with boat repair facilities, crab processing houses, marinas, fuel facilities, docks, retail businesses and bait and ice houses. There are about 25 businesses located adjacent to the channel, including a relatively large boatyard with drydock and marine railway facilities. Approximately 125 commercial boats are berthed at the docks along the channel. These boats are engaged in harvesting seafood and transporting groceries, building supplies, passengers, fuel and other miscellaneous cargo.

Erosion is occurring at the mouth of the North Channel, which results in structural damage to docks, wharves, piers and crab shedding pens. In addition to structural damages, waves and strong currents wash silt into the water filtration systems of the crab houses, which can kill the crabs being processed. An Army Corps of Engineers Navigation Study reported that construction of a 430 foot long breakwater at the mouth of the channel would enable businesses located on the channel to operate more efficiently by reducing time and money spent on repairs from wave action and ice. Expenditures for dredging would also be reduced since shoaling rates would decline. The cost of this breakwater is estimated at 1.2 million dollars, while the annual average benefits it would save the island are \$53,000. Based on these numbers, the Army Corps of Engineers concluded that the proposed breakwater is not economically feasible and recommended that no further Federal action be taken at this time.

### **Tourism**

Tourism is a visible industry in Tangier. Tourists travel to the island by passenger ferry boats from Onancock and Reedville, Virginia and by way of tour boat from Crisfield, Maryland. Visitors also arrive in private boats which they dock at the marina. Most tourists visit the island for day trips during the warmer months. There are no public restroom facilities for visitors, who currently use Hilda Crockett's Chesapeake House Bed and Breakfast's restroom facilities. For the most part, these visits are short-term, no longer than a portion of the day. Retail businesses



in Tangier include seven gift shops, eight eateries (five of which are seasonal) and three Bed and Breakfast establishments, one of which is a combination boarding house and restaurant. Two grocery stores serve the immediate needs of residents.

### Income

In 1990, there were 429 persons in Tangier between the ages of 16-65. Of these working age persons, 257 were employed, which is 60% of the working age population. Table 5 indicates that Tangier's median household income of \$19,861 in 1989 was about three percent less than the Accomack County median household income of \$20,431. 40% of households in Tangier had incomes below \$15,000 in 1989, compared to 37% of households in Accomack County as a whole.

**TABLE 5**  
**Household Income in 1989**

	<u>Accomack Co.</u>	<u>%</u>	<u>Tangier</u>	<u>%</u>
Less than \$5,000	1,355	10.7	44	16.7
\$5,000 - \$9,999	1,582	12.5	39	14.8
\$10,000 - \$14,999	1,697	13.4	23	8.7
\$15,000 - \$24,999	2,958	23.4	52	19.8
\$25,000 - \$34,999	2,226	17.6	40	15.2
\$35,000 - \$49,999	1,596	12.6	34	12.9
\$50,000 or more	<u>1,232</u>	<u>9.7</u>	<u>31</u>	<u>11.8</u>
Totals:	12,646	100.0	263	100.0
<hr/>				
Median House- hold Income:	\$20,431		\$19,861	

Source: 1990 U.S. Census of Population and Housing, STF 3A.

An analysis of an area's economy usually attempts to distinguish between basic sector and supporting sector activities. The basic sector of an economy includes those activities which export goods or services from the area and bring income into the area. The supporting sector includes activities which recirculate money within the area through sale of goods or services for local use. Such an analysis is rendered extremely difficult by Tangier's location and unique circumstances, however.

Seafood harvesting and processing activities and tourist-related businesses would normally be considered basic sector activities since they bring money into Tangier from outside. The bulk of such income results from sale of seafood catches in Crisfield, Maryland. However, because there are few local businesses available to recirculate this income on Tangier, most of it is soon returned to the Crisfield economy through purchase of groceries, clothing, medical services, and other personal goods and services. A portion of Tangier's income is also spent in Salisbury, Maryland. Commodities sold through small businesses on Tangier, such as groceries and heating oil, are purchased wholesale in Crisfield and Salisbury. Some Tangier income is spent in Accomack County for personal goods, services, and payment of county taxes, but the amount is believed to be small relative to that spent in Crisfield. This is due to several factors which include: the lack of marine services in Accomack County as opposed to Crisfield; Crisfield's closer proximity (it takes twice as long to get to Onancock, Virginia by boat than it does to Crisfield); Crisfield's availability of parking facilities for Tangier residents' 100 plus automobiles; and Crisfield's closer proximity to major shopping centers.

The following general conclusions may be drawn from the preceding discussion:

1. For the most part, Tangier should be considered a segment of the Crisfield supporting economy.
2. Tangier may also be considered a minor segment of the Accomack County economy. Income which is received from sale of seafood or from tourists and which is spent in Accomack County contributes to Accomack County's basic economy, while Accomack County government expenditures made on Tangier and returned to Accomack County represent supporting sector activities.
3. Government expenditures (teachers salaries, food stamp payments, etc.) contribute primarily to the Crisfield economy.
4. Recirculation of income, the multiplier effect, an important indicator of economic vitality and a means of generating wealth in a community, is minimal on Tangier itself.
5. Tangier, in reality, has little in the way of an economy of its own. It serves primarily to exchange income between other economies or to recirculate money within the Crisfield economy.

The fact that Tangier is an island presents unique challenges to sustaining a viable economy for the residents. The Town has been very successful in working out partnerships with other localities to obtain necessary services; however, the declining seafood industry may make it increasingly difficult to maintain the unique way of life Tangier residents cherish unless strategies are developed for expanding economic opportunities.



### III. Goals and Objectives

The purpose of this section is to state the goals and objectives of the Tangier Town Plan. Goals and objectives are general policy statements which define planning ideas and concepts concerning future growth and development in Tangier. Goals provide statements of the general long range direction for future growth and development. Objectives provide specific policies and principles necessary to achieve the stated goals. These goals and objectives are based on the observations and analysis of the existing conditions in Tangier, as reported in the previous section.

#### I. WATER QUALITY PROTECTION

**GOAL:**        **Protect the groundwater and surface water resources of the Commonwealth from an increase in pollution.**

*Objective:*    *Ensure adequate implementation and enforcement of the Town's Chesapeake Bay Preservation Act Program.*

Action: Educate and inform the development community and the town about water quality protection and specific program requirements of the Town's Bay Act program.

Action: Develop administrative procedures in cooperation with Accomack County to expand the Town's role in review, administration and enforcement of the Town's Chesapeake Bay Preservation Act program.

*Objective:*    *Correct existing erosion problems and prevent erosion problems from occurring in the future.*

Action: Investigate state and federal funding sources for stabilizing the shoreline along the northern portion of Tangier.

Action: Evaluate the need for a development review process to ensure the control of erosion and sedimentation during site development.

*Objective:*    *Improve the Town's ability to manage stormwater runoff.*

Action: Enlist the assistance of Accomack County and the Chesapeake Bay Local Assistance Department in the review of stormwater management plans for development projects.

*Objective:*    *Protect the quality and quantity of the Town's potable water supply.*

Action: Promote water conservation through education of the Town's citizenry and amendments to the Building Code to require water conservation fixtures for new development.

**GOAL:** Restore the quality of state waters to a condition that will require all reasonable public uses and will support the propagation of aquatic life.

*Objective: Achieve a reduction in existing pollution sources.*

Action: Work with the Department of Environmental Quality (DEQ) to educate the owners of above ground storage tanks on the proper maintenance and care of these tanks to prevent accidental spills.

Action: Explore opportunities for water quality improvement as areas within the Town redevelop.

Action: Work with DEQ to clean up the town dump.

Action: Continue to investigate alternatives to control and remove town refuse in a timely and environmentally sound manner.

Action: Continue to work with DEQ and investigate funding sources to upgrade the Town's wastewater treatment plant.

Action: Explore opportunities to reestablish the buffer area as along the Town dock area over time as the area undergoes redevelopment.

Action: Coordinate with Accomack County to establish a recycling program on Tangier.



## II. LAND USE AND DEVELOPMENT

**GOAL:** Achieve a pattern of land use which balances water quality and environmental protection with social and economic goals.

**Objective:** *Prohibit development in environmentally sensitive areas so that important environmental resources within the Town are protected.*

Action: Enforce the provisions of the Town's Floodplain Overlay District and restrict development within floodplains associated with the Chesapeake Bay.

Action: Require the preparation and careful review of an environmental site assessment to ensure the accurate delineation of environmental resources prior to design of a site.

Action: Ensure that required buffer areas are protected during the construction process by carefully flagging and inspecting these areas before any land disturbance occurs.

**Objective:** *Focus redevelopment and development activities in areas most suitable so that environmentally sensitive areas are protected and public and private costs associated with development are minimized.*

Action: Develop a Zoning Ordinance to establish appropriate classification that will implement the Plan's future land use recommendations.

Action: Identify areas where development should be limited due to physical constraints.

Action: Develop and implement a development review process in the Town that requires an adequate assessment of a site's physical constraints prior to the approval of any land disturbance.

Action: Continue to improve the mapping of environmentally sensitive areas and other physical characteristics for all lands within the Town.

**Objective:** *Protect the character of the Town by conserving the Town's natural and fiscal resources and supporting infill and concentrated development and redevelopment.*

Action: Promote a compact and vibrant commercial area with compatible uses through the development and implementation of a zoning ordinance.

**Objective:** *Protect and enhance the visual aesthetics of the Town.*

Action: Regulate sign use and appearance.

Action: Eliminate unattractive signs and visual clutter through the use of a service directory.

Action: Promote the use of picket fencing and discourage the use of chain link fencing.

*Objective: Preserve existing open space resources within the Town for the long term enjoyment of scenic and environmentally sensitive areas.*

Action: Identify opportunities for open space and recreation within the Town.

Action: Improve the beach area and provide adequate facilities and access.



### III. HOUSING

**GOAL:** To provide safe and adequate housing for the future and present residents of Tangier.

*Objective: Preserve and protect the existing housing stock in the Town.*

Action: Encourage maintenance of all housing structures.

Action: Encourage rehabilitation of substandard housing through continued rehabilitation assistance for lower income residents.

Action: Continue demolition of abandoned and other irreparable structures to prevent blight and health hazards.

Action: Continue to work with Accomack County and the Accomack Northampton Housing Authority to identify Community Block Grant projects.

Action: Encourage the use of housing assistance for qualified residents of the Town.

#### IV. SOCIAL AND COMMUNITY FACILITY CONCERNS

**GOAL:** Provide adequate social services community facilities and ensure citizen participation for all Town residents.

*Objective: Ensure the needs of Town residents are met.*

Action: Identify specific needs through cooperation with area-wide social service agencies.

**Objective: Ensure provision of adequate community facilities for the Town.**

Action: Provide expanded recreational facilities such as the beach area.

Action: Work with Accomack County to improve school facilities.

Action: Continue to work to maintain and expand other community facilities.



## V. ECONOMY

**GOAL:** To maintain economic vitality and improve the financial condition of the community.

**Objective:** *Improve the economic opportunities for the residents of Tangier.*

Action: Encourage the participation of the Town Council and local residents in the development of an economic strategy.

Action: Investigate state, federal, and other funding sources for the development of a visitor center and public restroom facilities on Tangier.

Action: Implement downtown improvement programs such as building maintenance and repair, general cleanup, joint advertising efforts, provision of adequate parking and sign and facade improvements.

Action: Investigate methods to promote tourism in the Town such as working the state Tourism Department, Countryside Stewardship Exchange and the National Trust for Historic Preservation.

Action: Work to preserve the water related industries in Tangier through education and product promotion.

**Objective:** *Improve the fiscal health of the Town.*

Action: Evaluate the fiscal capacity of the Town to develop additional revenue sources for future service demands.

Action: Investigate possible funding sources for rehabilitation of commercial and residential buildings.

## **IV. Plan Recommendations**

Town citizens should bear in mind that even the most realistic or conservative plans may not be fully implemented as intended, for any number of reasons. Therefore, the recommendations outlined in this plan should be viewed as targets, not as firm commitments or mandates. If desired results are not achieved, an evaluation should be conducted to determine the reasons so the Town can decide whether to continue to pursue the original objective or to modify it. The Tangier Town Plan should be updated and amended every five years.

### **NATURAL RESOURCES PLAN**

In 1988, the Commonwealth of Virginia enacted the Chesapeake Bay Preservation Act (Bay Act), which provides localities with the framework to protect water quality and environmental features through land use planning techniques. The citizens of Virginia and particularly Tangier are dependent upon the economic benefits derived from the Chesapeake Bay, and the Town recognizes the importance of the Act, and therefore, a large component of the Natural Resources Plan will be focused on the Bay Act. The objective of the Bay Act is to reduce nonpoint source water pollution.

#### **Chesapeake Bay Preservation Program**

Tangier should implement a Chesapeake Bay Preservation Area District as part of their zoning ordinance. This ordinance would establish the Resource Protection Areas and Resource Management Areas, delineated on Figure 4, which together form the Town's Chesapeake Bay Preservation Area District, covering the entire Town. In the Resource Protection Areas (RPAs), redevelopment of existing land structures is allowed, but new development would be restricted to water dependent uses, such as marinas or fishing facilities. Resource Management Areas (RMAs) would allow redevelopment or new development activities, provided they meet general performance criteria of the Bay Act. These criteria are discussed below.

#### **Best Management Practices**

Best Management Practices (BMPs) are defined in the Regulations as "practices determined by a state or planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals." There are several types of BMPs available which are efficient and inexpensive. BMPs can be structures such as wet ponds or infiltration trenches or they can be non-structures such as vegetated filter strips. In the Town of Tangier it will be difficult to install BMPs because of the high water table, flooding and lack of open space.

#### **Preservation of Existing Vegetation**

It is very important to preserve indigenous vegetation on a site because the natural vegetation prevents erosion, filters runoff, and allows stormwater to soak into the ground. Existing vegetation is economical because it requires little or no maintenance.



### **Impervious Cover**

Another way to limit nonpoint source pollution is to minimize the use of impervious cover, which includes surface areas such as rooftops and parking lots, where water cannot sink into the ground. Use of grass drainage ditches instead of curb and gutter, efficient layout of parking areas, minimizing the size of driveways, requiring pervious paving, such as gravel or oyster shells instead of concrete, for low volume traffic areas, and minimizing site coverage by using multi-story structures where permitted all can be effective design techniques for redevelopment on Tangier.

### **Stormwater Management**

Managing stormwater runoff is an important way to reduce nonpoint source pollution. Because there is scarce open space on Tangier for new development, stormwater management will be concentrated on redevelopment activities. Redevelopment of any site must achieve at least a 10% reduction on nonpoint source pollution in runoff compared to the existing runoff load from the site. Any redevelopment of an existing site should increase the amount of indigenous vegetation to meet this reduction.

### **Intensely Developed Areas**

The Bay Act allows the Town to designate portions of the preservation areas as Intensely Developed Areas (IDAs) if they meet certain criteria. In Tangier, the area along the docks, shown in Figure 4, should be designated as an IDA. The benefit of an IDA is that it may be exempt from establishing or maintaining the full 100 ft. buffer area.

### **Erosion**

There is an erosion problem along the north part of the island. In February, the Army Corp of Engineers reported that a 430 ft. long breakwater would effectively deal with this, at a cost of 1.2 million dollars, but concluded it was not economically feasible and recommended that no further Federal action be taken at this time. The only remaining option for the Town to fund construction of the breakwater would be by congressional action, which has happened in the past. In 1989, Congress passed the Water Resources Development Act Bill, which allowed for the construction of the jetty on the western side of the island.

## **LAND USE AND DEVELOPMENT PLAN**

The future land use map, shown in Figure 6, is a generalized map to guide the physical development and redevelopment of the Town in the long term. Practically all land on the island that has development potential has already been built upon. Given that any future development taking place in Tangier will primarily be redevelopment, along with the desire of the Town to retain its current character, the future land use map proposes no major changes from the current land use map. Future land use categories consist of residential and commercial land uses. Residential land use is the predominant land use category in Tangier. These areas are located along West Ridge, Main Ridge and Canton Ridge. The commercial land use area encompasses the harbor area near the docks. New businesses will be encouraged to locate in the commercial area rather than in residential areas. By designating this area as a commercial land use area, existing businesses and water related industries can be protected.

### **Zoning**

In order to ensure that future development is guided by the Town Plan, a zoning ordinance for Tangier must be prepared. A zoning ordinance contains regulatory measures used to carry out the Town Plan, and the Town's zoning map should reflect the future land use map. A major function of zoning is to regulate and provide minimum standards for development, by controlling types of land uses that exist. By creating zoning categories and districts, residential areas can be protected from undesirable land uses. Proper zoning can ensure that compatible land uses exist in close proximity to each other. Land use regulations would be created in the zoning ordinance to protect residential areas from undesirable land uses.

One of the functions of zoning is to regulate the location of a building on a piece of property. For instance, an ordinance may establish rules of how far a building should be set back from a street or property line. Regulating the setbacks of a building on a piece of property is one way of ensuring that any new structures and redevelopment would be consistent and compatible with the existing structures in the vicinity and would not detract from the existing character of the area. Height restriction limitations are also an important tool to prevent future development from detracting from the residential character of Tangier.

### **Signs**

Another issue of concern is the widespread use of signs throughout the island. Currently there are no means to control the use and appearance of signs. Regulations should be enacted which will ensure that the size, style and design of all signs on Tangier are compatible with the character of the town and do not distract from the visual appearance of the Town. There is also concern about the increasing number of signs on Tangier. One way to prevent unnecessary visual clutter from signs is to create a service directory.

### **Fencing**

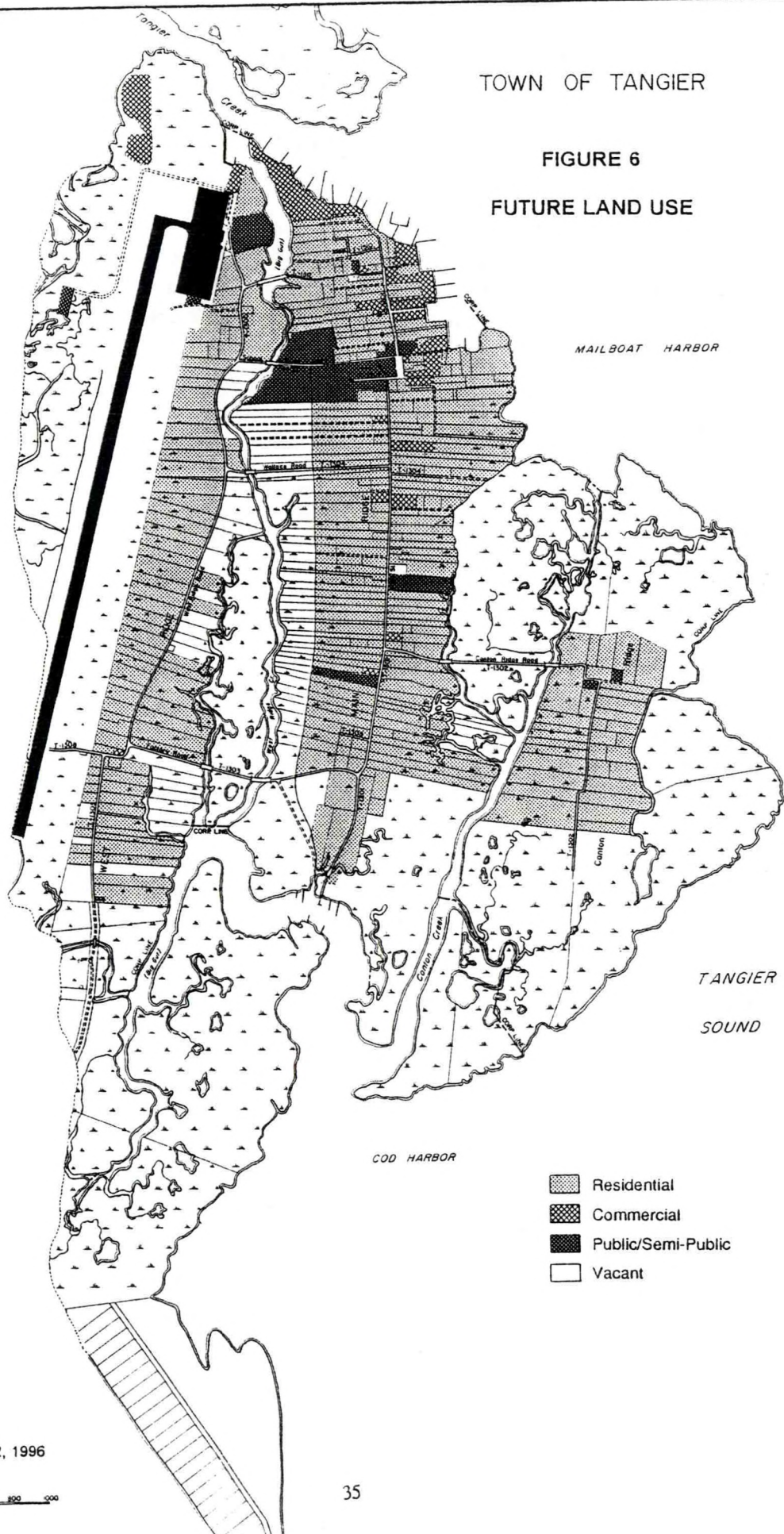
Another factor which detracts from the Town's appearance is the abundance of chain link fencing. The use of chain link fencing should be discouraged, and picket fencing should be promoted.



# TOWN OF TANGIER

FIGURE 6  
FUTURE LAND USE

CHESAPEAKE BAY



- Residential
- Commercial
- Public/Semi-Public
- Vacant

Adopted August 12, 1996

0 100 200 400 600 800 1000  
FEET

## **HOUSING PLAN**

The majority of residential housing stock in Tangier is in good condition. In order to develop a comprehensive housing plan for improving the housing stock and preserving affordable housing opportunities, Tangier should conduct a housing survey and then apply for a Virginia Department of Housing and Community Development (DHCD) Planning Grant. The Planning Grant would be used to develop a plan to improve the existing housing stock, followed by a VDHCD Block Grant application to implement the recommendations of the Housing Plan.

One problem that was noted during the land use survey was the presence of unsightly properties. These structures pose a danger to the general health, safety and welfare of the town residents. Liens and condemnations provide a means of improving or demolishing the buildings.



## **COMMUNITY FACILITIES PLAN**

The goals and objectives of this section include improving the existing town infrastructure and expanding recreational opportunities. This can be done through carrying out the following recommendations.

### **Wastewater Treatment**

The wastewater treatment plant, which serves all the homes and businesses in Tangier, needs upgrading because it has been damaged by storms, rust and corrosion. This is the biggest budget item in the town, and the cost of upgrading to meet state requirements is estimated at \$800,000. It is important that the plant is upgraded, because funding for the town dump cleanup is not available until the wastewater treatment plant has been updated.

### **Solid Waste**

The disposal of solid waste on Tangier is a problem, because the town dump is filled to capacity, and is not located on land suitable for a landfill because of the high water table. Trash from the town dump should be hauled away by barge to an appropriate landfill. In the future, all solid waste items that cannot be burned in the incinerator, such as appliances, should be hauled away periodically, along with the ash from the incinerator.

### **Recreation**

A narrow sand beach located on the southwestern side of the island which is used by residents for recreational purposes does not have adequate access. This beach should be improved to provide for more recreational use, through the addition of picnic facilities and more adequate access.

## **ECONOMIC PLAN**

### **Tourism**

Because tourism represents almost half of the Town's retail and professional services, it is important to protect and enhance this commodity. As discussed in the Existing Conditions section, the Tangier does not have a visitor's center or public restroom facilities. These should be developed in order to promote tourism on the island. The visitor's center could be used to show short films and documentaries about the island's history, and would serve as a source of information and structured activity for visitors to Tangier.

The Town should be encouraged to take an active role in developing tourism as a whole, rather than just individuals businesses. The foundation for developing a plan to expand tourism is to create a tourism committee for this purpose, made up a wide range of Tangier residents. The purpose of this committee would be to develop a strategic plan or vision of the future of tourism in Tangier. Nonprofit groups, such as the Chesapeake Bay Foundation, could be used to facilitate and mediate the committee meetings. Sources of information which the committee could investigate include the Virginia Department of Tourism, the Eastern Shore of Virginia Economic Development Commission and the Countryside Stewardship Exchange Program.

### **Seafood Industry**

The seafood industry is an important economic commodity in Tangier. Because of the scarcity of land in Town, it is important to protect commercial water related land uses. The "downtown" area near the docks is delineated as a commercial area on the future land use map. This delineation will help to protect these industries, serving as a guide for the zoning ordinance and map.



## **V. Implementation**

Implementation of the plan recommendations can be accomplished by several different methods.

### **Chesapeake Bay Preservation Program**

The most important element in the Bay Act Program is the creation of a zoning ordinance which establishes a Chesapeake Bay Preservation Area Overlay zone.

### **Zoning Ordinance**

A zoning ordinance needs to be created for the Town, to implement Bay Act. This ordinance should be prepared by the planning commission, approved by the town council, and completed by the end of 1996. The ordinance will use the Future Land Use Map as a basis for the zoning map. The zoning ordinance will also serve to protect the character of the Town by regulating land uses and providing minimum standards for development.

### **Solid Waste**

In order for the Virginia Resources Authority to provide the Town funding for cleaning up the Town's dump site, the Town must make improvements to the wastewater treatment facility. Then funding can be used by the town to hire a contractor to haul away the trash on a regular basis. A recycling program should also be implemented and administered through Accomack County.

### **Capital Improvements Program**

A Capital Improvements Program (CIP), which is a five-year plan that identifies major projects needed by the Town, should be prepared in order to accomplish projects mentioned in the Plan section of this document. A CIP identifies these projects, estimates their costs, ranks them, and determines the best method of paying for them within the community's fiscal capabilities. A capital budget is developed which is approximately five years in scope. This budget lists the projects, their estimated cost, and sources of funding.

The top priority item in the CIP should be the upgrading of the wastewater treatment facility, which is in need of about \$800,000 worth of upgrading to meet the state requirements. This should be a top priority because the Town can not receive state funding to clean up the town dump until the wastewater treatment facility meets state requirements. Other projects identified in the Plan section, which should be included in the Capital Improvements Program include the construction of a visitor center, public restroom facilities and a sign directory.

## Saxis Comprehensive Town Plan

Prepared by:

Saxis Planning Commission



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.



## The Comprehensive Plan

A comprehensive plan is an official public document adopted by a local government to be used as a guide for making policy decisions about the physical development of a community, including providing public services for community residents. A comprehensive plan is general in nature and is used as a basis for the zoning ordinance. The Virginia General Assembly, recognizing the need and value for local planning within each area of the Commonwealth, adopted Section 15.1-446.1 of the Code of Virginia (1950) as amended on July 1, 1980 which requires that each city, county or town develop and adopt a comprehensive plan. Section 10.1-446.1 states, "The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory which will, in accordance with present and probable future needs and resources best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants."

In addition to the above mandate, the Virginia General Assembly, recognizing the economic and social importance of ensuring the long term viability of state waters and in particular the Chesapeake Bay and its tributaries, enacted the Chesapeake Bay Preservation Act of 1988 (Act)(§ 10.1-2100, et seq., of the Code of Virginia). The Act is a cooperative effort between the state and local governments with a water quality improvement and protection focus. Section 10.1-2109.B of the Act states that "Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters into each locality's comprehensive plan consistent with the provisions of this chapter." The Town of Saxis recognizes the importance of maintaining the integrity of state waters and the Chesapeake Bay to the citizens of the Commonwealth and of Saxis. The waters of the Chesapeake Bay have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Certain lands that are next to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other land areas have severe development constraints as a result of flooding, erosion, and soil limitations. With proper management, these lands offer significant environmental benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control.

To achieve these ends, the Town Council and Planning Commission of the Town of Saxis have developed the following Comprehensive Plan. Once the plan is adopted by the Town Council, the Plan controls the general location, character and extent of each feature shown on the plan. Before any public area, facility or use can be constructed or established, the Planning Commission must approve it as being substantially in accord with the adopted Plan. The Commission forwards its recommendations on such proposals to the Town Council. Once the Plan is adopted, it should be used as the basis for guiding and regulating land use and physical development.

It is necessary, due to the nature of the Comprehensive Plan and its purpose, that the Town Council regularly review the Comprehensive Plan and update the goals to keep pace with events and development affecting the Town's well being. As required by the Virginia State Code, the document shall be reviewed at no less than a five-year interval.



## I. Existing Conditions

### COMMUNITY PROFILE

The Town of Saxis, with a population of 367, is located in upper Accomack County, on the tip of a peninsula bordering Pocomoke Sound (see Figure 1). The Town is somewhat isolated from the rest of the County, separated from the mainland by Freeschool Marsh, which is part of the 5,574 acre Saxis Wildlife Management Area. Saxis, sometimes referred to as Saxis Island, is best known as a fishing and seafood town, where Atlantic Blue Crabs are the main commodity. At the southwest edge of Town, adjacent to Starling Creek, is a harbor with space for 80 boats. The harbor is relatively new, constructed in 1992 through funding by a Community Development Block Grant. The corporate limits of Saxis cover 1/3 of a square mile in area, and include approximately 210 acres. Saxis' shoreline, which fronts Pocomoke Sound, is approximately 9,000 feet long. The shoreline in Saxis is experiencing severe beach erosion, which is of significant concern for the Town.

### History

Before the Town of Saxis was incorporated in 1959, it went by the name of Saxis Island, which was derived from an earlier name, Sikes' Island. The history of Saxis began in 1666, when it was patented by Englishmen, one of whom was named Robert Sikes. The land eventually became the property of William Anderson, father-in-law to the Reverend Francis Makemie. A tenant farmer was established to raise cattle and prepare dried beef, hides, butter and cheese. Cattle continued to be the mainstay of the island for the next 150 years. By 1800, four families inhabited the Sikes' Island, bringing the population up to 35. A Sunday School, the first school on the island, was founded by the Methodists in 1851. Sikes' Island was so remote at this time that the only communication and trade with the mainland Eastern Shore was by boat.

Towards the late 1800s, the population increased, cattle farming declined due to lack of space, and seafood became the main livelihood. By 1884 there were enough people in the community to establish a post office, and a village road was laid out. Sykes Island became known as Saxis Island in 1896. A "corduroy," or "washboard" road was built across the marsh to connect Saxis to the mainland, but most communication continued to take place by boat. The current causeway which connects Saxis to the mainland was laid out in 1925. A channel was dug at the harbor on the southern end of Saxis in 1920, making it accessible to larger boats and a larger seafood market. Seafood continues to be the main commodity for the Town.

Freeschool Marsh, which separates Saxis from the mainland, has an interesting history behind its name. The marsh land was at one time owned by Samuel Sanford, a wealthy London merchant who lived on the Eastern Shore. In his will, probated in 1712, he bequeathed the use and profits of this land for the schooling of poor boys in upper Accomack County. This continued for the next 161 years, until the public school system of Virginia came into existence. The marsh land, which had value for raising muskrats, was sold in 1873, with some proceeds used for building a school house on the island.



## POPULATION

In 1990, the population of Saxis was 367. As shown in Table 1, Saxis has experienced a decline in population during every decade since 1960. The population in Saxis has continually declined since 1960. In contrast, the population of Accomack County has increased slightly. The racial composition of the Town is 100% white residents. This differs greatly from Accomack County, with a racial composition of 65% white residents and 35% nonwhite residents.

**Table 1**  
**Historic Population Change**  
**1960 - 1990**

Saxis			Accomack County	
<u>Year</u>	<u>Total Population</u>	<u>Percent Change</u>	<u>Total Population</u>	<u>Percent Change</u>
1960	577		30,635	
1970	451	-22%	29,004	-5%
1980	415	- 8%	31,268	8%
1990	367	-12%	31,703	1%

Source: 1960, 1970, 1980 and 1990 U.S. Census

[insert population trend chart]

Table 2 gives a profile of three general age classifications in 1980 and 1990: children, working adults and retired adults. The population of Saxis is generally older than that of Accomack County. Saxis has fewer children and considerably more older adults. This is also reflected in the median age for town residents of 45, significantly higher than the median age for Accomack County residents of 37.

**Table 2**  
**Age Distribution**  
**1980 - 1990**

---

**SAXIS**

---

<u>Age</u>	<u>1980</u>	<u>Percent</u>	<u>1990</u>	<u>Percent</u>
0-17	81	20%	44	12%
18-64	260	63%	234	64%
65 +	74	18%	89	24%
Total	415		367	

Median Age: 45

---

**ACCOMACK COUNTY**

---

<u>Age</u>	<u>1980</u>	<u>Percent</u>	<u>1990</u>	<u>Percent</u>
0-17	8,150	28%	7,521	24%
18-64	17,907	55%	18,331	58%
65 +	5,210	17%	5,851	19%
Total	31,268		31,703	

Median Age: 37

---

Sources: 1980 and 1990 U.S. Census

Between 1980 and 1990, the population of Saxis declined significantly, while the population of Accomack County increased. During that same period, the percentage of children in Saxis dropped from 20% to 12% and the percentage of adults over age 65 in Saxis increased from 18% to 24%. This suggests the outmigration of young people and the aging of the adult population. Another factor is the relocation of retired adults to the town, due to the affordable housing and the location on the waterfront.



## ECONOMY

Saxis is primarily a community of working watermen, and the fisheries industry has long provided the economic base for the community. The fisheries industry in Saxis is based on soft shell crabs, and hard crabs resulting from the soft shell catch. Some clamming and finfishing also occur. From April to November, peeler crabs are caught in traps, scrapes, pots and dip nets, held in floats until they shed, and sold as soft crabs. Approximately 22 small crab houses which process soft-shell crabs are located in Saxis. Much of the economic activity of the community is concentrated in the harbor area, adjacent to Starling Creek. Approximately 64 commercial boats are berthed at the harbor, engaged in harvesting seafood. There are several seafood companies in Saxis, concentrated in the harbor area, which pack and package crabs and other seafood. Most of the seafood is marketed in New York and Philadelphia. The harbor was substantially upgraded in 1992 by Community Development Block Grant funds, to strengthen the traditional fishing industry on Saxis, and accommodate existing and future seafood industry needs.

Table 3, Employment By Industry, shows that 188 Saxis residents over age 16 were employed in 1990. At that time there were 239 persons between the ages of 16 and 65, which means that 79% of working age persons were employed. The table also indicates that over a quarter of those working were engaged in the industry category of agriculture, forestry and fisheries, which in Saxis is the seafood industry.

**Table 3**  
**Employment By Industry**  
**Residents of Saxis**  
**1990**

	ACCOMACK COUNTY		SAXIS	
	Number	%	Number	%
Agriculture, Forestry, Fisheries	1,242	9%	48	26%
Mining	36	1%	--	
Construction	1,065	8%	10	5%
Manufacturing	2,573	19%	23	12%
Transportation	448	3%	10	5%
Public Utilities	256	2%	--	
Wholesale Trade	799	6%	36	19%
Retail Trade	2,562	19%	35	19%
Finance, Insurance, Real Estate	364	3%	2	1%
Business & Repair Services	558	4%	3	2%
Personal, Entertainment, & Rec. Services	595	4%	2	1%
Professional Services	2,403	17%	15	8%
Public Administration	789	6%	4	2%
Total:	13,690	100%	188	100%

Source: 1990 U.S. Census, STF 3.

As shown in Table 4, Saxis's median household income in 1990 was \$16,058. This falls below the median household incomes of Accomack County, at \$20,431, and the State, at \$33,328. Saxis's per capita income, also fell below that of Accomack County, and the State. The income per person in Saxis was \$8,814, while the income per person in Accomack County was \$10,506, and in Virginia was \$15,713.

**Table 4**  
**Income Characteristics**  
**Virginia, Accomack County & Saxis**  
**1990**

	Virginia	Accomack	Saxis
Median Household Income	\$33,328	\$20,431	\$16,058
Per Capita Income	\$15,713	\$10,506	\$8,814

Source: 1990 U.S. Census, STF 3.

While the Town used to depend almost totally upon the harvesting of crabs, fish and oysters from the Bay, that is now changing due to the decline of the Bay water quality and fisheries. Although the decline of the Bay's health is now levelling out, in part due to the Chesapeake Bay Preservation Act resulting in better water quality, the future of the Bay is uncertain. Disease and overharvesting are concerns, as are poor management of the seafood industry, industry regulations and future economic opportunities in the seafood industry.



## HOUSING

Saxis contains 192 housing units. The majority of these are single family houses. As shown in Table 5, single family houses account for 83% of the total housing stock, and manufactured houses account for 15%. Most of the housing stock is old, built prior to 1920. The majority of housing in Saxis is owner-occupied (79%), with 5% being renter-occupied. Approximately 16 houses (8%) are used for seasonal or occasional use, during the warmer months. The 1990 U.S. Census indicates the median value for owner-occupied housing units in Saxis at \$26,000.

**Table 5**  
**Housing Occupancy and Types**  
**1990**

<u>Housing Types</u>	<u>Units</u>	<u>Percent</u>
Single family	160	83%
Multifamily	2	1%
Manufactured homes	28	15%
Other	2	1%
Total Units	192	100%

<u>Housing Occupancy</u>	<u>Units</u>	<u>Percent</u>
Owner-occupied	152	79%
Renter-occupied	9	5%
Vacant:		
For sale or rent	5	3%
For seasonal or occasional use	16	8%
Other vacant	10	5%
Total Units	192	100%

Source: 1990 U.S. Census

The majority of the housing stock in Town appears to be in standard condition, although several houses in Saxis aren't maintained properly and may pose a threat to public health and safety. However, the Town does not have the authority to enforce repair or clearance of dilapidated structures. Moreover, most of the substandard housing seems to be occupied by elderly, fixed-income persons or low-income families who may not be able to make repairs to their homes without state or federal assistance. Overcrowding is not a significant factor in Saxis. Only 1% of the owner-occupied units are considered overcrowded, and no rental units have crowded conditions. The average number of persons per household in Saxis is slightly over two persons per household. Several houses were rehabilitated in the early 1990's, including the addition of indoor plumbing, financed through state grant money targeted toward low income housing.

## NATURAL RESOURCES

Saxis lies in a unique location, situated on a cap of sand overlying the tip of the Freeschool Marsh peninsula. The Town lies in the midst of abundant natural resources. Its 9,000 ft. long shoreline, characterized by a narrow strip of beach, lies on Pocomoke Sound, while its eastern boundary borders the Saxis Wildlife Management Area. At the southwest edge of Town is Starling Creek, a semicircular waterway on which Saxis Harbor is located.

### Wetlands

Tidal wetlands within the Town limits are mainly located beyond the northern half of the shoreline, and at the northern edge of Town. Wetlands are critical because they filter manmade and natural pollution from surface and ground water. Wetlands help prevent erosion, retain storm water, and limit erosion during flooding, which is especially important for Saxis since most of the Town lies within the 100-year floodplain. Wetlands provide crucial habitats for resident and migratory birds, and provide spawning ground for many types of aquatic life.

### Topography

The land in Saxis is very flat, with the highest elevation being just 8 feet above sea level. Slopes are effectively zero percent. The combination of low elevation and inadequate slope for drainage make Saxis susceptible to flooding and poor drainage. The flood hazard in Saxis is medium to high, and critical. Most residences are above 5 feet in elevation, but seldom above 7 feet. Surge from large storms could inundate the marsh and effectively cut Saxis off from the rest of the county. Most of the Town lies within the 100-year floodplain. The only areas of land lying outside of the floodplain are the dredge material placement site, and a small area near the intersection of Saxis Rd. and Lee's Circle, where the elevation is 8 feet. Land within the 100-year floodplain statistically averages one flood in a 100-year time period, which is a one percent chance of flooding in any given year. However, such flooding may occur as many times as conditions cause.

### Surface Water

There are no freshwater streams or natural water bodies in Saxis. The Town is surrounded by Pocomoke Sound, Starling Creek, and Freeschool Marsh. All surface water has a high saline content. The entire Town lies within the Chesapeake Bay watershed.

### Shoreline Erosion

The entire western boundary of the Town of Saxis is eroding. This shoreline, located on Pocomoke Sound, is approximately 9,000 ft. long. According to the *Shoreline Situation Report*, prepared by the Virginia Institute of Marine Science (VIMS), the average long term erosion rate for the Town is 4.9 ft. per year. With an erosion rate of 3 ft. per year considered severe, Saxis has a significant erosion problem (see Figure \_\_\_\_). Since the Town is 1.7 miles long and only one-third of a mile wide, houses and other structures in Town, including the economically vital commercial harbor, are at risk of destruction, either from flooding or from erosion undermining structure foundations. Current documentation or erosion rates in Saxis do not exist. It is possible that the erosion rate could now be even higher than the 4.9 feet per year stated in the *Shoreline Situation Report*. There is belief in the scientific community that erosion rates in the Chesapeake Bay area have accelerated in the past several years due to the increased frequency and severity



of storms.

The most significant cause of shoreline erosion in the Chesapeake Bay system is the combined action of wind and waves on the shoreline. Storm winds generate large waves which do the most damage to the shoreline. During storms and hurricanes, strong winds push additional water against the ocean coast and into the Chesapeake Bay, resulting in higher water levels of the tides, which generally range between one and three feet, but may reach several feet in magnitude. Aside from the obvious hazard of flooding low-lying areas, these higher tides permit the erosive action of the waves to directly attack the fastland, above the usual buffer provided by the beach. Erosional activity is further influenced by the short term fluctuation of lunar and storm tides, and long term sea level rise. The average sea level rise in the Chesapeake Bay area is about .01 feet per year, or one foot per century. Although this rate seems small, its effect is dramatic, considering that the fringes of the Bay have very gentle slopes, where a small increase vertically covers an appreciable horizontal distance. Thus, each decade brings constant encroachment against the fastland.

The shoreline in Saxis, characterized as a narrow beach composed of sand, is a high energy shoreline. The fastland above the shoreline is typically flat and densely vegetated. Reed grass is the dominant species, with small trees, bushes and short grass adding to the protective cover. Most of the shoreline in Saxis is owned by private residents, with the exception of a public harbor, and a parcel of land encompassing 1,000 ft. of shoreline, used by the U.S. Army Corps of Engineers (Corps) for the placement of dredge material from Starling Creek channel. This parcel is owned by the Town and rented to the Corps.

Public records identifying the need for effective shoreline erosion control structures in Saxis started in 1972, when the Saxis Town Council requested that the Corps inspect shoreline erosion and tidal flooding conditions within the Town. In 1973, the Corps issued a report recommending that either beach nourishment, groin field construction, bulkheads, revetments or floodwalls be constructed, if erosion and flooding conditions were to be prevented. However, the Corps report indicated that the cost of these measures would exceed several million dollars and that these measures were not eligible for federal funding.

In 1978, VIMS installed a sill structure along 200 feet of the 9,000 foot eroding shoreline, as part of a demonstration project for low cost shoreline erosion control techniques. The purpose of the sill was to provide a partial barrier behind which an elevated beach could develop. The sill, constructed of eight alternating PVC-coated nylon sandbags and eight gabions (wire mesh baskets filled with stone), was installed, 1.5 ft. high, parallel to the shoreline near the mean low water line. A forty-foot return consisting of two sandbags and one gabion extended landward and perpendicular from the sill's northern end, to provide a partial blockage to the flow of sand and thus lessen the effects of downdrift impacts. In 1996, the sill was exposed and rusting, and the project indicated no evidence of reducing shoreline erosion. The proposal for this demonstration project acknowledged, "In circumstances such as found at Saxis, the most reliable form of erosion control would be a continuous rock revetment or heavy duty bulkhead. This approach, of course, is very costly." This proposal also discouraged the use of groins by predicting limited success from this measure, due to the relatively scanty supply of sand from the littoral drift system.



Severe shoreline erosion exists in Saxis. Its effect on the Town could be devastating if nothing is done. Past recommendations have included revetments, bulkheading, floodwall, and groin construction, although one study discouraged the use of groins for Saxis's shoreline. All of these approaches are very costly, and beyond the scope of the Town's financial capability. A detailed study is needed to determine the type of erosion control measures best suited to Saxis' shoreline conditions.

### Soils

As shown in Figure \_\_, all of the soils in Saxis are either hydric or highly permeable, with a depth to groundwater of 0-18 inches. Highly permeable soils are extremely susceptible to pollutant leaching and have a high potential for groundwater pollution. Hydric soils are primarily wet and poorly drained. Sewage treatment in Saxis is done through on-site private septic systems. Most of the soils in Saxis are unsuitable for septic tank filter fields, due to the predominance of hydric soils and the shallow depth to groundwater. The presence of groundwater near the surface can cause septic system failure, resulting in groundwater contamination and a danger to public health. Saxis is composed of several different soil types, as shown in Figure \_\_. Individual soil groups within Saxis include the following:

*Bojac Sandy Loam (BkA), 0-2% slope:*

Nearly level, very deep and well drained farmland. Moderately rapid permeability and instability of the soil are limitations to community development and cause a hazard of groundwater pollution when used for septic systems.

*Chincoteague Silt Loam (ChA), 0-1% slope:*

Nearly level, very deep and very poorly drained soil located primarily in salt marshes. Tidal flooding, seasonal high water table, ponding, low strength, and salt in the soil are major limitations for community development.

*Dragston Fine Sandy Loam (DrA), 0-2% slope:*

Nearly level, very deep and somewhat poorly drained. Used mainly for cultivated crops and some woodland. Seasonal high water table, rapid permeability, poor filtering capacity, and hazards of seepage limit this soil for community development.

*Magotha Fine Sandy Loam (MaA), 0-2% slope:*

Nearly level, very deep and poorly drained. Usually located in higher landscape positions in tidal marshes. Flooding, seasonal high water table, wetness, poor filtering capacity, instability of the soil, and salt content are limitations for most types of community development.

*Munden Sandy Loam (MuA), 0-2% slope:*

Level, deep and moderately well drained. Seasonal high water table, and rapid permeability are limitations for community development and result in hazard for groundwater pollution when used for septic fields.



*Nimmo Sandy Loam (NmA), 0-2% slope:*

Nearly level, deep and poorly drained. Used for farmland when drained. Seasonal high water table, seepage, and rapid permeability are limitations for community development and cause a hazard of groundwater pollution when used for septic fields. Limited for roads and streets.

*Udorthents and Udipsammets Soils (UPD), 0-30% slopes:*

Mainly fill and spoil materials and sandy materials in excavated areas. Characteristics are so variable that on-site investigation is necessary to determine suitability for most uses.

**Groundwater**

Saxis relies on groundwater as its sole source of water. Drinking water is obtained from private individual wells. Although no data on groundwater exists specifically for the Town of Saxis, information does exist concerning groundwater for the Eastern Shore of Virginia. The uppermost aquifer on the Eastern Shore, known as the water-table, is called the Columbia aquifer. This unconfined aquifer is used primarily for individual private wells and for irrigation. Ground water in this shallow aquifer is of poorer quality than that found in the deeper, confined aquifers, which are separated from the Columbia aquifer by thick confining layers of clay. The majority of groundwater is withdrawn from the deeper confined aquifers, called the Yorktown-Eastover aquifers. Water in these confined aquifers is of better quality than the water-table aquifer. Protecting groundwater is essential since it is the sole source of potable water on the Eastern Shore. A major concern is overpumping from the deeper confined aquifers. It is very important to protect the spinal recharge area of these aquifers, which is basically a narrow strip of land running roughly down the center of the Eastern Shore.

[Insert Groundwater Illustration]

Because Saxis is located right on the coastline, there is a significant potential for wells in Saxis to be contaminated by salty water. Saltwater intrusion to a freshwater aquifer is caused by groundwater withdrawal, and can occur in several ways. Lateral movement of saltwater is accelerated when withdrawals are near the boundary between freshwater and saltwater, as in Saxis. Downward movement of saltwater from salty surface water sources occurs when withdrawals along the coast cause offshore water level declines in the freshwater parts of the uppermost confined aquifer. Salt water can also intrude vertically through confining layers in response to reversals of gradient. As pumping proceeds or as recharge to the fresh water aquifer declines, flow that originally moved upward from the fresh water zone through the confining layer and discharging to the salt water zone reverses. As a result, salt water leaks through the confining layer into the fresh water zone. This problem particularly afflicts wells near the coast. In areas where there is a strong likelihood of saltwater intrusion, limiting the amount of groundwater withdrawal is very important. In the Town of Saxis, water conservation is probably the best contribution that can be made toward avoiding saltwater intrusion.

Besides the threat of salty water, another possible source of groundwater contamination in Saxis is dissolved septic effluent from septic systems. The predominance of hydric and highly permeable soils in Saxis indicate a high potential for groundwater contamination. Highly permeable soils are extremely susceptible to pollutant leaching and have a high potential for groundwater pollution.

#### **Saxis Wildlife Management Area**

Saxis is fortunate to be bordered to the east by Freeschool Marsh, which is part of the Saxis Wildlife Management Area, a predominately marshland environment totally 5,574 acres. The purpose of a Wildlife Management Area is to provide wildlife to the Commonwealth. Administered through the Department of Game and Inland Fisheries, it was purchased directly by hunters, fishermen and boaters through the sale of hunting and fishing licenses, and through taxes from fire arms and ammunition purchases.

The Saxis Wildlife Management Area is a significant habitat area for wildlife. Abundant wildlife exist in the marsh, which is a black duck breeding and wintering area. Canada geese also winter on the marsh. Besides black ducks, other puddle ducks which frequent the area include mallard, widgeon, pintail, and teal. Sea ducks, canvasback, redhead, scaup, goldeneye, bufflehead and mergansers are found on adjacent open water. Deer and rabbits are common and furbearers including muskrat, red and gray fox, raccoon, opossum, mink and river otter are also on the area. The area offers excellent birdwatching opportunities. In addition to geese and ducks, there are grebes, loons, herons, egrets, shorebirds and songbirds to be seen on the area. Saltwater fishing opportunities include those for striped bass, flounder, gray and speckled trout, croaker, bluefish, black drum and channel bass. Hunting and trapping are allowed by permit during certain times of the year. The Saxis Wildlife Management Area offer an abundance of wildlife and recreational opportunities for people who enjoy the outdoors, and its close proximity to the Town of Saxis is a valuable asset.



## POTENTIAL AND EXISTING SOURCES OF POLLUTION

Pollution can be classified as either point source pollution or nonpoint source pollution. Point source pollution can be traced to a specific point, such as discharge from a pipe into a river. Nonpoint source pollution does not come from a specific pipe or other identifiable point, but from a variety of scattered sources, such as stormwater runoff. The following section describes some of the Town's existing pollution sources and potential sources of pollution that may occur in the future.

### Nonpoint Source Pollution

Nonpoint source pollutants include oil, sediments, pesticides, metals and other toxic substances which accumulate on land during dry weather. When it rains, these contaminants are washed into ditches, streams and eventually into the Chesapeake Bay. Under natural conditions, water running off the land soaks into the ground and is filtered by the soil and root systems of the vegetation. However, when land is developed, the natural groundcover vegetation is replaced by concrete, asphalt and other impervious materials which provide no filtering capacity. The stormwater runoff is carried into the Chesapeake Bay without being filtered by the soil and carries with it pollutants from roads, parking lots, etc. Contamination from oil sediments, pesticides, metals and other toxic substances can cause fish kills and destroy life in the Bay.

### Chesapeake Bay Preservation Act

The Chesapeake Bay Preservation Act (Bay Act) establishes a program to protect and improve the waters of the Chesapeake Bay by reducing nonpoint source pollution. Local land use regulations can reduce water pollution by requiring development setbacks from shorelines, and allowing natural vegetation to prevent erosion and filter stormwater. The Bay Act, adopted in 1989, is a Virginia law, administered by the Chesapeake Bay Local Assistance Department in Richmond. The Bay Act provides local governments in the Bay watershed with the legal authority to protect water quality through local land use regulations, and it is at the local level that the Bay Act is implemented and enforced. The Town has adopted a Chesapeake Bay Preservation Area as part of their zoning ordinance, which requires development within the Town to adhere to certain development standards. Chesapeake Bay Preservation Areas were mapped for the Town as directed by the guidelines of the Bay Act, and include *Resource Protection Areas* and *Resource Management Areas*. Figure \_\_\_ illustrates the Town of Saxis's adopted Chesapeake Bay Preservation Areas.

*Resource Protection Areas* consist of the most ecologically sensitive lands, including tidal shorelines and wetlands, which have important value to the water quality of the Bay. The RPA also includes a 100-foot buffer area landward of these features. This buffer is considered the "last barrier" to runoff before it reaches surface waters. The buffer is intended to slow runoff, prevent erosion, and filter nonpoint source pollution. The Resource Protection Areas in Saxis are the minimum areas required under the Bay Act Regulations, and include all lands 100 feet landward of the tidal shoreline along Pocomoke Sound. Also included in Saxis's RPAs are tidal wetlands delineated on the National Wetlands Inventory Map and a 100-foot buffer zone around these wetlands. In land designated as a Resource Protection Area, only water dependent uses, such as marinas and commercial fishing facilities, can be constructed. Redevelopment of existing uses are also allowed in RPAs, but new development of homes, businesses and related structures



are not allowed. This should not impose a hardship on the Town, because practically all land in Saxis that is suitable for development has already been built upon.

*Resource Management Areas (RMAs)* include land adjacent to and landward of RPAs. The purpose of RMAs is to provide additional water quality protection and to minimize pollution impact to the RPAs. RMAs include land types that, if improperly developed, have the potential for causing significant water quality degradation or for diminishing the functional value to RPAs. All of Saxis is characterized by either hydric or highly permeable soils. Based on these sensitive land types, the RMA in Saxis includes all of the land in Town which is not already designated as a Resource Protection Area. All development normally allowed by the existing zoning ordinance is allowed in RMAs as long as it conforms to the requirements outlined in the Town's Chesapeake Bay Preservation Area Ordinance. The requirements include specific land development practices, such as preserving natural vegetation, minimizing land disturbance, minimizing impervious cover and controlling stormwater runoff.

The Town has designated the land around the Saxis harbor and dock area as an Intensely Developed Area (IDA). IDAs are generally areas of heavily concentrated development, where little of the natural environment remains. Future redevelopment of this area may be exempt from the buffer requirement of Resource Protection areas. Any redevelopment will be required to achieve a 10 percent reduction in non-point source pollution flowing into Starling Creek or Pocomoke Sound.

### **Failing Septic Systems**

All residents of Saxis use on-site septic systems. There are approximately 220 residential septic systems in use. The soils in Saxis are not suitable for septic systems because they are hydric, highly permeable and have a shallow depth to water-table of 0-18 inches. The existing septic systems could potentially contaminate groundwater, which is the sole source of drinking water for Saxis residents, and for the entire Eastern Shore.

### **Above Ground Storage Tanks**

The Town of Saxis relies almost totally on individual fuel tanks for heat. Unless above ground storage tanks have a capacity above 660 gallons, they are not governed by state or federal regulations, so it is up to the individual property owner to ensure that leaks and spills do not occur. The State Water Control Board estimates that about 90 percent of spills or releases from individual above ground storage tanks are a result of overfilling the tank or tipping it over. While one residential fuel tank may not pose a great environmental hazard threat, the total number of oil tanks in Town may pose a substantial threat. One way of reducing the risk of accidental spills is for the homeowner or fuel oil company to inspect the tank before filling to ensure that the tank is sturdy and not corroded. Owners of individual tanks should clearly mark the capacity on the tank and should indicate location of the filling cap.

### **Underground Storage Tanks**

Underground storage tanks are a primary source of groundwater contamination in Virginia. The threat that underground storage tanks pose is due primarily to the fact that the tanks are not visible. Leaks of underground storage tanks may not be detected until a substantial amount of



pollutants have seeped into the surrounding soil. In general, tanks which are more than 20 years of age have a significantly higher degree of chance of leakage than newer tanks. In the Town of Saxis, the State Water Control Board indicates that there a total of 15 underground storage tanks within the Town, from four registered businesses. Of these, 11 are still in operation, and four are permanently out of service and closed in ground. The average age of the underground storage tanks in use is 20 years. Gasoline is the primary material stored in the underground tanks. Table \_\_\_\_ presents the underground storage tank information for the Town.

Table \_\_\_\_  
Underground Storage Tanks

Location	No. of Tanks in Use	Capacity (gallons)	Substance	Comments
Adolph's Market 20382 Saxis Rd.	4	3,300	gasoline, kerosene	1 tank removed from ground in 1988
H.V. Drewer & Son Main Street	6	4,000	diesel	n/a
Saxis Fire Co.	n/a	n/a	n/a	1 tank closed and permanently out of use
Moore's Texaco	n/a	n/a	n/a	3 tanks closed in 1988 and permanently out of use

### Boats

Another possible area that may be contributing pollution to the Town is boats. Harbors, marinas, and other boat docking facilities can be sources of water pollution, from the illegal dumping of waste and trash to spills of fuel and oil. The Virginia Department of Health regulates boat docking facilities because of the pollution potential from improper disposal of waste. The regulations for marinas include requirements for on-shore bathroom facilities, pump-out facilities and sewage dump stations. The enforcement of these regulations would alleviate some of the impacts of the pollutants associated with harbors and water quality.

## COMMUNITY FACILITIES

### Fire and Police Protection

Fire protection for the Town is provided by the Saxis Volunteer Fire Company. The fire company also provides ambulance service and includes three fire trucks and one ambulance. The fire house building was formerly used as the Saxis Elementary School, which closed and was sold to the fire company in 1972. The firehouse is also used as the town office. Police protection is provided primarily in the evening hours, by a part time officer employed by the Town. The existing fire and police protection adequately meet the Town's needs.

### Harbor

A public harbor is located at the south end of Town, adjacent to Starling Creek. The harbor contains 80 boat slips, rented out on a yearly basis for a fee of approximately \$224 per slip. The harbor is equipped with electricity, lights, water, a pump-out station, and a concrete boat ramp. The majority of the boat slips are used by commercial boats. The harbor was substantially upgraded in 1992 by Community Development Block Grant funds, to strengthen the traditional fishing industry on Saxis, and accommodate existing and future seafood industry needs. The channel in Starling Creek is dredged on a regular basis by the Army Corps of Engineers.

### Recreation

The Town is fortunate to have an abundance of outdoor recreation opportunities available, due to its close proximity to the Chesapeake Bay and Saxis Wildlife Management Area. A public harbor and boat launch are located in Town, and two other boat launching facilities are located nearby, outside the Town limits. The Saxis Wildlife Management Area, which borders the eastern half of the Town, offers opportunities for hunting, fishing and birdwatching. Other forms of recreation in Saxis include a basketball court newly constructed in 1996, used by the residents of Saxis primarily during afternoon and evening hours. It is important to note that the basketball court was funded entirely by the Town, at a cost of \$2,600. Only half of the court is completed at this time, although The Town would eventually like to construct the other half. Other recreational opportunities include a volleyball area and a playground on church property, available for use by Saxis residents.

### Drainage

Due to its flat topography, Saxis is subject to drainage problems. Stormwater drainage is always a problem, especially during periods of heavy rainfall. Many of the Town's drainage pipes open onto the beach and flow into Pocomoke Sound, where tidal action often blocks the openings with sand. Debris in drain pipes is another hindrance to adequate drainage. Some pipes empty into ditches which fill rapidly, and stormwater runoff must await lower tides before it can flow from the drainage ditches into the surrounding water. Roads in Town flood regularly after it rains, due to the overflow of water in ditches. Maintenance of drainage pipes and ditches needs to be improved. The County maintains drains but not ditches, because ditches are considered private property.

### Transportation

Saxis is connected to U.S. Route 13, the main highway on the mainland, by Route 695, a rural



road approximately 1 miles long. Most of the Town's streets are maintained by the Virginia Department of Transportation. Many are not in adequate condition, due to pot holes, and regular flooding after rainfalls.

**Solid Waste**

The Town provides trash collection services for residents with once-a-week pick ups. This service is contracted out to Shore Disposal.

**Schools**

There are no public schools in Saxis. School age children in kindergarten through grade five attend North Accomack Elementary School near Mappsville. Middle school students attend Mary N. Smith Middle School just north of Accomac, and high school students attend Arcadia High School in Oak Hall.

## II. Goals and Objectives

The goals and objectives are based upon the findings of existing conditions in the Town of Saxis. They form the framework for public and private decision-making. Within the context of comprehensive planning, goals are defined as a general statement about a future condition which is considered desirable for the Town; it is an end towards which actions are aimed. Objectives are statements of measurable activity to be accomplished in pursuit of the goal. An objective refers to some specific aspiration which is reasonably attainable.

### ECONOMY

**Goal**            **To maintain and improve the economic vitality and financial condition of the Town of Saxis.**

*Objective*        *Preserve and protect seafood related industries in Saxis.*

Action: Encourage maintenance of public harbor facilities.

Action: Ensure adequate implementation and enforcement of the Town's Zoning Ordinance for protection of commercial waterfront land uses.

Action: Ensure adequate implementation and enforcement of the Town's Zoning Ordinance to protect the water quality of the Chesapeake Bay.

### HOUSING

**Goal**            **To provide safe and adequate housing for the future and present residents of Saxis.**

*Objective*        *Preserve and protect the existing housing stock in the Saxis.*

Action: Encourage maintenance of all housing structures.

Action: Encourage rehabilitation of substandard housing through housing assistance for qualified residents.

Action: Encourage demolition of abandoned and other irreparable structures to prevent blight and health hazards.



## NATURAL RESOURCES

### Goal 1 Correct and prevent shoreline erosion in the Town of Saxis.

*Objective 1 Determine the type of shoreline erosion control best suited for the shoreline conditions in Saxis.*

Action: Investigate state and federal funding sources for developing a detailed shoreline erosion plan for the Town.

*Objective 2 Obtain funding for appropriate shoreline erosion control measures.*

Action: Investigate state and federal funding sources for stabilizing the shoreline of Saxis.

### Goal 2 Protect the groundwater and surface water resources of the Commonwealth from an increase in pollution.

*Objective 1 Ensure adequate implementation and enforcement of the Town's Chesapeake Bay Preservation Act Program.*

Action: Develop administrative procedures in cooperation with Accomack County to expand the Town's role in review, administration and enforcement of the Town's Chesapeake Bay Preservation Act Program.

Action: Educate and inform the town about water quality protection and specific program requirements of the Town's Bay Act Program.

*Objective 2 Improve the Town's ability to manage stormwater runoff.*

Action: Enlist the assistance of Accomack County and the Chesapeake Bay Local Assistance Department in the review of stormwater management plans for development projects.

Action: Work with Accomack County to develop a means of maintaining drainage pipes around ditches.

**Objective 3**     *Protect the quality and quantity of the Town's potable water supply.*

Action: Promote water conservation through education of the Town's citizenry.

Action: Encourage the use of water conserving fixtures as redevelopment occurs in the Town.

**Objective 4**     *Achieve a reduction in existing pollution sources.*

Action: Work with DEQ to track and maintain USTs to prevent leaks and spills.

Action: Work with Accomack County to ensure that existing septic tanks are pumped out every five years.

Action: Work with the Accomack County Health Department to ensure that abandoned septic tanks are properly sealed or removed.

## LAND USE

**Goal 1**     **Achieve a pattern of land use which balances water quality and environmental protection with social and economic goals.**

**Objective 1**     *Prohibit development in environmentally sensitive areas so that important environmental resources within the Town are protected.*

Action: Ensure adequate implementation and enforcement of the Town's Zoning Ordinance.

**Objective 2**     *Focus redevelopment and development activities in areas most suitable so that environmentally sensitive areas are protected and public and private costs associated with development are minimized.*



## COMMUNITY FACILITIES

**Goal 1 Upgrade roads and drainage to reduce flooding and unsafe pedestrian and vehicular transportation conditions.**

*Objective 1 Ensure adequate roadways in Town.*

Action: Work with VDOT to undertake a study of all roads in Town to determine, unequivocally, the responsibility for improvements and maintenance.

*Objective 2 Improve Drainage Conditions in Town.*

Action: Work with Accomack County to improve the drainage conditions in Town.

Action: Work with VDOT to develop an improved drainage system during routine street maintenance.

### III. Plan and Implementation

This section of the comprehensive plan serves as a general guide, based upon the goals and objectives, and factors discussed in the existing conditions section. It includes recommendations of plans and actions which can be used to achieve the goals and objectives. The recommendations outlined in this plan should be viewed as targets, not as firm commitments or mandates. If desired results are not achieved, an evaluation should be conducted to determine the reasons so the Town can decide whether to continue to pursue the objectives or to modify them. The Comprehensive Town Plan should be reviewed and amended at least every five years.

#### ECONOMY

#### HOUSING

The Town has identified providing safe and adequate housing for future and present residents of Saxis as a goal. The majority of residential housing stock in Saxis appears to be in good condition, although there are several houses which aren't maintained properly. Because most of the housing stock was built prior to the 1920's, it is likely that more homes may fall into disrepair and become substandard in the future. In order to assist low income residents of substandard housing, the Town can apply for Community Development Block Grant Funding, through the Virginia Department of Housing and Community Development.

There are several dilapidated houses in Town which may pose a threat to public health and safety. Currently, the Town does not have the authority to enforce repair or clearance of these structures. The Town should consider adopting an ordinance governing hazardous structures. Volume Two of the Virginia uniform Statewide Building Code allows a jurisdiction to enforce certain levels of maintenance and repair on existing structures. The Town should review this document to see if some or all of the pertinent sections may be adopted into ordinance.



## NATURAL RESOURCES

### Shoreline Erosion

The historic rate of shoreline erosion is estimated at 4.9 feet per year, although there is belief in the scientific community that erosion rates in the Chesapeake Bay area have accelerated in the past several years due to the increased frequency and severity of storms. No recent erosion rates have been measured for the Town. It is important for the Town to document the erosion rates of its shoreline on a yearly basis. This can be done by placing stakes at several points along property adjacent to the shoreline, to be used as markers or points of reference. At least once a year, the distance from the marker to the shoreline should be measured, including the area from the stake to the top of the upland bank, and to the average high tide. The stakes should be made of weather resistant materials such as iron or salt treated wood, and placed in an area where they can remain permanently. They should be placed at a site, where they will not be mowed, or otherwise destroyed or moved. By verifying the rate of erosion on a regular basis, more current and accurate shoreline erosion rates and trends can be documented. This should be done by the Town as soon as possible.

It is essential that a detailed study is undertaken to determine which shoreline erosion control measures are most appropriate for the shoreline conditions in Saxis. The high cost of erosion control structures justifies the need for such a study. Many structures which have been commonly used in the past are not effective, and some have been proven detrimental. Several new technologies have been developed to control shoreline erosion, including beneficial uses of dredge materials. The costs of shoreline erosion structures are very expensive, beyond the scope of the Town's budget. The Town should continue to pursue funding from different sources. The main sources of data and information about shoreline erosion by public agencies include the Army Corps of Engineers, the Division of Soil and Water Conservation, the Virginia Institute of Marine Science, and the Resource Conservation and Development Program.

### Water Quality Protection

The citizens of Virginia are dependent upon the economic benefits derived from the Chesapeake Bay, and the Town recognizes the importance of the Bay Act in maintaining the integrity of state waters and the Chesapeake Bay. This is reflected in the goal of the natural resources plan, to protect the groundwater and surface water resources of the Commonwealth from an increase in pollution. One objective of this goal is to ensure adequate implementation and enforcement of the Chesapeake Bay Preservation Act (Bay Act), which provides localities with the framework to protect water quality and environmental features through land use planning techniques. The Bay Act has two important goals: to prevent the addition of more nonpoint source pollution during land development activities; and to reduce nonpoint source pollution that occurs during redevelopment activities. In order to ensure adequate implementation of the Town's Bay Act program, it is important for the Town to be informed about it. The Chesapeake Bay Local Assistance Department has published *A Guide to the Bay Act*, which provides a general overview of the Bay Act for interested citizens. The Town should keep copies of this publication at the Town Office so that residents can be knowledgeable of the purpose and intent of the Bay Act.

Saxis has implemented a Chesapeake Bay Preservation Area Overlay District as part of the



Town's zoning ordinance. This district establishes the Resource Protection Areas (RPAs) and Resource Management Areas (RMAs), which together cover the entire Town. In RPAs, redevelopment of existing structures is allowed, but new development is restricted to water dependent uses, such as docks and piers. Development within RMAs is not prohibited, but should be planned in a manner which reduces the impacts of nonpoint source pollution. One focus of the Bay Act is for economic development and water quality protection to occur together. RMAs allow new development or redevelopment activities, provided that they meet general performance criteria of the Bay Act. The Bay Act performance criteria are stated in Section III-6.12 of Saxis's Zoning Ordinance. The performance criteria work to reduce nonpoint source pollution through the use of best management practices (BMPs), designed to reduce the impact of rainwater on land and remove pollutants. BMPs can be structures such as wet ponds and infiltration trenches or they can be nonstructural such as vegetated filter strips, site design to reduce impervious cover, and preservation of existing vegetation on a site.

Enforcement of the Town's Chesapeake Bay Preservation Area District is essential in the protection of the Town's water quality. In order to effectively implement the Town's Chesapeake Bay Preservation Area Program, it is recommended that the Town seek additional training from Accomack County or other appropriate agencies such as the Chesapeake Bay Local Assistance Department for administrative and review procedures on stormwater management plans, enforcement of the ordinance, wetland delineation and other related procedures.

### **Water Supply**

Saxis, along with the entire Eastern Shore of Virginia, depends upon groundwater as its sole source of drinking water. Because of Saxis's shoreline location, there is a significant potential for the wells in Town to be contaminated by saltwater intrusion. Saltwater intrusion is caused by the withdrawal of groundwater, so limiting the amount of groundwater withdrawal can help reduce this threat. In Saxis, water conservation is probably the best contribution that can be made toward avoiding saltwater intrusion. Possibilities for water conservation include public education and the encouragement of water conserving fixtures for redevelopment. The protection of groundwater is an important issue for the entire Eastern Shore, and a series of articles on groundwater issues are regularly published about this in the Eastern Shore News to alert residents of the importance of this issue.

### **Pollution Reduction**

The Town has identified the reduction in existing pollution sources as one of its objectives. Strategies to achieve this objective include working with Accomack County and the Health Department to ensure that existing septic tanks are pumped out every five years, and to ensure that abandoned septic tanks are properly sealed or removed. The Town should also work with the Department of Environmental Quality to track and maintain underground storage tanks to prevent leaks and spills.



## LAND USE

The Future Land Use Map, shown in figure \_\_, is a generalized map to guide the physical development and redevelopment of the Town over the long run. Due to soil conditions being unsuitable for development, along with other physical constraints, such as the presence of wetlands, any future development in Saxis will primarily be redevelopment. The future land use map does not differ greatly from the existing land use map. The Town's Zoning Ordinance, based upon the future land use map, was adopted in 1993 and should continue to be implemented and enforced to protect land uses within the Town.

*Residential-Mixed:* This land use category proposes to allow for a mixture of single-family homes, duplexes, mobile homes and apartments to provide additional housing opportunities in Town, particularly replacement housing. This category would also allow home occupations.

*Commercial-General:* This land use category proposes to promote business uses that serve local or neighborhood needs. This category includes retail trade, wholesale trade, warehousing and other general business uses. It is limited to just a few parcels of land, near the firehouse, most of which are existing or vacant commercial buildings.

*Commercial-Waterfront:* The commercial-waterfront land use is concentrated at the southwest edge of town by the harbor. This land use category allows a variety of activities related to the seafood industry, such as fishing, processing and related services in the harbor area. This category would also allow recreational use of the harbor. The vast majority of this area is already developed, and includes various commercial seafood-related businesses. The existing land uses are unlikely to change in the future. The commercial-waterfront area has been designated by the Town as an Intensely Developed Area (IDA) in the Chesapeake Bay Preservation Area Overlay District. In the unlikely event that land uses in this area change through redevelopment, the Town should seek ways to establish a buffer area along this shoreline.

*Parks and Open Space:* This land use category proposes to preserve as open space areas for public beach access and those vacant land areas undevelopable due to physical constraints, such as the presence of wetlands. The majority of the area shown as parks and open space lies within the Town's Resource Protection Area, and development within these areas is limited to redevelopment or water dependent facilities as outlined in the Town's Chesapeake Bay Preservation Area Overlay District.

## COMMUNITY FACILITIES

Roads and drainage problems are two issues of concern to the Town of Saxis. Sections of some roads are not in adequate condition, and are marred by potholes. Drainage is another problem in the Town. After most rainfalls, ditches become overflowed, resulting in water standing on the roadways. Drainage pipes, which flow into Pocomoke Sound, frequently become clogged with sand. Both ditches and drains need to be maintained regularly. Although Accomack County maintains the drains, they do not maintain the ditches. It is recommended that the Town work with Accomack County to improve the drainage conditions. The incorporation of sluices in the drainage pipes would help to alleviate drainage problems. Sluices would have gates, or flaps,

which would enable water to drain out when the tide goes out, but would remain closed when the tide comes in, thereby preventing sand and other debris from clogging the drains during incoming tides.

It is recommended that the Town establish a working relationship with VDOT. Representatives from the Town should be encouraged to attend the yearly VDOT public hearings on their six-year plans, to promote local projects. VDOT should undertake a study of all roads in Town to determine, unequivocally, VDOT's responsibilities for maintenance and improvements, and to develop an improved drainage system during routine street maintenance.



## Bibliography

Virginia's Eastern Shore, Whitelaw, Volume II, Peter Smith, pp. 1274-1276.

Threat to Virginia's Groundwater, pp. 30-31.

Demonstration Project in Low-Cost Shoreline Erosion Control, VIMS

Durability of Gabions Used for Marine Structures in Virginia, VIMS

Shoreline Erosion Guidance for Chesapeake Bay: Virginia, C. Scott Hardaway Jr.

Shoreline Situation Report, Accomack County, Va

## Hallwood Comprehensive Town Plan

Prepared by:

Hallwood Planning Commission



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.



## The Comprehensive Plan

A comprehensive plan is an official public document adopted by a local government to be used as a guide for making policy decisions about the physical development of a community, including providing public services for community residents. A comprehensive plan is general in nature and is used as a basis for the zoning ordinance. The Virginia General Assembly, recognizing the need and value for local planning within each area of the Commonwealth, adopted Section 15.1-446.1 of the Code of Virginia (1950) as amended on July 1, 1980 which requires that each city, county or town develop and adopt a comprehensive plan. Section 10.1-446.1 states, "The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory which will, in accordance with present and probable future needs and resources best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants."

In addition to the above mandate, the Virginia General Assembly, recognizing the economic and social importance of ensuring the long term viability of state waters and in particular the Chesapeake Bay and its tributaries, enacted the Chesapeake Bay Preservation Act of 1988 (Act)(§ 10.1-2100, et seq., of the Code of Virginia). The Act is a cooperative effort between the state and local governments with a water quality improvement and protection focus. Section 10.1-2109.B of the Act states that "Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters into each locality's comprehensive plan consistent with the provisions of this chapter." The Town of Hallwood recognizes the importance of maintaining the integrity of state waters and the Chesapeake Bay to the citizens of the Commonwealth and of Hallwood. The waters of the Chesapeake Bay have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Certain lands that are next to the shoreline have intrinsic water quality value due to the ecological and biological processes they perform. Other land areas have severe development constraints as a result of flooding, erosion, and soil limitations. With proper management, these lands offer significant environmental benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control.

To achieve these ends, the Town Council and Planning Commission of the Town of Hallwood have developed the following Comprehensive Plan. Once the plan is adopted by the Town Council, the Plan controls the general location, character and extent of each feature shown on the plan. Before any public area, facility or use can be constructed or established, the Planning Commission must approve it as being substantially in accord with the adopted Plan. The Commission forwards its recommendations on such proposals to the Town Council. Once the Plan is adopted, it should be used as the basis for guiding and regulating land use and physical development.

It is necessary, due to the nature of the Comprehensive Plan and its purpose, that the Town Council regularly review the Comprehensive Plan and update the goals to keep pace with events and development affecting the Town's well being. As required by the Virginia State Code, the document shall be reviewed at no less than a five-year interval.

## I. EXISTING CONDITIONS

### COMMUNITY PROFILE

The Town of Hallwood is located in the northern portion of Accomack County, Virginia, on the Delmarva peninsula (see Figure 1). The corporate limits of Hallwood encompass approximately 234 acres which is about 1/3 of a square mile in area.

Like a number of other Eastern Shore towns, Hallwood developed around a railroad station that was built in open country when the railroad came through in 1884. Often the new stations took the names of nearby towns and villages, even though most were a mile or so away. This was the case with Hallwood, originally known as Messongo. In order to establish a post office, however, a new name was necessary, and the town was called Hallstown, then Hallwood. the town takes its name from the Family of John Shay Hall, whose grandfather in 1790 gave him the property on which the town is located. In its early days, timber harvesting was Hallwood's primary commercial activity. The canning factory became a prominent feature in town around the turn of the century.

Little has been written about Hallwood, which was incorporated in 1958. While trains were still running through town, Hallwood was the site of a number of businesses, including a hotel, a hardware store, two barrel factories, a blacksmith shop, and a grocery store. Since the early 1960s, when rail service ceased, the town has evolved primarily into a residential community.



## POPULATION

In 1990, the population of Hallwood was 228. As shown in Table 1, Hallwood has experienced a steady decline in population since 1960. The Town's population decreased by 4% between 1970 and 1980. Between 1980 and 1990 Hallwood showed a slightly greater decline, 6%, while the population of Accomack County increased slightly, by 1%. The racial composition of the Town in 1990 was 95% white residents and 5% nonwhite residents. This differs substantially from that of Accomack County, with 65% white residents and 35% nonwhite residents.

**Table 1**  
**Historic Population Change**  
**1960 - 1990**

Hallwood			Accomack County	
<u>Year</u>	<u>Total Population</u>	<u>Percent Change</u>	<u>Total Population</u>	<u>Percent Change</u>
<b>1960</b>	269		30,635	
<b>1970</b>	254	-6 %	29,004	-5 %
<b>1980</b>	243	-4 %	31,268	8 %
<b>1990</b>	228	-6 %	31,703	1 %

Source: 1960, 1970, 1980 and 1990 U.S. Census.

[insert population trend chart]

As shown in Table 2, slightly over a quarter of Hallwood's population is under age 17, representing a 7% increase in that age group between 1980 and 1990. During the same period the median age of the population declined significantly from 46 to 34. This suggests that the Town is primarily young and family oriented. The number of residents aged 65 and over dropped 4% between 1980 and 1990, indicating that older people may be relocating.

**Table 2**  
**Age Distribution Trends**  
**1980 - 1990**

**HALLWOOD**

Age	1980	%	1990	%
0-17	45	19%	58	25%
18-64	136	56%	122	54%
65 +	62	26%	48	21%
Total	243		228	

Median  
Age: 46 35

**ACCOMACK COUNTY**

Age	1980	%	1990	%
0-17	8,150	28%	7,521	24%
18-64	17,907	55%	18,331	58%
65 +	5,210	17%	5,851	19%
Total	31,268		31,703	

Median Age: 37

---

Sources: 1980 and 1990 U.S. Census

While the population of Hallwood has declined rather dramatically during the last 30 years, the population is relatively younger than that of Accomack County. This suggests that young families might be finding Hallwood a more affordable place to live than other locations in the County.



## HOUSING

There are 115 dwelling units in Town, including 98 single-family homes and 17 manufactured homes. Most of the housing stock in Hallwood is at least 30 years old, with many homes over 50 years old. As shown in Table 3, 65% of Hallwood's housing units are owner occupied, and 17% are renter occupied.

**Table 3. Housing Occupancy and Types**

<u>Housing Occupancy</u>	<u>Units</u>	<u>Percent</u>
Owner occupied	75	65%
Renter occupied	20	17%
Vacant	20	17%
TOTAL	115	100%

<u>Housing Types</u>	<u>Units</u>	<u>Percent</u>
Single family	98	85%
Manufactured homes	17	18%

Source: Housing Survey, 1996, Accomack-Northampton Planning District Commission.

There are six vacant, dilapidated buildings which need to be removed for safety reasons. Although not all owners of dilapidated buildings have agreed to have their buildings demolished, the town is in the process of adopting an ordinance governing hazardous structures. They intend to use this to enforce the repair or clearance of dilapidated structures.

A housing survey, conducted by the Accomack-Northampton Planning District Commission, was conducted in 1996 to determine housing conditions in Town. As seen in Table 4, results showed that of the 115 housing units, 45 are substandard (28%). The survey also indicated 20 vacant houses, 6 of which are unsuitable for rehab. One occupied house has no indoor plumbing. Of the houses surveyed, 4% lacked complete indoor plumbing, 13% lacked adequate heat, 3% showed overcrowded conditions, 13% had hazardous or inadequate electrical service and 29% needed weatherization measures.

**Table 4. Housing Conditions**

	<u>Total Units</u>	<u>Sub- standard Units</u>	<u>%</u>
Owner Occupied Units:	75	22	29%
Rental Units:	20	13	65%
Vacant Units:	20	10	50%
TOTAL	115	45	39%

## ECONOMY

Hallwood is primarily a residential community with little economic activity within the corporate limits, and employed residents commute to work outside of Town. Employers located near Hallwood include NASA, Accomack County Schools, packing and bottling plants located on U.S. Route 13, Tysons Foods, and Perdue, poultry processing plants. In 1990, 103 residents were employed, which is 82% of working age youth and adults. The three industry categories which employed Hallwood residents were manufacturing, wholesale trade, and retail trade.

Table 3 indicates that Hallwood's median household income of \$18,750 in 1989 was about 9% less than the Accomack County median household income of \$20,431. In 1989, the per capita income for Hallwood residents was \$8,978. This was slightly lower than the per capita income of Accomack County residents at \$10,506. Hallwood's per capita income was significantly lower than that of the state at \$15,713. The poverty rate of both Hallwood and Accomack was 20%, which was substantially higher than the state's rate of 10%.

**Table 3. Economic Characteristics  
Hallwood, Accomack County & Virginia  
1989**

	Median household Income	Per Capita Income	Poverty Rate
Hallwood	\$18,750	\$8,978	20%
Accomack	20,431	10,506	20%
Virginia	33,328	15,713	10%

Source: STF 3.

Economic activity in the Town is limited to a post office, a store and a welding shop. There are vacant commercial properties, included a vacant vegetable processing and packing facility. There is a private water tower in Town owned by the (vegetable processing plant). This water tower could be used by future businesses which may wish to locate to Hallwood.



## NATURAL RESOURCES

### Topography

The land in Saxis is very flat, with slopes ranging from only 1% - 2%. Slopes less than 2 percent are considered to be poorly drained and may result in flooding. Hallwood's low slopes limit its development potential. Due to its low elevation, Hallwood has areas which historically have been subject to considerable street flooding after heavy rains.

Although Hallwood is not located in the Accomack County 100-year flood plain, most of the western two-thirds of Town has been rated as an area of a 100-year flood by the Federal Emergency Management Agency. This means that the area is likely to be inundated by a flood that has a 1% chance of being equalled or exceeded in any given year or on the average will occur once in every 100 years. The remainder of Town is in Zone C, an area of minimal flooding, although residents note that there have been instances of flooding throughout the entire Town.

### Surface Water

#### Soils

Soil characteristics are important in determining land uses. Characteristics such as texture, permeability, wetness and depth to water table can affect development activities. Because all residents in Hallwood are served by on-site septic systems, soil suitability for on-site sewage treatment is important in determining which areas are suitable for development. Most soils in Hallwood are unsuitable for septic tank filter fields. This is mainly because of the hydric soils in Hallwood and the shallow depth to groundwater. Most of Hallwood has a very shallow depth to groundwater, between 0 and 36 inches. Most soils in Hallwood are hydric, meaning they have a high moisture content. Sewage treatment in the Town is done through private septic tanks. The presence of groundwater near the surface can cause septic system failure, resulting in groundwater contamination and a public health danger.

Hallwood, along with the entire Eastern Shore, lies within the geological region known as the Atlantic Coastal Plain, which is a low-lying region composed of sands, silts and clay. The individual soil groups in Hallwood are described in the following soil characteristics summary:

*Dragston Fine Sandy Loam (DrA), 0-2% slope:*

Nearly level, very deep and somewhat poorly drained. Used mainly for cultivated crops and some woodland. Seasonal high water table, rapid permeability, poor filtering capacity, and hazards of seepage limit this soil for community development.

*Munden Sandy Loam (MuA), 0-2% slope:*

Level, deep and moderately well drained. Seasonal high water table, and rapid permeability are limitations for community development and result in hazard for groundwater pollution when used for septic fields.

*Nimmo Sandy Loam (NmA), 0-2% slope:*

Nearly level, deep and poorly drained. Used for farmland when drained. Seasonal high water table, seepage, and rapid permeability are limitations for community development and cause a hazard of groundwater pollution when used for septic fields. Limited for roads and streets.

### **Groundwater**

Hallwood relies on groundwater as its sole source of water. The water supply is obtained through private wells of the residents. Groundwater on the Eastern Shore is provided groundwater aquifers which are water-bearing layers of sand and gravel. The sole source of water supply for the Eastern Shore is provided by a shallow water table aquifer, called the Columbia Aquifer, and by a deeper, confined aquifer, called the Yorktown-Eastover Formation. The Columbia Aquifer is unconfined and is roughly 80 to 100 feet thick. This aquifer is used primarily for individual private wells and for irrigation. Ground water in this shallow aquifer is of poorer quality than that found in the deeper, confined aquifer, which ranges in depth from 80 to 800 feet below land surface, though most wells are pumping from layers between 150 and 300 feet deep. The deeper aquifer is separated from the Columbia aquifer by thick confining layers of clay.

Because these aquifers are the sole source of water supply for the eastern shore, their quality must be maintained and the removal of water from them must not exceed the rate of replenishment. Aquifers are replenished in recharge areas--areas of interchange between the aquifer and the earth's surface and the point where precipitation and surface water infiltrate the aquifer. Recharge for the deep aquifer is only done at \_\_\_ inches per year. Because this is uncontaminated and the only source of potable drinking water for the Eastern Shore, it is important to restrict development on the spinal recharge area. The recharge area for the deep aquifer generally includes the center of the Delmarva peninsula.

The predominance of hydric and highly permeable soils in Hallwood indicate a high potential for groundwater contamination. Hydric soils are primarily wet and poorly drained, and highly permeable soils are extremely susceptible to pollutant leaching and have a high potential for groundwater pollution. Specific data on groundwater conditions in Hallwood do not exist.



## POTENTIAL AND EXISTING SOURCES OF POLLUTION

Pollution can be classified as either point source pollution or nonpoint source pollution. Point source pollution can be traced to a specific point, such as discharge from a pipe into a river. Nonpoint source pollution does not come from a specific pipe or other identifiable point, but from a variety of scattered sources, such as stormwater runoff. The following section describes some of the Town's existing pollution sources and potential sources of pollution that may occur in the future.

### Nonpoint Source Pollution

Nonpoint source pollutants include oil, sediments, pesticides, metals and other toxic substances which accumulate on land during dry weather. When it rains, these contaminants are washed into ditches, streams and eventually into the Chesapeake Bay. Under natural conditions, water running off the land soaks into the ground and is filtered by the soil and root systems of the vegetation. However, when land is developed, the natural groundcover vegetation is replaced by concrete, asphalt and other impervious materials which provide no filtering capacity. The stormwater runoff is carried into the Chesapeake Bay without being filtered by the soil and carries with it pollutants from roads, parking lots, etc. Contamination from oil sediments, pesticides, metals and other toxic substances can cause fish kills and destroy life in the Bay.

The *Chesapeake Bay Preservation Act (Bay Act)* establishes a program to protect and improve the waters of the Chesapeake Bay by reducing nonpoint source pollution. Local land use regulations can reduce water pollution by requiring development setbacks from shorelines, and allowing natural vegetation to prevent erosion and filter stormwater. The Bay Act, adopted in 1989, is a Virginia law, administered by the Chesapeake Bay Local Assistance Department in Richmond. The Bay Act provides local governments in the Bay watershed with the legal authority to protect water quality through local land use regulations, and it is at the local level that the Bay Act is implemented and enforced. The Town has adopted a Chesapeake Bay Preservation Area as part of their zoning ordinance, which requires development within the Town to adhere to certain development standards. Chesapeake Bay Preservation Areas were mapped for the Town as directed by the guidelines of the Bay Act, and include *Resource Protection Areas* and *Resource Management Areas*. Figure \_\_\_\_ illustrates the Town of Hallwood's adopted Chesapeake Bay Preservation Areas.

*Resource Protection Areas* consist of the most ecologically sensitive lands, including tidal shorelines and wetlands, which have important value to the water quality of the Bay. The RPA also includes a 100-foot buffer area landward of these features. This buffer is considered the "last barrier" to runoff before it reaches surface waters. The buffer is intended to slow runoff, prevent erosion, and filter nonpoint source pollution. In Hallwood, the Resource Protection Area is limited to areas along Messongo Creek, including associated freshwater wetlands. In the Resource Protection Area, only water dependent uses, such as marinas and commercial fishing facilities, can be constructed. Redevelopment of existing uses are also allowed in RPAs, but new development of homes, businesses and related structures are not allowed. This will not impose a hardship on the Town, because all land in Hallwood that is suitable for development has already been built upon.



*Resource Management Areas (RMAs)* include land adjacent to and landward of RPAs. The purpose of RMAs is to provide additional water quality protection and to minimize pollution impact to the RPAs. RMAs include land types that, if improperly developed, have the potential for causing significant water quality degradation or for diminishing the functional value to RPAs. All of Hallwood is characterized by either hydric or highly permeable soils. Based on these sensitive land types, the RMA in Hallwood includes all of the land in Town which is not already designated as a Resource Protection Area. All development normally allowed by the existing zoning ordinance is allowed in RMAs as long as it conforms to the requirements outlined in the Town's Chesapeake Bay Preservation Area Ordinance. The requirements include specific land development practices, such as preserving natural vegetation, minimizing land disturbance, minimizing impervious cover and controlling stormwater runoff.

The Town has designated the land where the Taylor Packing Company property is located as an Intensely Developed Area (IDA). IDAs are generally areas of heavily concentrated development, where little of the natural environment remains. Future redevelopment of this area may be exempt from the buffer requirement of Resource Protection areas. Any redevelopment will be required to achieve a 10 percent reduction in non-point source pollution flowing into Messongo Creek.

### **Failing Septic Systems**

All residents of Hallwood use on-site septic systems. There are approximately 122 residential septic systems in use. The soils in Hallwood are not suitable for septic systems because they are hydric (wet), highly permeable, and have a shallow depth to groundwater table, between 0-36 inches. The existing septic systems could potentially contaminate groundwater, which is the sole source of drinking water for Hallwood residents, and for the entire Eastern Shore.

### **Underground Storage Tanks**

Underground storage tanks are a primary source of groundwater contamination in Virginia. The threat that underground storage tanks pose is due primarily to the fact that the tanks are not visible. Leaks of underground storage tanks may not be detected until a substantial amount of pollutants have seeped into the surrounding soil. According to the State Water Control Board, there are \_\_\_\_ registered businesses with underground storage tanks within the Town with a total of \_\_\_\_ underground storage tanks. Of these, \_\_\_\_ are still in operation, and \_\_\_\_ are permanently out of service and closed in ground. The average age of the underground storage tanks in use is \_\_\_\_ years. \_\_\_\_ is the primary material stored in the underground tanks. Table \_\_\_\_ presents the underground storage tank information for the Town.

[insert table]

### **Above Ground Storage Tanks**

The Town of Hallwood relies almost totally on individual fuel tanks for heat. There are currently no state or federal regulations governing above ground storage tanks with a capacity of less than 660 gallons. Most tanks for homeowners are typically only 200-600 gallons, and are thus not regulated. The burden of ensuring that leaks and spills do not occur for the smaller above ground



tanks falls upon the individual property owner. While one residential fuel oil tank may not pose a great environmental hazard threat, the total number of oil tanks in Town may pose a substantial threat to the environment. The State Water Control Board estimates that about 90 percent of spills or releases from individual above ground storage tanks are a result of overfilling the tank or tipping it over. One way of reducing the risk of accidental spills is for the homeowner or fuel oil company to inspect the tank before filling to ensure it is sturdy and not corroded with the tank capacity and filling cap clearly marked.

## LAND USE

The total land area of the Town is 234 acres, with the majority of development being residential. As shown in Figure \_\_\_, Existing Land Use, Residential land uses are concentrated around Main Street. There are some commercial properties scattered throughout town. Agricultural land use is also prevalent in Town, especially to the north and northeast. Land adjacent to and surrounding the Town is mostly agricultural use, and Accomack County comprehensive plan indicates no plans to change this.

Due to soils being unsuitable for on-site sewage treatment, the town is not projected to develop in the near future. This could change if public sewage were made available to the town, but there are no plans for this in the foreseeable future.

## COMMUNITY FACILITIES

Community facilities in Hallwood consist of buildings, lands and services which serve the public.

### Recreation

Hallwood is fortunate to have a public recreation facility in Town. The Town Park includes a picnic pavilion and tennis courts. In 1984 the Town applied for \$20,000 in Virginia Outdoors Funds for creation of a town park. The Town invested \$20,000 for sitework and to provide drainage for the area. As part of the Hallwood Housing Preservation Planning Project, A-NPDC staff evaluated park conditions. The park includes a picnic shelter and table, and a piece of multi-purpose playground equipment. The park receives substantial use, especially in the summer, when the Town reports it receives approximately \$30 per month from coin-operated lights serving the tennis court.

The park is in need of improvements, due to broken picnic tables, a leaking roof, and tennis court resurfacing. Residents of Hallwood were surveyed to determine their needs for park improvements. Results show the highest responses for additional play equipment (56%). Forty

percent favored the construction of permanent restroom facilities as a priority and 44% ranked repairs to the picnic area as their highest need.

**Drainage**

Hallwood suffers from severe drainage problems. Several areas in Town retain water due to unsuitable soils and the lack of driveway culverts. Topographical maps show a drop of 30 ft. in elevation in the roughly 5 miles from Rt. 13 to the west side of Hallwood. This causes major flooding problems in times of heavy rainfall. Twice in the last five years heavy rains have caused flood waters to rush down the main street in Hallwood causing substantial damage to property. Boats, lawn furniture and even an oil tank filled with over 200 gallons of fuel oil were washed from yards and floated through Town before the waters subsided. Waters in excess of one foot deep covered the Town for several hours. Many residents lost heat and electricity for several days and bathroom facilities were inoperable for an extended period of time.

The town lies on very unsuitable soil for drainage and retains rain water in pockets throughout the town. The existing ditches while functioning at their best give some relief. Several citizens have no driveway pipe which causes backups. In order to correct the severe drainage problems, drainage and roadway improvements need to be made along Main Street, as well as the construction of ditches and 12 ft. drain pipes along secondary roads on the north side of town. The existing ditches on the south side of town need to be cleaned. The cost of correcting these drainage problems is approximately \$10,000 and funding is not available at this time.

**Transportation**

Hallwood is served by a sufficient road system. State Route 692 provides east-west access, and State Route 779 provides north-south access. The Town is located less than two miles west of U.S. Route 13, the major north-south transportation corridor which bisects the Eastern Shore of Virginia.

**Solid Waste**

The Town provides trash collection services for residents with once-a-week pick ups. This service is contracted out to Shore Disposal.

**Schools**

There are no public schools in Hallwood. School age children in kindergarten through grade five attend North Accomack Elementary School near Mappsville. High school students attend Arcadia High School in Oak Hall.

**Fire and Police Protection**





**Amended November 28, 1995**





**Town Zoning Ordinance**  
**of**  
**The Town of Exmore, Virginia**

Prepared by:

Exmore Planning Committee

Doris Whitley, Chairperson  
Rich Wilfong, Vice-Chairman  
Ava McMillan  
Martha Parks  
Greg Turner

Adopted by:

Exmore Town Council

Honorable Guy Lawson, Mayor  
Honorable James Bailey  
Honorable Helen Corbin  
Honorable Estelle Freeman  
Honorable Phyllis Kilborn  
Honorable Lois Rowe  
Honorable David Scanlan

During the preparation of this ordinance, financial assistance was provided by the Chesapeake Bay Local Assistance Department, Commonwealth of Virginia.



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

With Technical Assistance by:

Accomack-Northampton Planning District Commission  
P.O. Box 417  
Accomac, Virginia 23301

Exmore Town Zoning Ordinance as duly adopted by the Exmore Town Council in regular session  
on Nov. 6 1995.

Certification: Guy Lawson  
Guy Lawson, Mayor

Teste: Roberta King  
Roberta King, Clerk

The effective date of this ordinance shall be from and after its adoption by the Exmore Town Council, and its provisions shall be enforced thereafter until repealed or amended.



## TABLE OF CONTENTS

	<u>Page</u>
Article I General Provisions . . . . .	1
Article II Definitions. . . . .	5
Article III Districts. . . . .	16
Residential (R-20). . . . .	20
Residential (R-11). . . . .	22
Residential, Mixed (R-M) . . . . .	24
Business, General (B-G) . . . . .	28
Industrial, Limited (I-L) . . . . .	31
Agricultural (A-1). . . . .	33
Chesapeake Bay Preservation Area Overlay District (CBPA). . . . .	38
Article IV Sign Regulations . . . . .	51
Article V Off-Street Parking . . . . .	55
Article VI Nonconforming Uses . . . . .	56
Article VII Administration and Enforcement . . . . .	59
Article VIII Special Use Permits. . . . .	60
Article IX Provisions for Appeal. . . . .	62
Article X Amendments . . . . .	66
Article XI Zoning Guidelines. . . . .	66
Article XII Site Plan Requirements . . . . .	68
Article XIII Supplemental District Regulations. . . . .	74
Article XIV Fee Schedule . . . . .	75

## MAPS & FIGURES

<u>Map</u>	<u>Page</u>
Town of Exmore Zoning Map . . . . .	17
Town of Exmore Chesapeake Bay Preservation Area Overlay District Map. . . . .	18

<u>Figure</u>	
Illustration of Lot and Yard Requirements. . . . .	19



## Article I - General Provisions

I-1 Purpose and Authority to Zone. Whereas, by act of the General Assembly of Virginia as provided in Title 15.1, Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia, as amended, 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, prohibit, and determine the following:

- A. The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses; and
- B. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures; and
- 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 in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- D. The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of the Town of Exmore, Virginia, for the purpose of promoting the health, safety, and/or general welfare of the public and of further accomplishing the objectives of Section 15.1-427 of the Code of Virginia, that the following be adopted as the zoning ordinance of the Town of Exmore, Virginia, together with the accompanying map. This ordinance has been designed: (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to expedite 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; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of 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; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to promote affordable housing; (9) to protect surface water and ground water; and (10) to be in accord with and to implement the goals, objectives and policies set forth in the Exmore Town Plan, as adopted by the Exmore Town Council.

I-2 Repeal of Conflicting Ordinances. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.



I-3 Ordinance Sets Minimum Standards. Whenever the standards set forth in this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, deed restrictions, covenants, or ordinances, the most restrictive, or that imposing the highest standards shall govern.

I-4 Town Liability. The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by the Town of Exmore of the suitability of such land or structure for developing or use.

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

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

I-7 Provisions for Official Zoning Map. The boundaries of the zoning districts are shown on the official zoning map of the Town of Exmore, Virginia, which together with all notations, amendments, and explanatory matter thereon are hereby made a part of this ordinance. The official zoning map shall be attested by the signature of the Mayor of the Town, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator and/or Town Hall where it shall be accessible to the general public.

An exact copy of such map shall be filed with the Clerk of the Circuit Court of Northampton County, Virginia.

1-7.1 Changes or Amendments. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the change has been approved by the Town Council, or no more than ten (10) days after approval. Such changes shall be attested by the initials of the Zoning Administrator and the date of entry. A paper copy of such map or maps shall be maintained in the office of the Zoning Administrator and/or Town Hall.

Changes to this ordinance which involve matters portrayed on the official zoning map shall become effective immediately upon being entered onto the official zoning map or matter shown thereon except in conformity with the procedure set forth in this ordinance.

Any unauthorized change of whatever kind by any person shall be considered a violation



of this ordinance and punishable as provided under Article VII.

I-7.2 Replacement. In the event that any or all of the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new official zoning map. The new official zoning map may correct drafting or other errors, or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be attested by the signature of the Mayor and shall be witnessed. Unless the prior official zoning map or maps have been lost or totally destroyed, the prior map or maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment, if any, of the prior map or maps.

I-7.3 Application and Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.
- B. Boundaries indicated as parallel to or extensions of features indicated in subsection A above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- C. If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the size of the scale shown on the official zoning map.
- D. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of Article VIII.
- E. Where the exact location of district boundaries is not clear after application of the rules presented, the Board of Zoning Appeals shall hear and decide such questions in accordance with the provisions of Article VIII.

I-8 Application of District Regulations. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.
- B. No building shall hereafter be erected, constructed, or altered so as to exceed height or bulk limits, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required.
- C. No new yard or lot shall hereafter be created nor shall any yard or lot existing at the time of enactment of this ordinance be altered so that width, depth, or area requirements; front side, or rear requirements; or other requirements of this ordinance are not maintained, except when a portion of a lot is acquired for public use.
- D. Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six (6) months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.



## Article II - Definitions

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

II-1 Accessory Use or Structure: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. This definition of accessory structure shall include satellite dishes.

II-2 Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

II-3 Administrator, The: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

II-4 Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing plants, dairies, or similar uses.

II-5 Agricultural Lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

II-6 Alteration: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

II-7 Apartment House: A building used or intended to be used as the residence of three (3) or more families living independently of each other.

II-8 Automobile Graveyard: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.

II-9 Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for purposes of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

II-10 Bed and Breakfast House: A dwelling where lodging and breakfast is provided for compensation for up to six (6) persons (in contradistinction to hotels, boarding houses and tourist houses) and open to transients. Up to one person may be hired to assist in the operation of the establishment.

II-11 Best Management Practices (BMPs): A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

II-12 Boarding House: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

II-13 Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

II-14 Building, Accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

II-15 Building, Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle 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.

II-16 Building, Main: The principal structure or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.

II-17 Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

II-18 Chesapeake Bay Preservation Area (CBPA): Any land designated by the Exmore Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Management Area.

II-19 Child Care Center: A licensed private establishment enrolling six or more children for a least six hours of the 24-hour day for a prearranged compensation, but not including nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

II-20 Commission, The: The Joint Local Planning Commission of Northampton County, Virginia.

II-21 Construction Footprint: The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.



II-22 Dairy: A commercial establishment for the manufacture and sale of dairy products.

II-23 Development: The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

II-24 Diameter at Breast Height (DBH): The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

II-25 District: Districts as referred to in the State Code, Section 15.1-486.

II-26 Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

II-27 Dump Heap (Trash Pile): Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a state highway, a residence, dairy barn, or food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

II-28 Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, travel trailers, manufactured homes, and mobile homes.

II-29 Dwelling, Multiple-Family: A structure arranged or designed to be occupied by more than one (1) family.

II-30 Dwelling, Single-Family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

II-31 Dwelling, Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

II-32 Dwelling Unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

II-33 Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.

II-34 Frontage: The minimum width of a lot measured from one (1) side line to the other along a straight building setback line as defined as required herein.

II-35 Garage, Private: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.

II-36 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.

II-37 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.

II-38 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.

II-39 Governing Body: The Town Council of Exmore, Virginia.

II-40 Guest Room: A room which is intended, arranged, or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

II-41 Highly Permeable Soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soils Conservation Service.

II-42 Historical Area: An area indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.

II-43 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.

II-44 Home Occupation: Any occupation or profession carried on in a dwelling unit or on the premises thereof, provided that:

- A. No more than one other person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit or twenty-five (25) percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square foot in area, non-illuminated.



- D. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Bed and breakfast houses, boarding and rooming houses, tourist homes and private education institutions, the conducting of a beauty or barber shop with more than two (2) operators, tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, real estate office, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

II-45 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 patients, epileptics, alcoholics, or drug addicts (certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein).

II-46 Hospital, Special Care: A special care hospital shall mean an institution rendering care primarily for mental patients, epileptics, alcoholics, or drug addicts.

II-47 Hotel: A building designed or occupied as the more or less temporary abiding place for fourteen (14) 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.

II-48 Hydric Soils: Soils that are wet frequently enough to periodically produce anaerobic conditions thereby influencing the species composition or growth or both of plants in those soils.

II-49 Impervious Cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

II-50 Institutional Use: For the purpose of this ordinance institutional uses shall be defined as those uses that pertain to government or education.

II-51 Junk Yard: An establishment or place of business which is maintained, operated, or used

for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

II-52 Kennel: Any place in which more than three (3) dogs, more than six (6) months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.

II-53 Livestock Market: A commercial establishment wherein livestock is collected for sale and auctioned off.

II-54 Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

II-55 Lot Coverage: The impervious area of any lot or parcel including but not limited to buildings, roads, drives, parking areas, sidewalks, patios, decks, etc.

II-56 Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

II-57 Lot, Depth of: The average horizontal distance between the front and rear lot lines.

II-58 Lot, Double Frontage: An interior lot having frontage on two (2) streets.

II-59 Lot, Interior: Any lot other than a corner lot.

II-60 Lot, Width: The width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.

II-61 Lot of Record: A lot which has been recorded in the Clerk's Office of the Circuit Court.

II-62 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.

II-63 Manufactured Home: A structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width and is forty (40) or more feet in length, or when erected on site, is three-hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical conditions contained therein. The term "mobile



home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia, Section 36-85.16 et seq., by the term "manufactured home."

II-64 Manufactured Home Park or Subdivision: Any area designed to accommodate two (2) or more manufactured homes intended for residential use where residence is in manufactured homes exclusively.

II-65 Mobile Home: A transportable, factory built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (This definition shall not include motor homes and travel trailers.)

II-66 Motor Home: Every private motor vehicle with a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings.

II-67 Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

II-68 Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

II-69 Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, 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.

II-70 Nonpoint Source Pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

II-71 Nontidal Wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

II-72 Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

II-73 Office: For the purpose of this ordinance offices are defined as a building, room or suite in which services, clerical work, professional duties or the like are carried out.

II-74 Parking Space: A permanently paved area with an all weather surface, enclosed or unenclosed, sufficient in size to store one (1) standard size automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

II-75 Parking Area, Off-Street: Parking (as defined in II-71) space provided for vehicles outside the dedicated street right-of-way.

II-76 Plan of Development: The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia, Section III-9.13, and Article XII of this Zoning Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.

II-77 Public Road: A publicly-owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (Section 10.1-603 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the local government in accordance with the standards of that local government.

II-78 Public Water and Sewer Systems: A water or sewer system owned and operated by the Town of Exmore 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.

II-79 Recreational Vehicle: Vehicular-type structure designed as temporary living accommodations for recreation, camping, and travel use. There are four (4) basic types of recreational vehicles travel trailers, motor homes, truck campers, and camping trailers.

II-80 Redevelopment: The process of developing land that is or has been previously developed.

II-81 Required Open Space: Any space required in any front, side, or rear yard.

II-82 Resource Management Area (RMA): That component of the Chesapeake Bay Preservation Area that includes land types that, if improperly used or developed, have the potential for causing significant water quality degradation.

II-83 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.

II-84 Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the



rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, 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.

II-85 Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

II-86 Sawmill: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

II-87 Setback: The minimum distance by which any building or structure must be separated from the front lot line.

II-88 Sign: Any display of any letters, words, numerals, figures, device, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

II-88.1 Business. A sign which directs attention to a product, commodity, or service available on the premises.

II-88.2 Home Occupation. A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

II-88.3 General Advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.

II-88.4 Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

II-88.5 Directional. A directional sign which indicates the direction to which attention is called four (4) square feet or less in area, giving the name only of the farm or business responsible for the erection of same, one end of which may be pointed, or on which an arrow may be painted.

II-88.6 Identification. A sign, not exceeding sixteen (16) square feet in area, for the

purpose of showing the name and use of a convent, monastery, seminary, church, country club, sanitarium, cemetery, children's home, orphanage, fraternal organization, hospital, or other similar establishment, when such use is permitted in a residence zone as specified in this article and such sign is erected or displayed on the property as identified.

II-89 Sign Structure: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

II-90 Sign, Temporary: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land. Temporary signs shall conform in size and type to directional signs.

II-91 Store: See Item II-81, Retail Stores and Shops.

II-92 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 is no floor above it, the space between the floor and the ceiling next above it.

II-93 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.

II-94 Street, Road: A public thoroughfare, except an alley or driveway, which affords principal means of access to abutting property.

II-95 Street Line: The dividing line between a street or road right-of-way and the contiguous property.

II-96 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.

II-97 Tourist Court, Motel, Cabins, or Motor Lodge: One (1) 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.

II-98 Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.

II-99 Travel Trailer: Vehicular structure mounted on wheels which is designed as temporary living accommodations for recreation, camping, and travel use and can be easily towed by automobile or small truck and does not require special highway movement permits.

II-100 Truck Camper: Portable structure designed to be loaded onto or affixed to the bed or



chassis of a truck. Designed to be used as temporary living accommodations for recreation, camping, and travel use.

II-101 Use, Accessory: A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

II-102 Variance: A variance is a reasonable deviation, granted by the Board of Zoning Appeals, from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk, or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

II-103 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.

II-104 Wetlands: Nontidal wetlands.

II-105 Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

II-105.1 Front. An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

II-105.2 Rear. An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

II-105.3 Side. An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

**Article III - Districts**

III-1 Enumeration of Districts. For the purpose of this ordinance, the incorporated area of the Town of Exmore, Virginia, is hereby divided into the following districts:

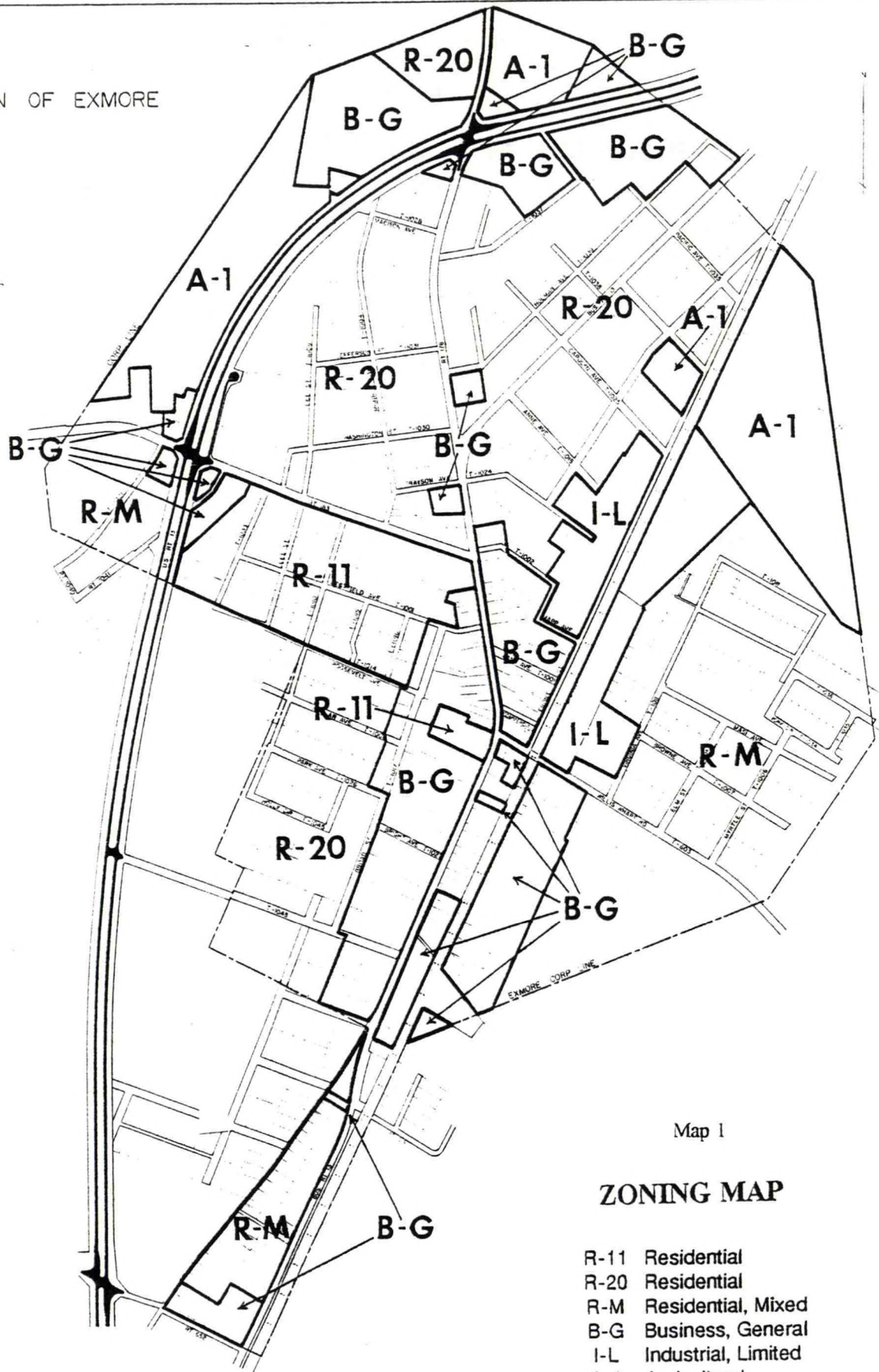
Residential	R-20	page 20
Residential	R-11	page 22
Residential, Mixed	R-M	page 24
Business, General	B-G	page 28
Industrial, Limited	I-L	page 31
Agricultural	A-1	page 33
Chesapeake Bay Preservation Area Overlay District	CBPA	page 38

Locations of these districts can be found on Map 1, page 17, and on Map 2, page 18.

A graphic illustration of lot and yard requirements may be found on Figure 1, page 19.



TOWN OF EXMORE



Map 1

ZONING MAP

- R-11 Residential
- R-20 Residential
- R-M Residential, Mixed
- B-G Business, General
- I-L Industrial, Limited
- A-1 Agricultural

TOWN OF EXMORE

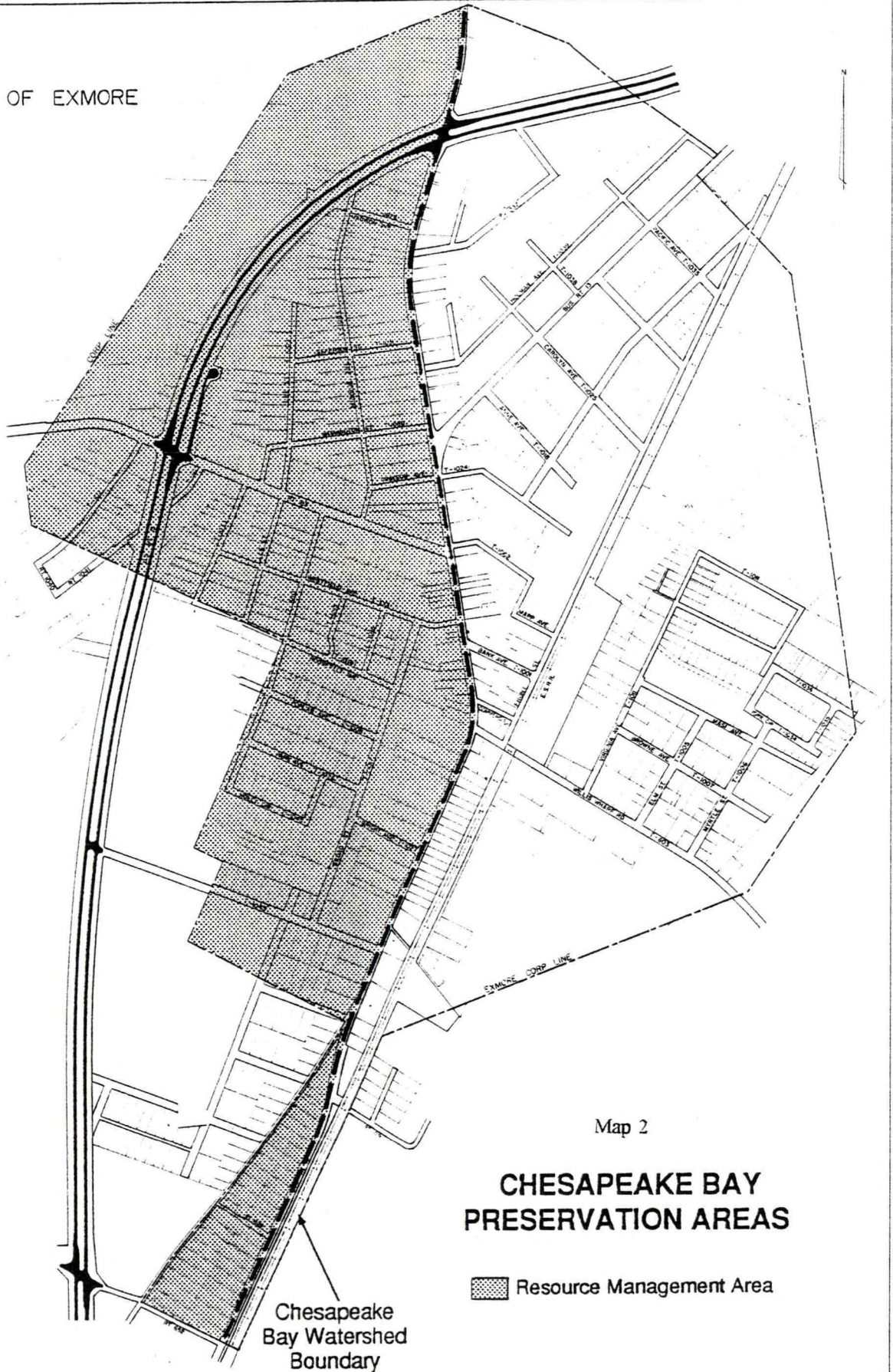




Fig. 1

ILLUSTRATION OF LOT TERMS

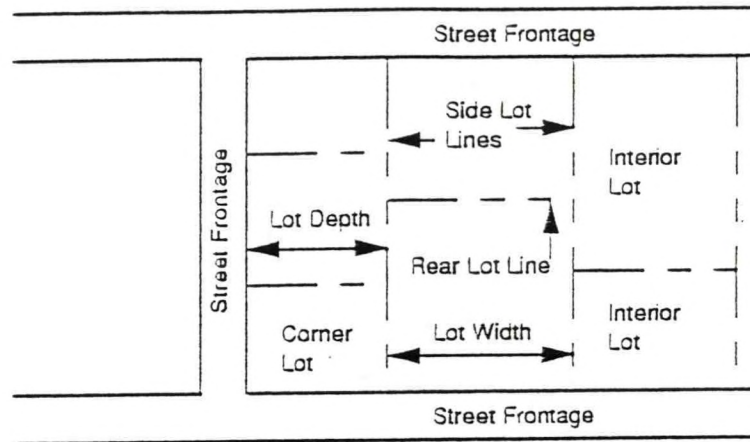
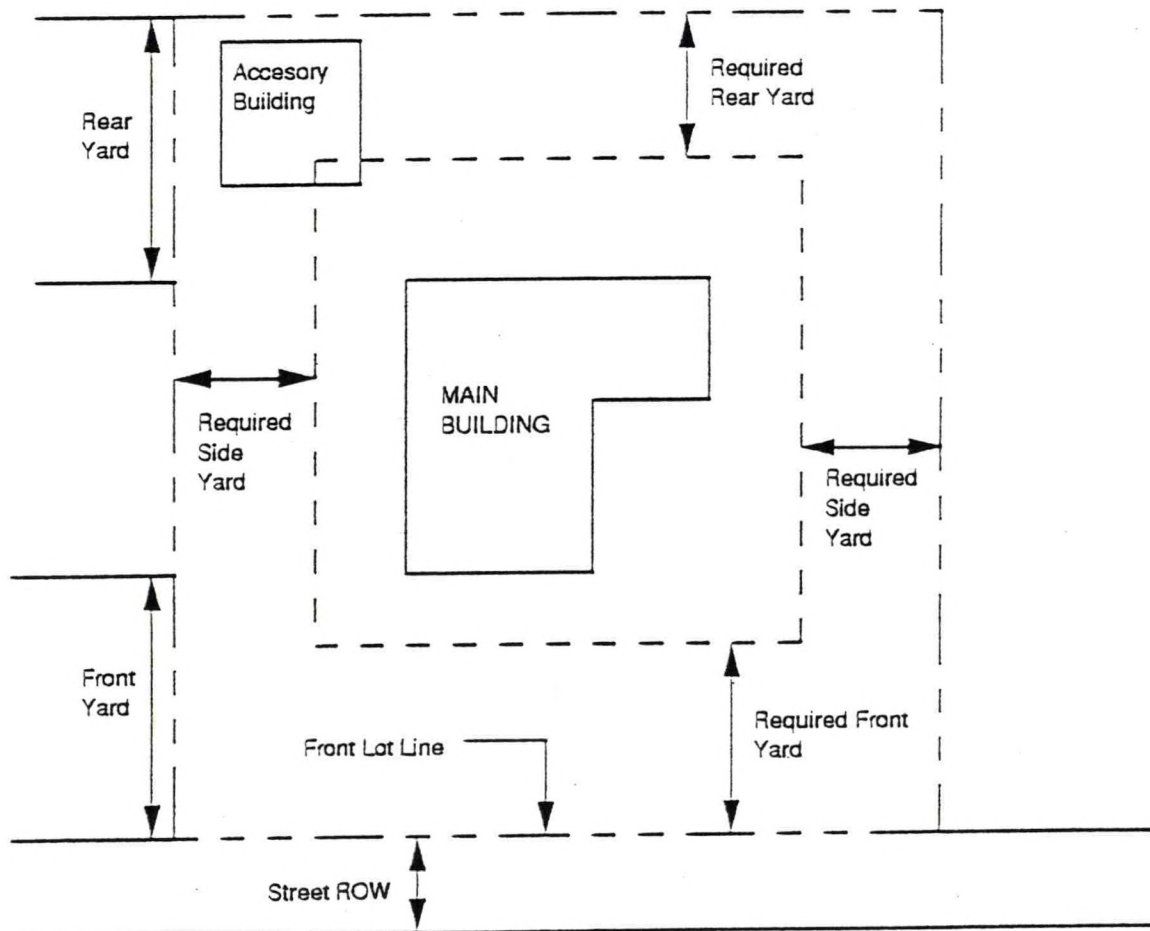


ILLUSTRATION OF REQUIRED YARDS



### **III-2 Residential District, R-20**

III-2.1 Statement of Intent: The R-20 District is intended to provide for suburban density residential development where such development presently exists or where the Town wishes to encourage such development. This area is represented as R-20 on page 18 of the Town of Exmore, Virginia Zoning Ordinance and as Residential on the Future Land Use Map in the Exmore Town Plan.

III-2.2 Permitted Principal Uses and Structures: The following uses and structures shall be permitted as a matter of right in the "R-20" District, subject to the other requirements of this ordinance:

- A. Single-family dwellings, including summer homes, modular and sectional dwellings.
- B. Accessory uses and structures.
- C. Agriculture, including the growing of forest, fruit, field and vegetable crops, but excluding grain dryers, feeder lots, dairy barns, agricultural lagoons, poultry and hog houses and other structures or areas involving the concentrated handling or containment of animals or fowl.
- D. Conservation areas, including wildlife reservations and demonstration forests.
- E. Signs, subject to the provisions of Article IV hereof.
- F. Home occupations, as defined.
- G. Drainage, erosion and flood control structures and devices.
- H. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- I. Churches.
- J. Country Clubs, golf courses, boat landings, swim and tennis clubs.

III-2.3 Special Exceptions: The following principal uses and structures may be permitted as a special use in the R-20 District, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Day Care Centers.
- B. Rehabilitation and Group Homes or Centers.



- C. Public services, facilities such as firehouses, rescue stations, government offices, schools and parks, postal facilities.
- D. Public Utilities: Public water and sewer transmission mains, trunk lines and treatment facilities, including pumping stations, massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- E. Funeral homes.
- F. Rooming and Boarding Houses.
- G. Inns, General, and Bed and Breakfast.
- H. Condominiums, subject to Article XIII.

#### III-2.4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage: Lot coverage in the R-20 district shall not exceed forty (40) percent of the area of the lot.
- B. Minimum Area - None required.
- C. Lot, Minimum Lot Size - Minimum lot size for permitted residential subdivision and dwellings shall be twenty thousand (20,000) square feet.
- D. Lot Width - The minimum lot width shall be eighty feet at the building site.
- E. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Rt. 13	100 ft.	100 ft.
(2) From other Accessways	60 ft.	60 ft.
(3) Rear Yard (standard & protected coves)	35 ft.	6 ft.
(4) Side Yard	15 ft.	6 ft.

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

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

III-2.5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article V hereof.

### **III-3 Residential District, R-11**

III-3.1 Statement of Intent: This residential district and its regulations are intended to protect the essential residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. It is the further intent that this district be served with public or central water and sewer systems. This district is represented as Residential on the Future Land Use Map in the Exmore Town Plan.

III-3.2 Principal Permitted Uses and Structures: The following uses and structures shall be permitted as a matter of right in the R-11 District, subject to the other requirements of this ordinance:

- A. Single-family, Modular and Sectional dwellings.
- B. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- C. Home occupations, as defined.
- D. Churches, as defined.
- E. Signs as permitted under Article IV hereof.
- F. Accessory uses and structures.
- G. Drainage, erosion and flood control structures.

III-3.3 Special Exceptions: The following uses shall be permitted in R-11 District, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Day Care Centers and Nurseries.
- B. Public and private schools.



- C. Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities, including pumping stations, mass or community subsurface drainfields; electrical power transmission and distribution substations and transmission pipelines and pumping stations, unmanned telephone exchange centers, microwave and radio transmission and relay towers and substations.
- D. Parks and playgrounds, country clubs, golf courses, swim and tennis clubs.
- E. Duplex units.
- F. Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition.
- G. Fire and Rescue stations.
- H. Funeral homes.
- I. Cluster development, subject to Article XIII hereof.
- J. Condominiums, subject to Article XIII.

#### III-3.4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage - Lot coverage in the R-11 District shall not exceed forty (40) percent of the area of the lot.
- B. Minimum Area - None required.
- C. Minimum Lot Size - Minimum lot size for permitted residential subdivisions and dwellings shall be eleven thousand square feet with public or central sewer and water system and twelve thousand (12,000) square feet with either a public or central water or sewer system, but not both.
- D. Lot Width - The minimum lot width shall be eighty (80) feet at the building site, except corner lots which shall have a width of eighty-five feet.
- E. Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	100 ft.	100 ft.
(2) From Other Accessways	25 ft.	25 ft.
(3) Rear Yard (standard & protected coves)	30 ft.	6 ft.
(4) Side Yard	10 ft.	6 ft.

- F. Height, Maximum - The maximum height for dwellings shall be thirty-five feet.
- G. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be thirty-five feet or more for both primary and accessory structures.
- H. In cases where a home is to be built in an established residential area, the minimum setback of twenty-five feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

III-3.5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article V, hereof.

### **III-4 Mixed Residential District, R-M**

III-4.1 Statement of Intent. It is the purpose of this district to provide for the housing needs and tastes of a variety of people. Single-family, detached dwellings will be allowed, as will multi-family dwellings and townhouses in areas where residential development is recommended to occur by the Town of Exmore Town Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote economical and efficient land use, appropriate and harmonious variety in physical development, creative design and a better environment. This area is represented as R-M on page 18 of the Town of Exmore, Virginia, Zoning Ordinance and as Residential on the Future Land Use Map in the Exmore Town Plan.

III-4.2 Principal Permitted Uses and Structures. The following uses shall be permitted subject to all the other requirements of this ordinance as a matter of right in Mixed Residential District (R-M).

- A. Single-Family Dwellings.
- B. Two-Family Dwellings.
- C. Multi-Family Dwellings; not permitted with individual water and sewerage systems.
- D. Accessory Buildings, including satellite dishes.
- E. Schools.
- F. Churches.
- G. Parks and Playgrounds.



H. Home Occupations.

- I. Public Utilities: poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section.

J. Signs as permitted in Article IV.

III-4.3 Special Exceptions. The following uses shall be permitted in Mixed Residential District (R-M), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

A. Manufactured Homes.

1. The governing body may, in its discretion, not consider any application for a Special Use Permit for the location of a manufactured home unless the applicant submits written comments from all the property owners within five hundred (500) feet of the boundary lines of the property upon which the manufactured home is to be located including the property owners across the street or highway. The governing body may require the applicant to submit written comments from additional property owners. This section shall not apply to any application to locate a manufactured home in an approved manufactured home park.
2. The governing body shall not grant a Special Use Permit to locate a manufactured home in Mixed Residential District (R-M) unless the applicant agrees to comply and conform with the following terms, conditions and requirements before the manufactured home is occupied and has obtained a Certificate of Occupancy. The Manufactured Home shall be:
  - (a) Located on the site as outlined in this ordinance;
  - (b) Anchored according to the Northampton County Building Code;
  - (c) Installed with a set of steps at each exit;
  - (d) Approved by the Northampton County Electrical Inspector;
  - (e) Approved by the Northampton County Department of Health;
  - (f) Completely skirted with durable weatherproof material.
3. The manufactured home shall not be occupied before final inspection and the owner or applicant receives a Certificate of Occupancy from the Northampton County building official.
4. If the governing body grants a temporary Special Use Permit the applicant shall agree in writing to remove the manufactured home on or before the period specified in the permit.

5. If the permit is issued, it will be issued subject to the aforesaid conditions, all other conditions required in this ordinance and any other conditions which the governing body may prescribe. If the applicant and/or owner fails to comply with these conditions, the permit shall become null and void, whereupon the manufactured home shall be removed from the premises to a legal location.
- B. Child Care Centers.
  - C. Public service facilities such as firehouses, rescue stations, and government offices.
  - D. Funeral Homes.
  - E. Bed and Breakfast Houses.



### III-4.4 - Area and Lot Regulations.

	Minimum Lot Area (Sq. Ft.)	Front Setback (Feet)	Side Setback (Feet)	Rear Setback (Feet)	Height Limit (Feet)	Minimum Lot Width (Feet)
Main Structures	12,000 <sup>8</sup>	50	8	35	35 <sup>4,5,6</sup>	75
Accessory Structures		50	5	5	15	75
Duplex Structures	9,000 <sup>1,8</sup>	50	12	35	40 <sup>4,5,6</sup>	
	20,000 <sup>2,8</sup>	50	12	35	40 <sup>4,5,6</sup>	110
	25,000 <sup>3,8</sup>	50	12	35	40 <sup>4,5,6</sup>	110
Multi-Family Structures	3,600 <sup>1,7,8</sup>	50	12	35	40 <sup>4,5,6</sup>	140
	5,500 <sup>2,7,8</sup>	50	12	35	40 <sup>4,5,6</sup>	140
	Not allowed <sup>3,8</sup>	--	--	--	--	--
Other	25,000 <sup>8</sup>	75	20	35	40 <sup>4,5,6</sup>	110

<sup>1</sup> With public water and public sewage.

<sup>2</sup> With public water or public sewage but not both.

<sup>3</sup> With individual water and sewage facilities.

<sup>4</sup> The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

<sup>5</sup> A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

<sup>6</sup> Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

<sup>7</sup> Square feet per dwelling unit.

<sup>8</sup> Lot coverage for all types of R-M development shall not exceed 50% of the area of the lot.

### **III-5 Business, General District, B-G**

III-5.1 Statement of Intent. This district is intended to provide for the conduct of general business which provides convenience, goods and services to Town residents and those people living in close proximity to the Town and which is compatible with adjacent residential uses. This area is represented by B-G on page 18 of the Town of Exmore, Virginia, Zoning Ordinance and as Business on the Future Land Use Map in the Exmore Town Plan.

III-5.2 Principal Permitted Uses and Structures. The following uses shall be permitted by right.

- A. Accessory Buildings.
- B. Professional and Business Offices.
- C. Banks and Lending Institutions.
- D. Fire and Rescue Stations.
- E. Parking Garages and Lots.
- F. Libraries.
- G. Clothes Pressing and Cleaning Shops.
- H. Restaurants, enclosed.
- I. Signs as Permitted under Article IV herein.
- J. Retail Service Stores such as barber shops, beauty parlors, shoe repair shops, hand laundries, laundromats, establishments for receiving and distributing articles for laundering or cleaning, and blue print, photostat and similar reproduction and printing establishments.
- K. Stores for the retail sale or repair (or both) of household appliances, furniture, musical instruments, and sporting goods.
- L. Retail Sales Stores such as antiques and crafts; automobile supplies; books; cigars; clothing and apparel of any kind; dry goods; drugs; garden supplies; gifts; electrical goods and supplies; food and food products of any kind including production of bakery goods for retail sale in the same establishment but not including the killing of poultry or any other livestock; furniture; household furnishing and decorating supplies; hardware; florist goods; luggage and leather goods; office supplies; optical goods; pets and pet supplies but not any veterinary services; photographic equipment and supplies; variety goods; toys; jewelry; music; stationery; newsstand and similar retail establishments.
- M. Public Utilities: Poles, distribution lines, distribution transformers, pipes, meters, and other



facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section.

- N. Radio Broadcasting and Television Stations and Studios.
- O. Theaters (indoor).
- P. Taxicab Stands.
- Q. Virginia ABC Stores.
- R. Health Spa Centers.
- S. Educational Institutions.
- T. Schools of Special Instruction.
- U. Child Care Centers.
- V. Community Centers.
- W. Drainage, Erosion and Flood Control Devices.
- X. Residential Apartments above stores.
- Y. Hotels and Motels.

III-5.3 Special Exceptions. The following uses shall be permitted in Business, General District (B-G), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Automobile Service Stations and Car Wash Facilities.
- B. Bowling Alleys, Roller Skating and Ice Skating Rinks, Billiard Parlors and Pool Rooms, Dance Halls and similar forms of public amusement.
- C. Public Utilities: Public water and sewer transmission main trunk lines and treatment facilities, pumping stations; electrical power transmission and distribution substations and transmission lines and towers; oil and gas transmission lines and substations; unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- D. Funeral Parlors, Homes.

E. Craft Industry.

III-5.4 Area Regulations. The minimum lot area for any permitted use shall be unrestricted.

III-5.5 Yard Regulations. The following are the yard regulations for B-G districts:

- A. B-G uses which use a side yard must have a minimum side yard of 10 feet.
- B. B-G uses that are adjacent to a residential district must have a minimum side yard of 10 feet and a minimum rear yard of 20 feet.

III-5.6 Height Regulations. Buildings may be erected to a height of 35 feet and two and one-half (2 1/2) stories, except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.
- C. 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 (1) foot for each foot in height over thirty-five (35) feet.

III-5.7 Access. Each main building shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement.

III-5.8 Lot Coverage. Lot coverage in the B-G District shall not exceed eighty (80) percent of the area of the lot.



### **III-6 Limited Industrial District, I-L**

III-6.1 Statement of Intent. The primary purpose of this district is to permit certain industries which do not in any way detract from residential desirability to locate in any area adjacent to residential uses. The limitations on (or provisions relating to) height of buildings, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. This area is represented by I-L on page 18 of the Town of Exmore, Virginia, Zoning Ordinance and as Industrial on the Future Land Use Map in the Exmore Town Plan.

III-6.2 Principal Permitted Uses and Structures. The following uses and structures shall be permitted by right subject to other provisions herein:

- A. 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.
- B. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, battery or automotive parts manufacture.
- C. Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- D. Laboratories - pharmaceutical and/or medical.
- E. Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet water, toiletries and food products, and ice manufacture.
- F. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- G. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- H. Building material sales yards, plumbing supplies storage, lumber mills.
- I. Coal and wood yards, lumber yards, feed and seed stores.
- J. Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.

- K. Cabinets, furniture, and upholstery shops.
- L. Boat building.
- M. Monumental stone works.
- N. Veterinary or dog or cat hospitals, kennels.
- O. Wholesale businesses, storage warehouses.
- P. Junk storage.
- Q. Off-street parking as required by this ordinance.
- R. Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and associated facilities, and water and sewerage installations.
- S. General advertising signs.
- T. Location signs.

III-6.3 Special Exceptions. The following uses shall be permitted in Limited Industrial District (I-L), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the Exmore Town Council.

- A. Gasohol or alcohol manufacturing.
- B. Truck terminals, related repair and servicing.
- C. Moving businesses, including storage facilities.
- D. Assembly of modular building units.

III-6.4 Area Regulations.

- A. There shall be no minimum lot size required, except that which is necessary to satisfy the minimum setback, yard, parking, and individual sewage disposal area requirements in this Ordinance.
- B. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The Planning Commission may recommend, and the Administrator may require, a greater area if considered necessary for



the protection of water quality.

III-6.5 Setback Regulations. The following setback regulation shall apply to all I-L districts: all buildings shall be located 50 feet or more from any street right-of-way.

III-6.6 Yard Regulations. The following yard regulations shall apply in all I-L districts:

- A. Side - Each main building and accessory building shall have side yards of 10 feet or more. Any permitted use adjacent to residential uses shall have a side yard of 50 feet or more. The side yard of corner lots in the I-L district shall be a minimum of 20 feet.
- B. Rear - There are no rear yard requirements for I-L uses, except where permitted uses are adjacent to residential uses when the rear yard must be a minimum of 50 feet.

III-6.7 Height Regulations. Buildings may be erected to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the Administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the height of the buildings on which the walls rest.

III-6.8 Off-Street Parking and Loading Areas. Off-street parking and loading areas shall be provided for in keeping with Article V herein.

III-6.9 Supplemental Regulations. For permitted uses located adjacent to residential uses, a vegetated buffer sufficient for screening and noise reduction shall be required by the Planning Commission. Such buffer shall be neatly trimmed and maintained.

III-6.10 Lot Coverage. Lot coverage in the I-L District shall not exceed seventy (70) percent of the area of the lot.

### **III-7 Agricultural District, A-1**

III-7.1 Statement of Intent. It is the intent of this district to provide appropriate locations for open farm land or wooded land. The regulations for this district are designed to keep the farmland for farming purposes as open land with a minimum of other development. The intent of the district is to restrict general farming activity only as far as it would cause health hazards or excessive annoyance to neighboring residential areas. This area is represented as A-1 on page

18 of the Town of Exmore Zoning Ordinance and as Agricultural on the Future Land Use Map in the Exmore Town Plan.

III-7.2 Principal Permitted Uses and Structures. The following uses and structures shall be permitted by right subject to other provisions herein:

- A. General farming.
- B. Forestry.
- C. Single-family Dwellings.
- D. Public Utilities.
- E. Specialized Animal Raising.
- F. Nurseries and Greenhouses.
- G. Open Space Recreation, Playgrounds, Parks.

III-7.3 Special Exceptions. The following uses shall be permitted in the Agricultural District, A-1, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Manufactured Housing less than nineteen feet in width.
- B. Migrant Farmworker Housing.
- C. Radio and Television Towers.
- D. Churches.
- E. Schools, Kindergartens, Nurseries.
- F. Animal Hospitals and Veterinary Offices.

III-7.4 Area Regulations. The minimum lot area for any permitted use shall be one (1) acre.

III-7.5 Setback Regulations. All structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need



be set back more than the average of the setbacks of the two adjacent structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the "setback line." On corner lots, the structures shall be set back thirty-five (35) feet from both streets.

III-7.6 Frontage Regulations. For permitted uses, the minimum lot width at the setback line shall be one-hundred (100) feet.

III-7.7 Yard Regulations. For permitted uses the minimum side yard shall be thirty (30) feet.

III-7.8 Height Regulations. Buildings may be erected to a height of 35 feet and two and one-half (2 1/2) stories, except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.

III-7.9 Access. Each building shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement.

### **III-8 Height, Setback, Density, and Intensity Regulations**

Except as otherwise specifically provided in this ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance as specified herein; and no structure shall be erected or maintained which exceeds the height limit as specified herein; and no development, use or structure shall exceed the density and intensity limits as specified herein. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Minimum lot width shall be measured at the front setback line.



### III-8.1 Schedule of Height, Placement, Land Use Density and Intensity Regulations

<u>Zone</u>	<u>Minimum Lot Area (Sq. Ft.)</u>	<u>Front Setback (Feet)</u>	<u>Side Setback (Feet)</u>	<u>Rear Setback (Feet)</u>	<u>Height Limit (Feet)</u>	<u>Minimum Lot Width (Feet)</u>
R-M						
Main Structures	12,000	50	8	35	35 <sup>4,5,6</sup>	75
Accessory Structures		50	5	5	15	75
Duplex Structures	9,000 <sup>1</sup>	50	12	35	40 <sup>4,5,6</sup>	
	20,000 <sup>2</sup>	50	12	35	40 <sup>4,5,6</sup>	110
	25,000 <sup>3</sup>	50	12	35	40 <sup>4,5,6</sup>	110
Multi-Family Structures	3,600 <sup>1,9</sup>	60	12	35	40 <sup>4,5,6</sup>	140
	5,500 <sup>2,9</sup>	60	12	35	40 <sup>4,5,6</sup>	140
	Not allowed <sup>3</sup>	--	--	--	--	--
Other	25,000	75	20	35	40 <sup>4,5,6</sup>	110
Accessory Structures	50	5	15			100
B-G	None	20	10	None	35 <sup>4,5,6</sup>	100
I-L	None	50	10 <sup>8</sup>	None <sup>10</sup>	35 <sup>6,7</sup>	
A-1	43,560	35	30	None	35	

<sup>1</sup> With public water and public sewage.

<sup>2</sup> With public water or public sewage but not both.

<sup>3</sup> With individual water and sewage facilities.

<sup>4</sup> The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

<sup>5</sup> A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

<sup>6</sup> Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

<sup>7</sup> In the I-L District approval may be obtained from the Administrator for buildings over 35 feet in height.

<sup>8</sup> For any permitted use adjacent to residential uses the side yard shall be 50 feet or more. The side yard of corner lots in I-L District shall be a minimum of 20 feet.

<sup>9</sup> Square feet per dwelling unit.

<sup>10</sup> For any permitted use adjacent to residential uses the rear yard shall be a minimum of 50 feet.

### **III-9 Chesapeake Bay Preservation Area Overlay District, CBPA**

III-9.1 Title. This district shall be known and referenced as the "Chesapeake Bay Preservation Area Overlay District" of the Town of Exmore, Virginia.

III-9.2 Findings of Fact. The Chesapeake Bay and its tributaries constitute one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the Town of Exmore and the Commonwealth of Virginia. The health of the Bay is vital to maintaining the Town of Exmore's economy and the welfare of its citizens.

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

III-9.3 Authority. This Article is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia. Section 15.1-489 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-44.85 (8)."

III-9.4 Conflict with Other Regulations. In any case where the requirements of this Article conflict with any other provision of the Town of Exmore Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

III-9.5 Definitions. The words and terms used in the Overlay District have the meanings which are defined in Article II, Definitions, of the Town of Exmore Zoning Ordinance, unless the context clearly indicates otherwise.

#### III-9.6 Purpose and Intent.

- A. This ordinance is enacted to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act) as part of the Town of Exmore Zoning Ordinance. The intent of the Exmore Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all



other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Exmore.

- B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in the Town of Exmore Zoning Ordinance Article XII, Site Plan Requirements, the Northampton County Erosion and Sediment Control Ordinance, and the Northampton County Building Code, including all grading permits and building permits, shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

#### III-9.7 Application of CBPA District.

- A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Exmore Town Council and as shown on the Town of Exmore Chesapeake Bay Preservation Area Map as the Chesapeake Bay Preservation Area Overlay District. The Chesapeake Bay Preservation Area Overlay District is composed of a Resource Management Area.
- (1) Resource Management Areas are generally composed of the following land categories: highly permeable soils, nontidal wetlands, and hydric soils.
  - (2) The Resource Management Area consists of all land in Exmore located within the Chesapeake Bay Watershed.
- B. The Town of Exmore Chesapeake Bay Preservation Area Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the Town of Exmore prior to engaging in a regulated activity.

III-9.8 Use Regulations. Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

III-9.9 Lot Size. Lot size shall be subject to the requirements of the underlying zoning district(s).

### III-9.10 Required Conditions.

- A. A water quality impact assessment shall be required for any proposed development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section III-8.12, Water Quality Impact Assessment, of this Article.
- B. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, in accordance with Section III-8.13, Plan of Development Process, of this Article.

### III-9.11. Performance Standards.

- A. Purpose and Intent.

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 20% reduction in nonpoint source pollution from agricultural uses.

- B. General Performance Standards for Development and Redevelopment.

- (1) Land disturbance shall be limited to the area necessary to provide for the desired use or development.
  - a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.
  - b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.
- (2) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.



- a. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator.
  - b. Impervious cover shall not exceed eighty (80) percent of the site.
  - c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected 5 feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- (3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
  - (4) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of the Northampton County Erosion and Sediment Control Ordinance.
  - (5) All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years, in accordance with the provisions of the Northampton County Health Code.
  - (6) A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the Northampton County Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.
  - (7) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
    - a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay watershed (0.45 pounds of phosphorous per acre per year);
    - b. For redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or

modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
  2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
  3. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.
- c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- (8) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section III-8.13, Plan of Development Process, of this Article.
- (9) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District by **January 1, 1995**.

#### III-9.12. Water Quality Impact Assessment.

##### A. Purpose and Intent.

The purpose of the water quality impact assessment is to identify the impacts of proposed



development on water quality and lands within Resource Management Areas if deemed necessary by the Zoning Administrator to ensure that, where development does take place it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of sensitive lands; to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and specify mitigation which will address water quality protection.

B. Water Quality Impact Assessment Required.

A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, is required for any proposed development or redevelopment within an RMA unless waived by the Zoning Administrator when it is apparent that the unique characteristics of the site (such as the topography, soils, groundcover, and location of wetlands) will prevent the proposed development from causing a degradation of water quality.

C. Contents of a Water Quality Impact Assessment.

The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The information required in this section shall be considered a minimum, the Zoning Administrator may determine that additional information is necessary due to the nature and scope of the proposed use and development of land. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:

- (1) Type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
- (2) Type and location of proposed stormwater management facilities and best management practices necessary to comply with performance standards for stormwater management contained in Section III-8.11.B(7).
- (3) Calculation of pre- and post-development pollutant loading in accordance with Section III-8.11.B(7).
- (5) Identification and status of any required wetlands permits from federal, state or local agencies.
- (6) An erosion and sediment control plan in accordance with the requirements of Northampton County's Erosion and Sediment Control Ordinance.
- (7) A narrative describing the site; the impacts of the proposed development on topography, soils, hydrology and geology; and the measures taken to mitigate nonpoint source pollution.

D. Evaluation Procedure.

- (1) Upon the completed review of a water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the purpose and intent of this Article or if the proposed development is consistent with the purpose and intent of this Article. The Zoning Administrator will make a finding based on the following criteria in conjunction with Section III-9.13:
  - a. The development, as proposed, meets the purpose and intent of this Article;
  - b. Proposed erosion and sediment control devices are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - c. Proposed stormwater management facilities and practices are adequate to control the stormwater runoff to achieve the required standard for pollutant control;
  - d. The development will not result in unnecessary destruction of plant materials on site;
  - e. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) The Zoning Administrator may request review of the water quality impact assessment by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by CBLAD will be considered by the Planning Commission provided that such comments are provided by CBLAD within thirty (30) days of the request.

III-9.13. Plan of Development Process. Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished by a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this Article. There shall be two levels of plan of development process: a Level I Plan of Development process and a Level II Plan of Development process.

A. Level I Plan of Development Process.

(1) Required Information.

A minor plan of development process pertains to individual single-family dwellings or accessory structures for single-family residences within CBPAs.



A Level I Plan of Development Process shall include a plot plan for primary structures, additions to such structures, and accessory structures which shall be submitted to the Zoning Administrator. At a minimum, the plot plan shall be drawn to scale and contain the following:

- a. A boundary survey of the site (if available) or site drawing showing the north arrow and property line measurements.
- b. Area of the lot/parcel.
- c. Location, dimensions and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
- d. Location of all building restriction lines, setbacks, easements, covenant restrictions and right of ways.
- e. Dimensions and location of all driveways, parking areas or any other impervious surfaces.
- f. Location of all existing and proposed septic tanks and drainfield areas including reserve areas and the location of all existing and proposed wells.
- g. Limits of clearing and grading.
- h. Specifications for the protection of existing trees and vegetation during clearing, grading and all phases of construction.
- i. Location of the limits of Resource Management Area (RMA) boundary.
- j. Location of all erosion and sediment control devices.
- k. Amount of impervious surface proposed for the site. (If post-development impervious surface will cover less than 16% of the site, the Zoning Administrator may waive the requirements for a stormwater management plan).

(2) Level I Plan of Development Process Administration.

The Zoning Administrator shall review and approve or disapprove plot plans in accordance with Article XII, Site Plan Requirements, of this Ordinance.

B. Level II Plan of Development Process.

(1) Required Information.

In addition to the requirements of Article XII, Site Plan Requirements, of this Zoning Ordinance the Level II Plan of Development Process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

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

- (a) A site plan in accordance with the provisions of Article XII, Site Plan Requirements, of this Zoning Ordinance;
- (b) A stormwater management plan;
- (c) An erosion and sediment control plan in accordance with the provisions of Northampton County's Erosion and Sediment Control Ordinance.

(2) Stormwater Management Plan.

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

(a) Contents of the Plan.

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

- 1. Location and design of all planned stormwater control devices;
- 2. Procedures for implementing non-structural stormwater control practices and techniques;
- 3. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations, such as those in the Local Assistance Manual;
- 4. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification;

(b) Site specific facilities shall be designed for the ultimate



development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.

- (c) All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Local Assistance Manual, Virginia Erosion and Sediment Control Handbook, Virginia Department of Transportation Drainage Manual, or any other good engineering methods deemed appropriate by the Zoning Administrator.
- (d) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Town of Exmore, then a maintenance agreement shall be executed between the responsible party and the Town of Exmore.

(3) Erosion and Sediment Control Plan.

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the Northampton County Erosion and Sediment Control Ordinance, in conjunction with site plan or subdivision plan approval.

(4) Final Plan.

Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Article XII, Site Plan Requirements, of this Zoning Ordinance.

- (a) Final plans for all lands within CBPAs shall include the following additional information:
  - 1. All wetlands permits required by law;
  - 2. A maintenance agreement as deemed necessary and appropriate by the Zoning Administrator to ensure proper maintenance of best management practices in order to continue their functions.

(b) Installation and Bonding Requirements.

1. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.
2. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the Town of Exmore a form of surety satisfactory to the Zoning Administrator in amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or other specifications and/or maintenance costs for any required stormwater management facilities.
3. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the Town of Exmore.
4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement, unless a six (six) month extension has been granted by the Administrator. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town of Exmore. The Town of Exmore may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
5. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Zoning Administrator may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

(5) Administrative Responsibility.



Administration of the plan of development process shall be in accordance with Article XII, Site Plan Requirements, of this Zoning Ordinance.

(6) Denial of Plan, Appeal of Conditions or Modifications.

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

III-9.14 Exemptions.

A. Exemptions for Utilities, Railroads, and Public Roads.

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

B. Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the Overlay District provided that:

1. No more land shall be disturbed than is necessary to provide for the desired utility

installation;

2. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
3. Any land disturbance exceeding an area of 2,500 square feet complies with all Northampton County erosion and sediment control requirements.
4. Exemptions for Forestry Activities.

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

#### III-9.15 Exceptions.

- A. A request for an exception to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed exception on water quality and on lands within the RMA through the performance of a water quality impact assessment which complies with the provisions of Section III-8.13.
- B. The Zoning Administrator shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Zoning Administrator finds:
  - (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;
  - (2) The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
  - (3) The exception request is the minimum necessary to afford relief;
  - (4) The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
  - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.



- C. If the Zoning Administrator cannot make the required findings or refuses to grant the exception, the Zoning Administrator shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance as provided in Article IX, Provisions for Appeal.
- D. The Board of Zoning Appeals shall consider the water quality impact assessment and the findings and rationale of the Zoning Administrator in determining consistency with the purpose and intent of this Article.

#### **Article IV - Sign Regulations**

IV-1 Statement of Purpose. The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the Town, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.

#### IV-2 Signs and Flags Permitted by Right in any District.

- IV-2.1. Memorial tablets or signs.
- IV-2.2. Signs required to be maintained by law or governmental order, rule, or regulation, with a total surface area not exceeding ten (10) square feet on any lot or parcel.
- IV-2.3. Signs which are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.
- IV-2.4. Flags or emblems of civic, governmental, philanthropic, educational, or religious organizations, and corporate designed flags.
- IV-2.5. Signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephones, freight entrances, no trespassing and posted signs, or the like not exceeding a total area of eight (8) square feet per sign.
- IV-2.6. Signs placed by a public utility showing the location of underground facilities.
- IV-2.7. Church bulletin board and identification signs with a total surface area not

exceeding thirty (30) square feet per sign.

IV-2.8. Home occupation signs with a total surface area not exceeding four (4) square feet per sign.

IV-2.9. Signs advertising the sale or rent of the specific premises where the sign is located.

IV-2.10. Signs or a combination of letters may be attached to a building or structure, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of the specific business.

IV-2.11. Four signs not exceeding six (6) square feet advertising only the price of a product provided the sign is attached to a permanent structure on the specific premises where the business is located.

IV-2.12. Temporary signs with special permission from the Zoning Administrator.

IV-2.13. In any district, except in R-20, R-11, or R-M, one (1) of the following business signs options shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of this Article.

A. One (1) sign which shall not exceed thirty-two (32) square feet.

B. Two (2) signs which shall not exceed sixteen (16) square feet.

All signs shall be of balanced proportions and symmetrical in shape. All signs and the surrounding area shall be maintained in a neat and orderly manner.

IV-3 Sign Permits. Except for signs permitted in Section IV-2 of this ordinance, it shall be unlawful to erect, locate, establish, display, or paint on a structure any size or type of outdoor sign or billboard anywhere within the jurisdiction of the Town of Exmore, Virginia without first obtaining a Sign Permit from the Zoning Administrator. No such permit shall be issued unless a fee of two dollars is paid therefor, and unless the proposed sign conforms to the requirements of this ordinance.

IV-3.1. Before any permit is granted for the erection of a sign, plans and specifications shall be filed with the Northampton County building official showing the dimensions, type of materials, and the details of construction including anchorage. The applicant shall also comply with all other requirements of the Northampton County Building Code.



- IV-3.2. Any person, firm, or corporation who was operating a business in Residential Districts R-11, R-20, or R-M prior to the effective date of this ordinance and who may desire to erect any additional signs shall apply for a Special Use Permit.

IV-4 Setback Requirements. Signs shall be located fifteen (15) feet or more from any highway or street right of way, and this shall be known as the "setback line." There shall be excepted from this setback regulation business signs advertising the sale or rent of the premises, which may be erected up to the property line.

IV-5 Height Regulations. Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher, without a Special Use Permit from the Town Council.

IV-6 General Regulations.

- IV-6.1. Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- IV-6.2. No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway.
- IV-6.3. No sign will be erected which advertises any activities which are illegal under State or Federal law or regulations in effect at the location of such sign or at the location of such activities.
- IV-6.4. No sign will be erected which is inconsistent with State law or the provisions of this ordinance.
- IV-6.5. No sign will be erected which involves noise, motion or rotation of any part of the structure or displays intermittent or flashing lights, without a Special Use Permit from the governing body.

IV-7 Flag and Pennant Regulations. It shall be unlawful to display, post, erect, place, or maintain any type of pennants or flags anywhere in the various Districts except as permitted in Section IV-2.4 of this Article.

IV-8 Nonconforming Signs. Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. Such nonconforming signs shall comply in all respects with the requirements of

Article VI relating to nonconforming uses.

If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of Article IV.



## Article V - Off-Street Parking

V-1 Statement of Intent. The schedule below shall control the provision of parking spaces in the various Town zoning districts. The purpose of off-street parking provisions is to insure adequate access to any part of the Town by fire and emergency medical services, and to promote the economic well-being of the Town by creating a pleasant shopping climate.

V-2 Parking Space Size. Parking space size shall be a maximum of 162 square feet with a width of 9 feet and a length of 18 feet and a minimum of 91 square feet with a width of 7 feet and length of 13 feet. Parking spaces required for the handicapped shall be 200 square feet with a width of 10 feet and a length of 20 feet.

### V-3 Schedule of Off-Street Parking.

<u>Districts</u>	<u>Minimum Off-Street Parking Requirements</u>
R-20	Two (2) parking spaces per dwelling unit.
R-11	Two (2) parking spaces per dwelling unit.
R-M	Two (2) parking spaces per dwelling unit.
B-G	One (1) parking space for each one hundred (100) square feet of gross floor area or fraction thereof.
I-L	One (1) parking space for each one hundred (100) square feet of gross floor area or fraction thereof.

V-4 Special Exceptions. The following uses are controlled separately from the above district-wide off-street parking regulations.

- |               |  |
|---------------|--|
| <u>V-4.1.</u> | For churches, high schools, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building. |
| <u>V-4.2.</u> | For hospitals, at least one (1) parking space for each two (2) bed capacity, including infants' cribs and children's beds.   |
| <u>V-4.3.</u> | For medical and dental offices, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist in such offices in excess of three doctors or dentists.                                    |

- V-4.4. For fraternal lodges, hunting clubs, golf courses, yacht clubs, country clubs, and marinas, at least twenty-five (25) parking spaces shall be provided. Additional parking may be required by the Zoning Administrator.
- V-4.5. For post offices at least one (1) for each fifty (50) box holders but not less than ten (10) spaces.
- V-4.6. For restaurants at least one (1) parking space per table or booth plus six (6) for employees.
- V-4.7. For motels, hotels, boarding houses, and bed and breakfast inns, one space per accommodation (unit) plus sufficient off-street parking for employees expected during any one shift.

V-5. Requirements for Handicapped Access.

<u>Total Parking Spaces in Lot</u>	<u>Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total

Parking spaces for handicapped persons shall have a minimum dimension of twelve by twenty feet and shall be clearly marked "Handicapped Parking Only."

## Article VI - Nonconforming Uses

### VI-1 Continuation.

VI-1.1. If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is being legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.

VI-1.2. 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.

VI-1.3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

VI-1.4. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded from the provisions of this Article.

VI-1.5. Uses, structures, or activities which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment, may be continued. Any such future use, structure, or activity shall conform to the requirements of this ordinance or future amendment.

## VI-2 Procedure.

VI-2.1. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include for the purpose of proper enforcement of this Article, the following information:

- A. Name and address of applicant and property owner;
- B. Legal description of the property and type of proposed use and development;
- C. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Management Area for any lot or parcel located within a Chesapeake Bay Preservation Area;
- D. Location and description of any existing private water supply or sewage system.

VI-2.2. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

VI-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 (12) consecutive months on 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 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.

#### VI-4 Expansion or Enlargement.

VI-4.1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

VI-4.2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

VI-4.3. The Zoning Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels in Chesapeake Bay Preservation Areas to provide for remodeling and alterations or additions to such nonconforming structures provided that:

- A. There will be no increase in nonpoint source pollution load;
- B. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirements in Article III of this ordinance.

VI-5 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 provided a showing of unnecessary and undue hardship would result if a variance is not granted by the Board of Zoning Appeals.

#### VI-6 Restoration or Replacement.

VI-6.1. 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 percent (50%) of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

VI-6.2. 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 percent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

VI-6.3. When a conforming structure devoted to a nonconforming activity is damaged less than fifty percent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.



VI-6.4. 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 VII Administration and Enforcement**

VII-1 Zoning Permits. No use of any real property within the corporate limits of the Town of Exmore shall take place nor shall any construction or excavation or grading therefor commence prior to the issuance of a zoning permit therefor by the Zoning Administrator. The zoning permit shall state that the proposed construction, use, or other activity is in accord with all provisions of this Zoning Ordinance. The Zoning Administrator may promulgate rules determining what information shall accompany each application for a permit herein.

VII-2 Commission Permits. No street, park or other public area, or public structure, or public utility, public building or public service corporation, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof. In connection with any such determination the Commission may, and at the direction of the Council shall, hold a public hearing, after notice as required by Section 15.1-431 of the Code of Virginia.

VII-3 Zoning Administrator. This ordinance shall be administered by the Zoning Administrator who shall be appointed by the Town Council and shall be assisted by such other persons as the Town Council may direct. The Zoning Administrator shall have all necessary authority to administer and enforce the provisions of this ordinance.

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

VII-4 Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100) or imprisonment in the county jail for not more than thirty (30) days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and shall be enjoined to cease.

## Article VIII Special Use Permits

VIII-1 Statement of Intent. It is recognized in this ordinance that certain uses are not necessarily incompatible with the uses traditionally associated with standard zoning districts, if the proper mitigating conditions are enacted along with the proposed use. Therefore, such uses have been designated as special uses, and have been included in Article III. Such uses are allowed in the associated districts upon the issuance of a Special Use Permit by the Exmore Town Council.

VIII-2 Procedure. An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:

- A. The applicant shall submit an application to the Zoning Administrator. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met. Accompanying maps showing the site of the proposed use may be required.
- B. The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate a recommendation to the Town Planning Commission.
- C. The Zoning Administrator will transmit the collected information and his recommendation to the Planning Commission. The Planning Commission shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, within thirty days of receipt of the Zoning Administrator's report. The Zoning Administrator's Report, a summary of the Planning Commission public hearing, and a recommendation from the Planning Commission, shall be transmitted to the Town Council by the Town Council's first meeting after the date public hearing is held.
- D. The Town Council shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, in order to receive public comment and to decide upon the Special Use Permit application. Such public hearing shall be scheduled to coincide with the regularly scheduled Town Council meeting that most closely follows the Council's receipt of the Special Use Permit application. If the requirement for proper notice for a public hearing makes such regularly scheduled Town Council meeting impractical, the public hearing shall be scheduled for the Town Council meeting one meeting hence from the meeting most closely following receipt of the application by the Town Council.

VIII-3 Conditions and Bonds. The Town Council may impose conditions, limitations, or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as, but not limited to, the following:



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

VIII-4 Review Standards. The Zoning Administrator, Planning Commission, and Town Council shall consider the following in reviewing a special use application:

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

VIII-5 Effect of Approval. The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from

the term of the special use permit without the express written consent of the Town Council.

## **Article IX Provisions for Appeal**

### IX-1 Board of Zoning Appeals.

IX-1.1. A Board of Zoning Appeals, which shall consist of no more than seven (7) and no less than five (5) residents of the Town but shall always be an odd number, shall be appointed by the Circuit Court of Northampton County according to the provisions of the Code of Virginia, Section 15.1-494. Members of the Board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

IX-1.2. The term of office shall be for five (5) years, except that original appointments shall be made for such terms that the term of one member shall expire each year. Members of the board shall hold no other public office in the County or Town except that one may be a member of the local planning commission.

IX-1.3. 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 a legal interest.

IX-1.4. The board shall choose annually its own chairman, vice-chairman, and secretary. The vice-chairman shall act in the absence of the chairman.

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

IX-2.1. To hear and decide appeals from any order, requirements, decision or determination made by an administrative officer or Zoning Administrator in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.

IX-2.2. To authorize upon appeal in specific cases such variances 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:

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 the effective date of the ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of 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:

1. That the strict application of the ordinance would produce undue hardship; and
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. 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 unless the board finds 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 reasonably 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 conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

IX-2.3 Interpretation. The Board of Zoning Appeals shall have the authority to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Section 15.1-431 of the Code of Virginia, the board may interpret the map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The Board shall not have the power to change substantially the location of district boundaries as established by ordinance.

IX-3 Applications for Variances. Applications for variances may be made by any property owner, tenant, governmental official, department, board or bureau. Such applications shall be made to the Zoning Administrator in accordance with rules and regulations adopted by the Board.

The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board who shall place the matter on the docket to be acted upon by the Board. No such variances shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia. The Zoning Administrator shall also transmit a copy of the application to the Planning Commission which may send a recommendation to the Board or appear as a party at the hearing.

IX-4 Appeal to the Board of Zoning Appeals. An appeal to the board may be taken by any person aggrieved or by any office, 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 certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown. No such appeal shall be heard until after notice and hearing as required by Section 15.1-431 of the Code of Virginia.

IX-4.1. Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual official, department or agency concerned, if any.

#### IX-5 Rules and Regulations.

IX-5.1. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

IX-5.2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

IX-5.3. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

IX-5.4. 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 examination and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record.

IX-5.5. All meetings of the board shall be open to the public.

IX-5.6. A favorable vote of the majority 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.

IX-6 Public Hearing. 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 of an administrative officer, or may decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or may effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the Town Hall and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

IX-7 Decision of the Board of Zoning Appeals.

IX-7.1. 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 county or municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Town Hall.

IX-7.2. 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 allowance 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.

IX-7.3. 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 facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

IX-7.4. 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.

IX-7.5. 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 appealed.

## **Article X Amendments**

X-1 General Provisions. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:

X-1.1. The Planning Commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by law, and may make appropriate changes in the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.

X-1.2. Before approving and adopting any amendment, the governing body shall hold at least one (1) public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes or corrections in the proposed amendments; 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 after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.

X-2 Effect of Repeal, Amendments, or Recodification of any Part of this Ordinance on prior Proceedings, Acts or Offenses. The repeal, amendment or recodification of any part of this ordinance shall not affect any act, or offense done or committed, or any penalty incurred, or any right established, accrued or accruing on or before the effective date of such repeal, amendment or recodification, nor enlarge any such right or privilege, except as specifically provided by such repeal, amendment or recodification. Neither shall the repeal, amendment or recodification of any part of this ordinance affect any proceeding, prosecution, suit or action which may be pending, said prior laws being continued in full force and effect for those purposes.

## **Article XI - Zoning Guidelines**

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

- A. Character of the area.
- B. Land use and activities.
- C. Suitability for proposed use.



- D. Availability of public facilities.
- E. Compliance with the Town of Exmore Comprehensive Plan.

XI-1.1 Supplemental Considerations and Regulations. Rapid development of employment, residential and commercial facilities in the Town of Exmore and the resulting impact on existing public facilities, highways and other necessary public facilities and services and natural resources could exceed the ability of the Town to provide for such facilities. Therefore, under authority of Article VIII of this ordinance and Section 15.1-491 of the Code of Virginia, as amended, the Exmore Town Council may impose conditions, including reasonable employment limitations, to ease the effect of rezoning land on the general public and on the natural resources of the Town.

XI-1.2 Conditions. In addition to the regulations herein provided for the respective zoning districts, the Town Council may adopt as a part of an amendment to the zoning map reasonable conditions provided that said conditions shall have been proffered in writing in advance of the public hearing on said amendment to the zoning map by the applicant for rezoning and provided that said conditions are accepted by the governing body as a condition to said amendment of the zoning map. Such accepted conditions shall be recorded in the records of the circuit court and run with the land until changed as a result of another rezoning approval or amended with the approval of the land owners and governing body.

#### XI-2 Conditional Zoning Procedure

- A. Upon the receipt by the Zoning Administrator of a rezoning petition, it shall be reviewed by the Zoning Administrator in accordance with the guidelines found in Section XII-1. The Zoning Administrator shall prepare a report for presentation to the Planning Commission. The report from the Zoning Administrator shall contain a recommendation on the reasonableness of the requested rezoning, with specific reasons provided for the recommendation.
- B. The Planning Commission, within thirty (30) days of receiving the Zoning Administrator's report, shall consider the Zoning Administrator's recommendations and discuss same with the applicant. The applicant shall be advised of the possibility of proffered conditions in a rezoning decision, which conditions are not meant to change the character of a fundamentally unsound rezoning, but are meant to be responsive to Town growth pressures not specifically foreseen in the existing district regulations.
- C. The Planning Commission shall forward the report of the Zoning Administrator, along with a report summarizing the content of the Planning Commission public hearing, to the Town Council.

- D. After the Town Council has received the reports from the Zoning Administrator and the Planning Commission, the applicant for the rezoning under consideration may proffer a set of conditions for consideration along with the rezoning. Such a proffer shall be addressed to the Mayor of the Town of Exmore.
- E. The Town Council shall hold a public hearing on the requested rezoning in accordance with 15.1-431 of the Code of Virginia, as amended. The rezoning request and the proffered condition shall be considered at this time.
- F. In the event that a request for rezoning is approved and the proffered conditions accepted, these same conditions shall be recorded in the Clerk of Circuit Court office as a lien on such property involved in the rezoning petition and shall run with the land until removed by the Town Council as a result of an amendment to the original application or as a result of a subsequent rezoning petition.

## **ARTICLE XII - Site Plan Requirements**

XII-1 Statement of Intent. The purpose of these requirements is to promote the orderly development of certain activities in the Town and to insure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review a project's compatibility with its environment; to review the ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of a project's required community facilities; and to review the location and adequacy of a project's provision for drainage and utilities.

XII-2 Development or Land Use Requiring a Site Development Plan. A site development plan is required and shall be submitted for the following:

- A. Any development in which automobile parking space is to be used by more than one establishment.
- B. Any use or development in all zoning districts except single-family detached dwelling units where a plat is submitted pursuant to the Subdivision Ordinance of the Town of Exmore.
- C. When a change is proposed in a previously approved site development plan.
- D. When an existing residential use is proposed for change to a business, industrial, or multi-family residential use.
- E. All public and/or semi-public buildings.



- F. All other uses involving a structure required to be reviewed by the Town under Section 15.1-456 of the Code of Virginia, as amended.

XII-3 When Required. The provisions of this Article shall apply to any use as specified in the rules and regulations of each zoning district.

XII-4 Waiver of Requirements. Any requirement of this Article may be waived by the governing body where the waiver is not adverse to the purpose of this Article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this Article, or that the requirement is unreasonable.

XII-5 Site Plan Specifications. Every site plan shall be prepared in accordance with the following specifications:

- A. The scale shall not be less than fifty (50) feet to one (1) inch.
- B. All site plans shall not exceed twenty-four inch (24") by thirty-six inch (36") sheets.
- C. If the site plan is prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- D. Horizontal dimensions shall be in feet and decimals of feet to the closest one tenth (1/10) of a foot.

XII-6 Site Plan Contents. The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

- A. The proposed title of the project and the names of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the Zoning Administrator's approval.
- B. The north point, scale, data, and vicinity map.
- C. Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- D. The present use of all contiguous or abutting property.
- E. The boundaries of the property involved by bearings and distances.

- F. All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining properties, need only be shown in approximate scale and proportion.
- G. Topography of the project area with contour intervals of two (2) feet or less.
- H. The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.
- I. The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.
- J. When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred fifty (150) feet or the length of connections, whichever is the greater distance.
- K. The location of all existing and proposed off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.
- L. The location of all trees on the site with a diameter of six (6) inches or greater at the DBH (Diameter, Breast High). The site plan shall show heavily wooded areas and trees to be removed which shall be designated by symbols coincident with the areas of the trees; and an indication of which trees are to be retained and which are to be removed.
- M. The location, height, type, and material of all existing and proposed fences, walls, screening, plantings, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- N. The location of and proposed general use for each building; and the number, size, and type of dwelling units where applicable.
- O. Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the Town indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to existing drainage system.
- P. Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with the Northampton County Erosion and Sediment Control Ordinance.
- Q. Proposed finished grading by contour supplemented where necessary by spot evaluation.
- R. One hundred year floodplain limit studies as required by the administrator.



- S. The location, character, size, height, and orientation of proposed signs.
- T. The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.
- U. Any necessary notes required by the administrator to explain the purpose of specific items on the plan.
- V. The administrator may request additional information other than what has previously been stated when deemed necessary to protect the health, safety and general welfare of the citizens of the county.

#### XII-7 Improvements and Standards.

XII-7-1. The following improvements and minimum standards, as applicable, shall be required and provided for in a site development plan.

XII-7-2. All street and highway construction standards and geometric design standards shall be in accord with those specified by the Virginia Department of Transportation.

XII-7-3. The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to-and-from adjacent property and parking areas shall be not less than twenty (20) feet in width for two-way traffic and ten (10) feet for one-way traffic.

XII-7-4. Cul-de-sacs shall be designed and constructed in accordance with the street standards specified by the Virginia Department of Transportation, and may not be construed or employed in a parking area.

XII-7-5. Minimum utility easement width shall be twenty (20) feet unless specifically reduced as specified by the administrator. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five (5) feet from any building.

XII-7-6. Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one (1) building to another within the site and adjacent sites.

XII-7-7. All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.

XII-7-8. In order to preserve the character and natural environment and to provide visual and noise buffering, the administrator may refuse to approve any site plan which proposes

the unnecessary destruction of trees and other natural features. The governing body may require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish, and protect trees of eight (8) inch diameter or larger at the DBH, ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage; streams in their natural condition.

#### XII-8 Procedures.

XII-8-1. Site plans may be approved administratively by the administrator after first distributing the plan to the various town, county and state departments for written comments.

XII-8-2. All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, and other Town ordinance requirements, utilities, and drainage and to consider preliminary features of the proposed development as they relate to this Article.

XII-8-3. Sufficient copies, as required by the administrator, of the final plan shall be submitted to the administrator. The administrator shall have up to thirty (30) days to circulate the plan to the Planning Commission for written comments, and to notify the applicant of the action taken which may be approved, approved subject to conditions, or disapproved.

XII-8-4. An applicant may appeal the decision of the administrator within thirty (30) days in writing to the Board of Zoning Appeals in accordance with Article X.

#### XII-9 Site Plan Termination or Extension.

XII-9-1. An approved site plan shall expire and become null and void if no building permit has been obtained for the site in twelve (12) months after the final approval.

XII-9-2. The governing body may grant an extension of one (1) year.

XII-10 Amendments to Approved Site Plan. If it becomes necessary for an approved site plan to be changed, the administrator shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this Article.

XII-11 Site Plan Prerequisite to Issuance of Permits. No building permit shall be issued to construct, erect, or alter any building or structure or any permit or authorization granted to



improve or develop land subject to the provisions of this Article, unless a site development plan has been submitted and approved.

XII-12 Compliance with Approved Site Plan.

XII-12.1. Inspections shall be made during the installation of off-site and on-site improvements by the administrator or his designated representative in their areas of responsibility to insure compliance with the approved site plan.

XII-12.2. The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site development plan and shall make one (1) set of approved plans available at the site at all times that work is being performed.

## Article XIII. Supplemental District Regulations

### XIII-1 Cluster Alternative Development.

- A. Cluster Alternative Objective - The objective of the "Cluster Alternative Residential Development" is flexibility with the objectives to (1) provide a more desirable living environment, (2) encourage creative approaches in residential development, (3) encourage a more efficient, aesthetic and desirable use of open area, (4) encourage variety in the physical development pattern of the County, (5) assist in reducing cost in residential development, and (6) maintain the agricultural resources in the County.
- B. Cluster Density and Intensity - Residential Cluster Alternative Development, under subdivision and site control may be permitted provided the gross population or housing density or intensity of an area remains unchanged and conforms to the basic overall density requirements of the zoning district in which the development is proposed. However, lot dimensions and area may be reduced to the minimums indicated in Section XIII-C herein.
- C. Zoning District Permitting Cluster Alternative Development - Residential minimum lot sizes in the A-1, R-20 and R-11 zoning districts may be reduced in area in the following manner:

#### Minimum Lot Area Under Cluster Development

District	Standard Lot Area	With Public Sewer & Water	With Public Sewer or Water But Not Both	Individual Septic Tank Water Systems
A/R	5 acres	2 acres	3 acres	5 acres
R-20	20,000 sq.ft.	13,000 sq.ft.	15,000 sq.ft.	20,000 sq.ft.
R-11	11,000 sq.ft.	8,000 sq.ft.	Not Permitted	Not Permitted

### D. Disposition of Land Gained.

(1) Except as provided by Subsection XIII-D.(2) herein, all land gained with a cluster alternative subdivision, through reduction of lot size below minimum ordinance requirements shall be dedicated to the County for open space for parks, recreation or related uses; or deeded to a home owner association within the proposed development for maintenance and operation. In the case where the gained land is deeded to a home owner association, the applicant shall furnish a proposed deed of dedication, including restrictions, safeguarding the use of open spaces and preventing encroachment upon open space between structures.



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

XIII-2. Requirements for Condominiums.

- A. Definitions: For purposes of this section, the meaning of all terms shall be controlled by Section 55-79.41 of the Code of Virginia.
- B. Where Permitted: Condominiums shall be permitted in all zones in which is permitted any physically identical development, provided that site plan approval shall be required for any condominium development.
- C. Compliance with Ordinance: All condominiums and the use thereof shall in all respects comply with the provisions of this ordinance and its districts, and no vested rights shall be created upon the conversion to condominiums of the use thereof if either the condominium or the use thereof does not conform to the provisions of this ordinance. Except as otherwise specified, provisions of this ordinance applicable to condominiums shall be those provisions applicable to physically identical developments.

XIV. Fee Schedule

Zoning Ordinance (copy)	\$ 5.00
Zoning Permit	\$ 10.00
Special Use Permit	\$ 75.00
Variance	\$ 75.00
Rezoning	\$300.00
Water Quality Impact Assessment Review	\$ 30.00

**ALL FEES ARE NON-REFUNDABLE**

**Town Zoning Ordinance**  
**of**  
**The Town of Onley, Virginia**

Adopted May 6, 1996

Prepared by:  
Onley Planning Commission

During the preparation of this ordinance, financial assistance was provided by the Chesapeake Bay Local Assistance Department, Commonwealth of Virginia.



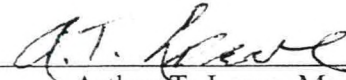
Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

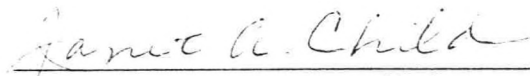
Technical Assistance Provided by:  
Accomack-Northampton Planning District Commission  
P.O. Box 417  
Accomac, Virginia 23301



*Town of Onley Zoning Ordinance - Adopted May 6, 1996*

Town of Onley Zoning Ordinance as duly adopted by the Onley Town Council in regular session on May 6, 1996.

Certification:   
Arthur F. Lowe, Mayor

Teste:   
Janet Child, Town Clerk

The effective date of this ordinance shall be from and after its adoption by the Onley Town Council, and its provisions shall be enforced thereafter until repealed or amended.

**Table of Contents**

	<u>Page</u>
Article I      General Provisions. . . . .	1
Article II     Definitions . . . . .	4
Article III    Districts . . . . .	14
Residential (R-1). . . . .	18
Business, General (B-G). . . . .	21
Industrial, Limited (M-1). . . . .	24
Chesapeake Bay Preservation Area Overlay District (CBPA) . . . . .	27
Article IV     Sign Regulations . . . . .	43
Article V      Off-Street Parking . . . . .	44
Article VI     Nonconforming Lots . . . . .	46
Article VII    Nonconforming Uses . . . . .	47
Article VIII   Administration and Enforcement . . . . .	49
Article IX     Special Use Permits. . . . .	51
Article X      Provisions for Appeal. . . . .	53
Article XI     Amendments . . . . .	57



**Maps and Figures**

	<u>Page</u>
Map 1      Town of Onley Zoning Map. . . . .	15
Map 2      Town of Onley Chesapeake Bay Preservation Area Overlay District Map . . . . .	16
Figure 1    Illustration of Lot and Yard Requirements . . . . .	17

Article I - General Provisions

I-1 Purpose and Authority to Zone. Whereas, by act of the General Assembly of Virginia as provided in Title 15.1, Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia, as amended, 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, prohibit, and determine the following:

- A. The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses; and
- B. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures; and
- 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 in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- D. The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of the Town of Onley, Virginia, for the purpose of promoting the health, safety, and/or general welfare of the public and of further accomplishing the objectives of Section 15.1-427 of the Code of Virginia, that the following be adopted as the zoning ordinance of the Town of Onley, Virginia, together with the accompanying map. This ordinance has been designed: (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to expedite 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; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of 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; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to promote affordable housing; (9) to protect surface water and ground water as required by the Chesapeake Bay Preservation Act; and (10) to be in accord with and to implement the goals, objectives and policies set forth in the Onley Town Plan, as adopted by the Onley Town Council.

I-2 Ordinance Sets Minimum Standards. Whenever the standards set forth in this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, deed



restrictions, covenants, or ordinances, the most restrictive, or that imposing the highest standards shall govern.

I-3 Town Liability. The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by the Town of Onley of the suitability of such land or structure for developing or use.

I-4 Severability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof other than the part so declared to be unconstitutional or invalid.

I-5 Non-exclusionary Intent. It is not the intent of this ordinance to exclude any economic, racial, religious or ethnic group from enjoyment of residence, land ownership or tenancy within the Town; nor is it the intent of this ordinance to use public powers in any way to promote the separation of economic, racial, religious, ethnic groups, nor persons with disabilities; nor is it the intent of this ordinance to use public powers in any way to deny anyone the otherwise lawful use of the resources within the Town of Onley based upon family status, except as may be the incidental result of meeting the purpose outlined in Section I-1, herein.

I-6 Provisions for Official Zoning Map. The boundaries of the zoning districts are shown on the official zoning map of the Town of Onley, Virginia, which together with all notations, amendments, and explanatory matter thereon are hereby made a part of this ordinance. The official zoning map shall be attested by the signature of the Mayor of the Town, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator and/or Town Hall where it shall be accessible to the general public.

1-6.1 Changes or Amendments. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the change has been approved by the Town Council, but no more than thirty (30) days after approval. Such changes shall be attested by the initials of the Zoning Administrator and the date of entry. A paper copy of such map or maps shall be maintained in the office of the Zoning Administrator and/or Town Hall.

Changes to this ordinance which involve matters portrayed on the official zoning map shall become effective immediately upon being entered onto the official zoning map or matter shown thereon except in conformity with the procedure set forth in this ordinance.

Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided under Article VII.

I-6.2 Replacement. In the event that any or all of the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new official zoning map. The new official zoning map may correct drafting or other errors, or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be attested by the signature of the Mayor and shall be witnessed. Unless the prior official zoning map or maps have been lost or totally destroyed, the prior map or maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment, if any, of the prior map or maps.

I-6.3 Application and Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Unless otherwise indicated, district boundaries indicated as approximately following the center lines of existing or proposed roads, streets, highways, alleys, or railroads; mean low water or center lines, as indicated, of streams, ponds, drainage ditches, or other natural and manmade bodies of water; or property lines shall be construed to follow such lines.
- B. Boundaries indicated as parallel to or extensions of features indicated in subsection A above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- C. If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the size of the scale shown on the official zoning map.
- D. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of Article VIII.
- E. Where the exact location of district boundaries is not clear after application of the rules presented, the Board of Zoning Appeals shall hear and decide such questions in accordance with the provisions of Article VIII.

I-7 Application of District Regulations. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied, and no building or part thereof



shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.

- B. No building shall hereafter be erected, constructed, or altered so as to exceed height or bulk limits, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required.
- C. No new yard or lot shall hereafter be created nor shall any yard or lot existing at the time of enactment of this ordinance be altered so that width, depth, or area requirements; front side, or rear requirements; or other requirements of this ordinance are not maintained, except when a portion of a lot is acquired for public use.
- D. Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six (6) months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.

I-8 General Performance Criteria. The following standards shall apply in all zoning districts west of Rt. 13 in the Town of Onley:

- A. All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years, in accordance with the provisions of the Accomack County Health Code.
- B. Any land disturbing activity exceeding 2,500 square feet, including construction of all single family houses, septic tanks and drainfields, shall comply with the requirements of the Accomack County Erosion and Sediment Control Ordinance.

## **Article II - Definitions**

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

Accessory Use or Structure: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. This definition of accessory structure shall include satellite dishes.

Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a

numbered lot on any recorded subdivision plat.

Administrator, The: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing plants, dairies, or similar uses.

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

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

Apartment House: A building used or intended to be used as the residence of three (3) or more families living independently of each other.

Automobile Graveyard: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found. (Code of Virginia, Section 33.1-348)

Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for purposes of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

Bed and Breakfast House: A dwelling where lodging and breakfast is provided for compensation for up to six (6) persons (in contradistinction to hotels, boarding houses and tourist houses) and open to transients. Up to one person may be hired to assist in the operation of the establishment.

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

Boarding House: A building where, for compensation, lodging and meals are provided for at least six (6) and up to ten (10) persons.

Buffer Area: An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land



disturbances.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

Building, Height of: 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 (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.

Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

Chesapeake Bay Preservation Area (CBPA): Any land designated by the Onley Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

Commission, The: The Planning Commission of the Town of Onley, Virginia.

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

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

Development: The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

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

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

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

Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, travel trailers, and manufactured and mobile homes.

Multiple-Family: A structure arranged or designed to be occupied by more than two (2) families.

Single-Family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling Unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.

Frontage: The minimum width of a lot measured from one (1) side line to the other along a straight building setback line as defined as required herein.

Garage, Private: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) 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.

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 Onley, Virginia.

Historical Area: An area indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.

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 profession carried on in a dwelling unit or on the premises thereof, provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.



- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit or twenty-five (25) percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area. The sign must have a white background with black trim. Letters must be in black and must be no more than three inches in height.
- D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Bed and breakfast houses, boarding and rooming houses, tourist homes and private education institutions, the conducting of a beauty or barber shop, tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, real estate office, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

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

Infill: Utilization of vacant land in previously developed areas.

Kennel: Any place in which more than three (3) dogs, more than six (6) months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.

Land Disturbance: Any activity causing a land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto other lands, including, but not limited to, clearing, grading, excavating, transporting and filling of land; except that this term shall not apply to minor activities such as home gardening, individual home landscaping, and home repairs and maintenance.

Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures

and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

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

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Interior: Any lot other than a corner lot.

Lot, Width: The width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.

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

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.

Manufactured Home: A structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width and is forty (40) or more feet in length, or when erected on site, is three-hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical conditions contained therein. The term "mobile home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia, Section 36-85.16 et seq., by the term "manufactured home."

Manufactured Home Park or Subdivision: Any area designed to accommodate two (2) or more manufactured homes intended for residential use where residence is in manufactured homes exclusively.

Mobile Home: A transportable, factory built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (This definition shall not include motor homes and travel trailers.)

Motor Home: Every private motor vehicle with a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings.



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

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

Nonconforming Structure: An otherwise legal building or structure that does not conform with 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.

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

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

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

Office: For the purpose of this ordinance offices are defined as a building, room or suite in which services, clerical work, professional duties or the like are carried out.

Parking Space: A permanently maintained area, enclosed or unenclosed, sufficient in size to store one (1) standard size automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

Parking Area, Off-Street: Parking (as defined in II-68) space provided for vehicles outside the dedicated street right-of-way.

Plan of Development: The process for site plan review to ensure compliance with Section 10.1-2109 of the Code of Virginia and Section III-5.12 of this Zoning Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.

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

Transportation.

Public Water and Sewer Systems: A water or sewer system owned and operated by the Town of Onley 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.

Recreational Vehicle: Vehicular-type structure designed as temporary living accommodations for recreation, camping, and travel use. There are four (4) basic types of recreational vehicles: travel trailers, motor homes, truck campers, and camping trailers.

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

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

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

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

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

Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, 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.

Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

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



Sign: Any display of any letters, words, numerals, figures, device, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

Business. A sign which directs attention to a product, commodity, or service available on the premises.

Home Occupation. A sign not exceeding one (1) square foot in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling. The sign must have a white background with black trim. Letters must be in black and no more than three inches in height.

Home Identification. A sign not exceeding four (4) square feet in area identifying an individual dwelling, property, or occupants' name. Said sign shall not be located any closer than five (5) feet to any property line.

General Advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.

Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

Directional. A directional sign which indicates the direction to which attention is called four (4) square feet or less in area, giving the name only of the farm or business responsible for the erection of same, one end of which may be pointed, or on which an arrow may be painted.

Identification. A sign, not exceeding sixteen (16) square feet in area, for the purpose of showing the name and use of a convent, monastery, seminary, church, country club, sanitarium, cemetery, children's home, orphanage, fraternal organization, hospital, or other similar establishment, when such use is permitted in a residential zone as specified in this article and such sign is erected or displayed on the property as identified.

Real Estate. A sign not exceeding four (4) square feet in area identifying a particular property for sale.

Temporary. A sign not exceeding four (4) square feet in area applying to a seasonal or other brief activity such as, but not limited to, yard sales, horse shows, or auctions.

Sign Structure: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

Store: See Item II-72, Retail Stores and Shops.

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 is 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, Road: A public thoroughfare, except an alley or driveway, which affords principal means of access to abutting property.

Street Line: The dividing line between a street or road right-of-way and the contiguous property.

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.

Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.

Travel Trailer: Vehicular structure mounted on wheels which is designed as temporary living accommodations for recreation, camping, and travel use and can be easily towed by automobile or small truck and does not require special highway movement permits.

Truck Camper: Portable structure designed to be loaded onto or affixed to the bed or chassis of a truck. Designed to be used as temporary living accommodations for recreation, camping, and travel use.

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

Variance: A variance is a reasonable deviation, granted by the Board of Zoning Appeals, from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk, or location of a building or structure.

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



areas; and (v) fisheries or other marine resources facilities.

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.

Wetlands: Nontidal wetlands.

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

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

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

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

### Article III - Districts

III-1 Enumeration of Districts. For the purpose of this ordinance, the incorporated area of the Town of Onley, Virginia, is hereby divided into the following districts.

Residential:	R-1	page 18
Business, General:	B-G	page 21
Industrial, Limited:	M-1	page 24
Chesapeake Bay Preservation Area Overlay District:	CBPA	page 27




Location of these districts can be found on Map 1, page 15, and on Map 2, page 16.

A graphic illustration of lot terms and yard requirements as defined in Article II and used in the district regulations may be found on Figure 1, page 17.



TOWN OF ONLEY


Map 1  
**Zoning Map**

-  Residential
-  Business
-  Industrial






TOWN OF ONLEY  
Map 2  
Chesapeake Bay Preservation Area  
Overlay District

 Resource Management Area

Resource Protection Areas

 Perennial Stream

 Buffer Zone



Figure 1

ILLUSTRATION OF LOT TERMS

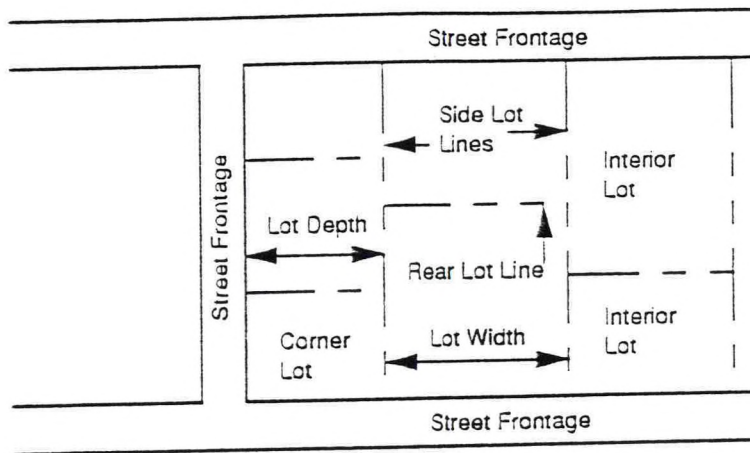
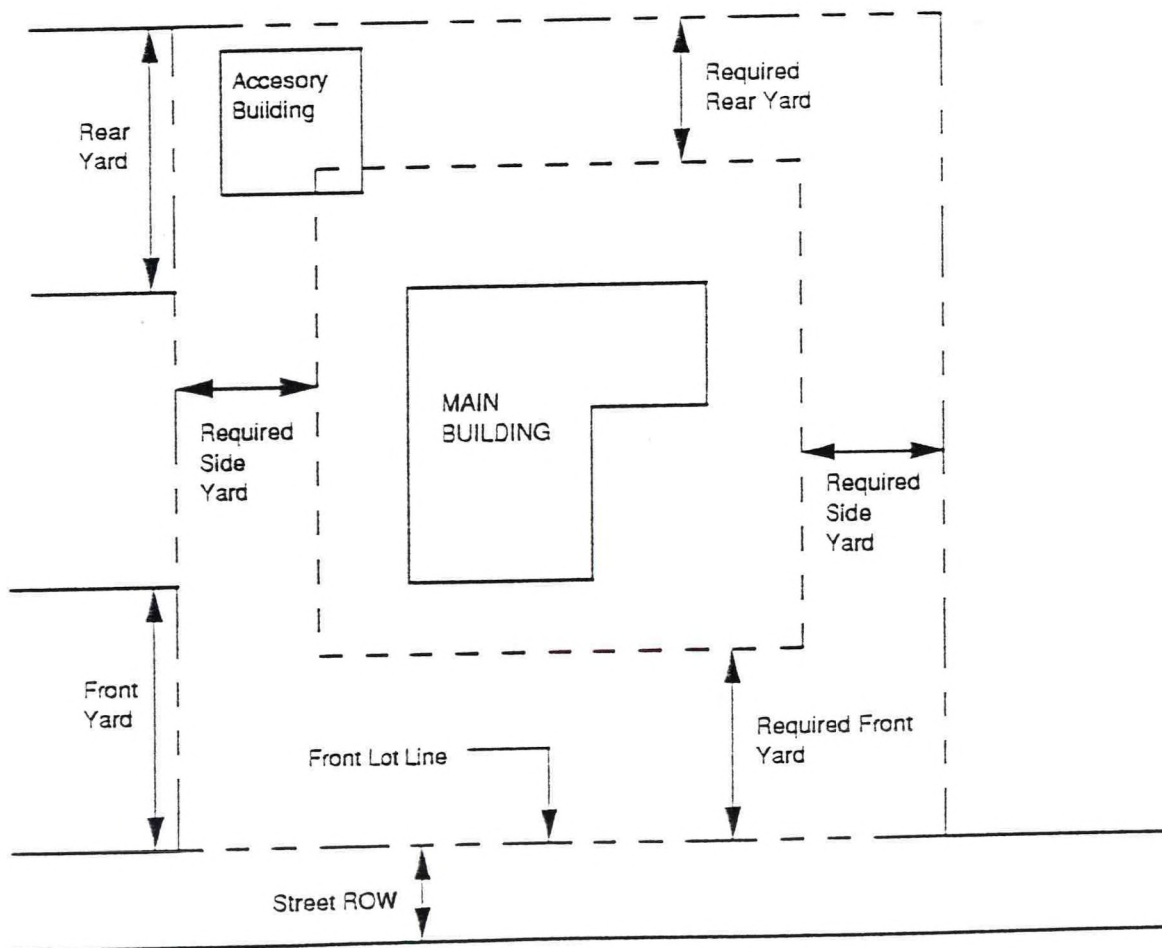


ILLUSTRATION OF REQUIRED YARDS





### **III-2 Residential District, R-1**

III-2.1 Statement of Intent. This district is composed of certain quiet, low-to-medium-density residential areas plus certain open areas where similar residential development is recommended to occur by the Town of Onley Town Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life where there are children. To these ends, development is limited to a relatively medium concentration; and permitted uses are basically limited to single-unit dwellings providing homes for the residents, plus certain additional uses, such as parks, and certain public facilities that serve the residents of the district. This area is represented as R-1 on page 15 of the Town of Onley, Virginia, Zoning Ordinance and as Residential on the Future Land Use Map in the Onley Town Plan.

III-2.2 Principal Permitted Uses and Structures. The following uses shall be permitted subject to all the other requirements of this ordinance as a matter of right in Residential District (R-1).

- A. Single-Family Dwellings.
- B. Two-Family Dwellings.
- C. Kindergartens in a building.
- D. Churches in a building.
- E. Public Parks and Playgrounds.
- F. Accessory Buildings, including Satellite Dishes.
- G. Public Utilities: Signs, poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- H. Residential Swimming Pools, provided that same are located no closer than ten (10) feet to any adjoining property line, and provided that any swimming pool with a depth of twenty-four (24) inches or more, whether below or above grade, fixed or movable, shall be enclosed by independent fencing and gates at least five (5) feet high with a mesh no larger than six (6) inches.  
  
Swimming pools not in conformity with the foregoing require a Special Use Permit.
- I. Home identification signs as defined in Article II and in compliance with Article IV of this Ordinance.

- J. Identification signs as defined in Article II and in compliance with Article IV of this Ordinance.
- K. Real estate signs as defined in Article II and in compliance with Article IV of this Ordinance.
- L. Temporary signs as defined in Article II and in compliance with Article IV of this Ordinance.

III-2.3 Special Exceptions. The following uses shall be permitted in Residential District (R-1), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the Town Council.

- A. Three-Family Dwellings.
- B. Four-Family Dwellings.
- C. Home Occupations as defined in Section II, and Home Occupation signs as defined in Article II and in compliance with Article IV of this Ordinance.
- D. Bed and Breakfast Houses.
- E. Tourist Homes.
- F. Swimming pools not in conformity with Section III-2.2H.

III-2.4 Area Regulations. The minimum lot area required for a permitted use in the "R-1" district is twenty thousand (20,000) square feet. For lots containing or intended to contain a two-family dwelling unit the minimum lot size shall be twenty-two thousand (22,000) square feet. The required area for any such use shall be approved by the Accomack County health official. The administrator may require a greater area if considered necessary by the health official.

III-2.5 Setback Regulations. Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need be set back more than the average of the setbacks of the two adjacent structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the "setback line."

III-2.6 Frontage Regulations. For permitted uses the minimum lot width measured along a street at the setback line shall be one hundred (100) feet or more. For each additional dwelling unit



there shall be at least ten (10) feet of additional lot width at the setback line.

III-2.7 Yard Regulations.

Side: The minimum side yard shall be fifteen (15) feet or more. A one story accessory building shall have a side yard of three (3) feet or more and any accessory building over 1 story in height shall be ten (10) feet or more from any lot line, except that any satellite dish shall be five (5) feet or more from any side lot line.

Rear: Each main building shall have a rear yard of thirty-five (35) feet or more. A one story accessory building shall have a rear yard of three (3) feet or more and each accessory building over 1 story shall be ten (10) feet or more from any lot line.

III-2.8 Height Regulations. Buildings may be erected up to 35 feet and two and one-half (2 1/2) stories in height except that:

- A. The height limit for main buildings may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is fifteen (15) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.
- B. A church may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- C. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- D. Accessory buildings and satellite dishes shall be limited to two (2) stories or twenty-five (25) feet in height.

III-2.9 Access. Each dwelling unit shall front on a dedicated public street or a fifteen (15) foot minimum width access easement.

III-2.10 Fencing Regulations. Fences may be erected upon the issuance of a zoning permit, subject to all other requirements of this ordinance.

- A. Fences may be erected up to ten (10) feet in height.
- B. Fences may be placed on the property line upon agreement between adjacent property

owners; otherwise fencing shall be set back one (1) foot from the property line.

- C. Type of construction and materials for fencing shall be subject to approval by the zoning administrator.

#### III-2.11 Special Provisions for Corner Lots.

- A. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- B. The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

III-2.12 Special Provisions for Satellite Television Reception. Satellite television reception facilities must be located in the rear yard of the main building which the facility serves and must comply with all other setback, yard, property line, and height requirements herein.

### **III-3 Business, General District, B-G**

III-3.1 Statement of Intent. This district is intended to provide for the conduct of general business to which the public requires direct and frequent access without detracting from adjacent residential desirability. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants, and public buildings. The regulations for this district are designed to protect adjacent residential uses from undue disruption while providing convenience of goods and services.

This area is represented as B-G on page 15 of the Town of Onley, Virginia, Zoning Ordinance and as Business on the Future Land Use Map in the Onley Town Plan.

III-3.2 Principal Permitted Uses and Structures. The following uses shall be permitted by right.

- A. Retail Services Stores.
- B. Retail Sales Stores.
- C. Bakeries.
- D. Dry Cleaners.
- E. Public Storage under cover.



- F. Post offices, County offices, Town offices, and other similar public uses.
- G. Barber and Beauty Shops.
- H. Theaters and Assembly Halls.
- I. Hotels, Motels, and Inns.
- J. Office Buildings.
- K. Churches.
- L. Libraries.
- M. Service Stations with major repair under cover.
- N. Banks and Lending Institutions.
- O. Clubs and Lodges.
- P. Auto Sales and Service.
- Q. Restaurants.
- R. Residential Apartments above stores.
- S. Public Utilities: Signs, poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- T. Virginia ABC Stores.
- U. Business signs not affixed to the building in which the business is conducted shall be permitted only upon the specific premises where the business is located, provided that no business shall have more than one (1) sign and said sign shall not exceed thirty-two (32) square feet in area. Signs shall not exceed a height of twenty (20) feet above ground level. Larger or higher signs may be allowed with a special use permit.
- V. Signs or a combination of letters may be attached to a building or structure, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of the specific business conducted therein.
- W. Directional signs, as defined in Article II and in compliance with Article IV of this Ordinance.

- X. Identification signs not exceeding sixteen (16) square feet in area.
- Y. Church bulletin boards and church identification signs for church activities not exceeding sixteen (16) square feet in area.

III-3.3 Special Exceptions. The following uses may be allowed in Business, General District, B-G, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest.
- B. Any use provided for in Industrial District, M-1.
- C. Any use not specified.

III-3.4 Area Regulations. None; except for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Accomack County health official.

III-3.5 Frontage and Yard Regulations. None, except for permitted uses adjoining or adjacent to a residential district, the minimum side yard or rear yard shall be twenty-five (25) feet, and off-street parking shall be in accordance with the provisions contained herein.

III-3.6 Height Regulations. Buildings may be erected to a height of forty-five (45) feet and three (3) stories, except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.

III-3.7 Access. Each main building shall front on a dedicated public street or a fifteen (15) foot



minimum width access easement.

### **III-4 Industrial, Limited District, M-1**

III-4.1 Statement of Intent. The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to locate in any area adjacent to residential uses. The limitations and provisions hereof are imposed to protect and foster adjacent residential and/or business desirability while permitting industries to locate in a proper area. This area is represented as M-1 on page 15 of the Town of Onley, Virginia, Zoning Ordinance and as Industrial on the Future Land Use Map in the Onley Town Plan.

III-4.2 Principal Permitted Uses and Structures. The following uses shall be permitted by right:

- A. All Uses Permitted in Business, General District, B-G.
- B. 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.
- C. Automobile assembly, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.
- D. Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40)-ton rated capacity and drop hammers.
- E. Laboratories - pharmaceutical and/or medical.
- F. Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- G. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- H. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- I. Building materials sales yards, plumbing supplies storage.
- J. Coal and wood yards, lumber yards, feed and seed stores.
- K. Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.

- L. Cabinets, furniture, and upholstery shops.
- M. Boat building.
- N. Monumental stone works.
- O. Airports, with a special use permit.
- P. Wholesale businesses, storage warehouses.
- Q. Off-street parking as required by this ordinance.
- R. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- S. Business signs not affixed to the building in which the business is conducted shall be permitted only upon the specific premises where the business is located, provided that no business shall have more than one (1) sign and said sign shall not exceed thirty-two (32) square feet in area. Signs shall not exceed a height of twenty (20) feet above ground level. Larger or higher signs may be allowed with a special use permit.
- T. Laundries, laundromats, dry cleaning establishments.

#### III-4.3 Requirements for Permitted Uses.

- A. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, site plans shall be submitted to the Zoning Administrator in accordance with the requirements of Section III-5.12, Plan of Development Process, of this Ordinance. The administrator may refer these plans to the planning commission for recommendation. Modification of the plans may be required.
- B. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation may be exempt from this provision. This exception does not include storage of any materials.
- C. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet and to within fifty (50) feet from the corner of any intersecting streets.



- D. Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential districts, and (b) for off-street parking of vehicles incidental to the industry, its employees and clients.
- E. Permitted uses within this district must control storm water runoff by approved measures so that water runoff will not be harmful to either the residential or business districts. Plans for storm water management must be approved by the zoning administrator before a building permit is issued.
- F. Automobile graveyards and junkyards in existence on February 4, 1970 are to be considered as nonconforming uses. They shall be allowed up to one (1) year from February 4, 1970 in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge six (6) feet in height.

III-4.4 Area Regulations. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Accomack County health official.

III-4.5 Setback Regulations. Buildings shall be located twenty (20) feet or more from any street right of way. This shall be known as the "setback line."

III-4.6 Frontage and Yard Regulations. For permitted uses the minimum side and rear yards shall be twenty (20) feet. For permitted uses adjoining or adjacent to a residential or business district the minimum side and/or rear yard shall be fifty (50) feet. The side yard of corner lots shall be twenty (20) feet or more. Off-street parking shall be in accordance with the provisions contained herein.

III-4.7 Height Regulations. Buildings may be erected up to a height of forty-five (45) feet above grade. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

III-4.8 Coverage Regulations. Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the lot but must comply with all other provisions of this article.

### **III-5 Chesapeake Bay Preservation Area Overlay District, CBPA**

#### III-5.1 Statement of Intent.

- A. This article is enacted to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act) as part of the Town of Onley Zoning Ordinance. The intent of the Onley Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Onley.
- B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in the Town of Onley Zoning Ordinance Section III-5.12, Plan of Development Process, the Accomack County Erosion and Sediment Control Ordinance, and the Accomack County Building Code, including all grading permits and building permits, shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

III-5.2 Authority. This Article is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia. Section 15.1-489 states that zoning ordinances shall be designed to give reasonable consideration to the preservation of lands significant for the protection of the natural environment, and that such zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-44.85 (8)."

III-5.3 Conflict with Other Regulations. In any case where the requirements of this Article conflict with any other provision of the Town of Onley Code, whichever provision imposes the more stringent restrictions shall apply.

III-5.4 Definitions. The words and terms used in the Overlay District have the meanings which are defined in Article II, Definitions, of the Town of Onley Zoning Ordinance, unless the context clearly indicates otherwise.



III-5.5 Application of CBPA District.

- A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Onley Town Council and as shown on the Town of Onley Chesapeake Bay Preservation Area Map. The Chesapeake Bay Preservation Area Overlay District is composed of a Resource Protection Area and a Resource Management Area.
  - 1. Resource Protection Areas include the following land category, the protection of which is necessary to protect the quality of state waters: a 100-foot vegetated buffer area located adjacent to and landward of the tributary stream known as Joynes Branch.
  - 2. Resource Management Areas are generally composed of the land east of Greenwood Drive to the west side of the RPA and lake, and the land located 200 feet west of Greenwood Drive, 700 ft. south of Elm Street, and 200 ft. east of Lakewood Drive.
- B. The Town of Onley Chesapeake Bay Preservation Area Map on page 16 of this Ordinance shows the general location of CBPAs and should be consulted by persons contemplating activities within the Town of Onley prior to engaging in a regulated activity.

III-5.6 Interpretation of Resource Protection Area Boundaries.

- A. Delineation by the Applicant. The site-specific boundaries of the Resource Protection Area shall ordinarily be determined by the applicant and in accordance with Section III-5.12, Plan of Development Process, of this Article.
- B. Delineation by the Zoning Administrator. The Zoning Administrator, when requested by an applicant wishing to construct a single family residence, may perform the delineation. The Zoning Administrator may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.
- C. Where Conflict Arises Over Delineation. Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with Section III-5.12, Plan of Development Process, of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section III-5.12.C.

III-5.7 Use Regulations. Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

III-5.8 Lot Size. Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the RPA to accommodate an intended development, in accordance with the performance standards in Section III-5.10, Performance Standards, when such development is not otherwise allowed in the RPA.

III-5.9. Required Conditions.

- A. Development in RPAs may be allowed only if it: (i) is water-dependent; or (ii) constitutes redevelopment. A new or expanded water-dependent facility may be allowed provided that:
  - 1. It does not conflict with the Onley Town Plan;
  - 2. It complies with the performance criteria set forth in Section III-5.10 of this Article;
  - 3. Any non-water-dependent component is located outside of Resource Protection Areas;
  - 4. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.
- B. A water quality impact assessment shall be required for any proposed development or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section III-5.11, Water Quality Impact Assessment, of this Article.
- C. Redevelopment shall conform to applicable stormwater management and erosion and sediment control criteria as set forth in Section III-5.10 of this Article.

III-5.10. Performance Standards.

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

The purpose and intent of these requirements are also to implement the following



objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.

B. General Performance Standards for Development and Redevelopment in Chesapeake Bay Preservation Areas.

1. All development exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, in accordance with Section III-5.12, Plan of Development Process, of this Article.
2. Land disturbance shall be limited to the area necessary to provide for the desired use or development.
  - a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.
  - b. Impervious cover shall be minimized consistent with the use or development allowed.
  - c. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.
3. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.
  - a. Existing trees over six (6) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.
  - b. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator.
4. Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
  - a. Pervious material shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Zoning

Administrator.

5. Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of the Accomack County Erosion and Sediment Control Ordinance.
6. All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years.
7. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.
8. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
  - a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay watershed (0.45 pounds of phosphorous per acre per year) or as calculated by the Eastern Shore Soil and Water Conservation District for the Town of Onley, whichever is greater;
  - b. For sites within isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, but in no case may the post-development nonpoint source pollution runoff load exceed the pre-development load.
  - c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
9. Prior to initiating grading or other on-site activities on any portion of a lot or



parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section III-5.12, Plan of Development Process, of this Article.

10. Land in CBPAs upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District.

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

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. Generally, the buffer area shall be measured 100 feet landward from that point where there is a distinct change from predominantly wetland vegetation to non-wetland vegetation. The full buffer area shall be designated as the landward component of the RPA.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full 100-foot buffer area may be employed in lieu of the 100-foot buffer if approved by the Zoning Administrator after consideration of the Water Quality Impact Assessment, in accordance with Section III-5.11 of this Article.

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

1. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:
  - a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

- b. Any path shall be constructed and surfaced so as to effectively control erosion.
  - c. Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the best available technical information, which can be obtained from the local State Forester and County Extension Office.
  - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
2. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may modify the buffer area in accordance with the following criteria:
- a. Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - b. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
  - c. In no case shall the reduced portion of the buffer area be less than 50 feet in width without an exception pursuant to Section III-5.15.
3. On agricultural lands within the RPA the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:
- a. To a minimum width of 50 feet when the adjacent land is implementing a federal, state, or locally-funded agricultural best management practices program, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100 foot buffer area;
  - b. To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the local Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the



Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Article.

- c. The buffer area is not required for agricultural drainage ditches within designated RPAs if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District.

### III-5.11. Water Quality Impact Assessment.

- A. Purpose and Intent. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within Resource Protection Areas and other environmentally sensitive lands; ensure that, where development does take place within Resource Protection Areas, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of Resource Protection Areas; and specify mitigation which will address water quality protection.
- B. Water Quality Impact Assessment Required. A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, is required for:
  1. Any proposed development or redevelopment within a Resource Protection Area, including any buffer area modification or reduction as provided for in Section III-5.10.C of this Article.
  2. Any proposed development or redevelopment in the RMA if deemed necessary by the Zoning Administrator due to unique characteristics of the site or intensity of the proposed development.
- C. Contents of a Water Quality Impact Assessment. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The information required in this section shall be considered a minimum, unless the Zoning Administrator determines that some of the elements are unnecessary due to the nature and scope of the proposed use and development of land. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:
  1. Location of the components of the RPA, including the one hundred (100) foot RPA buffer.
  2. Location and nature of any proposed encroachments into the RPA buffer area including the type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.

3. Type and location of any proposed encroachments into the RPA buffer area including the type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
4. Calculation of pre- and post-development pollutant loading in accordance with Section III-5.10.B(7).
5. Identification and status of any required wetlands permits from federal, state or local agencies.
6. An erosion and sediment control plan in accordance with the requirements of Accomack County's Erosion and Sediment Control Ordinance.

D. Evaluation Procedure.

1. The Zoning Administrator may request review of the water quality impact assessment by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by CBLAD will be considered by the Planning Commission provided that such comments are provided by CBLAD within thirty (30) days of the request.
2. Upon the completed review of a water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the purpose and intent of this Article or if the proposed development is consistent with the purpose and intent of this Article. The Zoning Administrator will make a finding based on the following criteria in conjunction with Sec. III-5.12:
  - a. The necessity of the proposed encroachment into the buffer area and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - b. Within any RPA, the proposed development is water-dependent;
  - c. The disturbance of wetlands will be minimized;
  - d. Impervious surface is minimized;
  - e. The development, as proposed, meets the purpose and intent of this Article;
  - f. Proposed erosion and sediment control devices are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - g. Proposed best management practices, where required, or proposed stormwater management facilities and practices are adequate to control the



stormwater runoff to achieve the required standard for pollutant control;

- h. The development will not result in unnecessary destruction of plant materials on site;
- i. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

III-5.12. Plan of Development Process. Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of a site or the issuance of any building permit, to assure compliance with all applicable requirements of this Ordinance. The plan of development process shall generally be satisfied by the approval of a site plan, or a plot plan in accordance with the provisions in III-5.12.A and any additional plans or studies as required by the Administrator.

A. Plot Plans. One copy of a plot plan drawn to scale for individual single-family dwellings or accessory structures for single-family residences or for commercial development which results in a land disturbance less than 10,000 square feet and which will result in an area of impervious surface of less than 16 percent of any lot or parcel, shall be submitted to the designated authority for review and approval. Any encroachment into an RPA shall require an applicant to prepare a site plan as outlined in § III-5.12.B below, including the submission of a water quality impact assessment in accordance with Article III-5.11 of this Article.

- 1. Required Information. At a minimum, the plot plan shall be drawn to scale and contain the following information:
  - a. A boundary survey of the site drawn to scale or site drawing showing the north arrow and property line boundaries and distances.
  - b. Area of the lot/parcel.
  - c. Location, dimensions, and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
  - d. Location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way.
  - e. Dimensions and location of all existing driveways, parking areas, or other impervious surfaces.
  - f. Location of all existing and proposed septic tanks and drainfield areas

including reserve areas required according to § III-5.10.B(6) and the location of all existing and proposed wells.

7. Limits of clearing and grading.
8. Specifications for the protection of existing trees and vegetation during clearing, grading, and all phases of construction.
9. Location of Resource Protection Area (RPA) boundary, as specified in § III-5.6 of this Article, including any additional required buffer areas.
10. Location of all erosion and sediment control devices.
11. Amount of impervious surface proposed for the site.

B. Site Plan. A site plan for any proposed development which will result in 10,000 square feet of land disturbance or greater, or any industrial development proposal shall be submitted to the designated authority for review and approval. Any encroachment into an RPA shall require an applicant to submit a water quality impact assessment in accordance with Section III-5.11 of this Article.

1. Required Information. The applicant shall submit six (6) prints at a scale of one hundred (100) feet to the inch of the site plan to the designated authority. At a minimum, the site plan shall contain the information required for a plot plan above and the following additional information:
  - a. The proposed title of the project and the names and addresses of the professional(s) preparing the plan, the owner or owners of record, and the applicant, if different, and a signature panel for the designated authority's approval.
  - b. Site boundaries, north arrow, scale, the present zoning and current use of the property and all contiguous or abutting parcels.
  - c. Existing topography with a maximum contour interval of two (2) feet.
  - d. All wetlands permits required by law.
  - e. Limits of existing floodplains.
  - f. Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on the site plan, including the location of all wooded areas before development, the proposed limits of clearing and all trees to be preserved in accordance with Section III-5.10.B(2) of this Article.



- g. Public sanitary sewer system, public water mains and fire hydrants.
  - h. Slopes, terraces, retaining walls, fencing and screening within required yards, and any shoreline stabilization structures.
  - i. Plans for collecting and depositing stormwater and method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.
  - j. Stormwater management plan which shows the following:
    - 1. Location and design of all planned stormwater control devices.
    - 2. Procedures for implementing non-structural stormwater control practices and techniques.
    - 3. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations.
    - 4. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.
    - 5. The plan shall include a guarantee from the property owner that he or she and subsequent owners shall be responsible for any necessary maintenance or repairs.
- C. Review by Administrator. The administrator shall review plot plans, site plans and subdivision plans for compliance with all requirements of this Ordinance. Within sixty (60) days of submission of a plot plan, site plan, or subdivision plan, the applicant shall be advised in writing, by formal letter or by legible markings on the plan, of any additional data that may be required or improvements that need to be made for compliance with this Ordinance.
- D. Denial of Plan, Appeal of Conditions or Modifications. In the event the plot plan or site plan is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Town Council. In granting an appeal, the Town Council must find such plan in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of this Ordinance. If the Town Council finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

III-5.13 Nonconformities. The lawful use of a building or structure which existed on the effective date of this Article or which exists at the time of any amendment of this Article, and which is not in conformity with new provisions of this Overlay District may be continued in accordance the following provisions and the provisions in this Ordinance for Nonconforming Uses.

- A. No change or expansion of use of an existing nonconforming structure shall be allowed with the exception that the Administrator may grant an application for existing structures on lots or parcels to provide for remodeling and alterations or additions to such nonconforming structures in accordance with Article VI of this Ordinance, provided that:
  - 1. The alteration, use, improvement, or minor expansion of an existing structure does not increase the non-point source pollution load or degrade the quality of surface waters, and encroachment into the buffer area is minimized.
  - 2. Any development, redevelopment, or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of the Accomack County Erosion and Sediment Control Ordinance.
- B. Unimproved nonconforming lots of record at the time of the effective date of this Ordinance which are of insufficient size to meet the minimum requirements of this Ordinance regarding area, frontage, setbacks, width, depth, side and rear yards, or Buffer Area requirements may be used as permitted by this Article or the regulations for the underlying district in which the lot is located, subject to the following:
  - 1. Lots must comply with all minimum zoning requirements, provisions, and other applicable ordinances in effect on the date such lot was recorded, and
  - 2. When the application of the full 100 foot buffer area would result in the loss of buildable area on a lot or parcel recorded prior to October 1, 1989 the Administrator may modify the buffer area in accordance with the following:
    - a. Reduction of the buffer area shall be the minimum necessary to achieve a reasonable buildable area for the principle structure and necessary utilities; and
    - b. Where possible, an area equal to the reduction of the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
    - c. In any case where a 50 foot buffer area cannot be maintained, an applicant may request a variance in accordance with Section III-5.15 below.
- C. An application to alter or expand a nonconforming use shall be made to and upon forms furnished by the Administrator and shall include for the purpose of proper enforcement



of this Article the following information:

1. Name and address of applicant and property owner.
  2. Legal description of the property and type of proposed use and development.
  3. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area.
  4. Location and description of any existing private water supply or sewage system.
- D. Approved applications shall become null and void twelve months from the date issued if no substantial work has commenced.

#### III-5.14 Exemptions.

A. Exemptions for Utilities, Railroads, and Public Roads.

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

B. Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the Overlay District provided that:

1. To the degree possible, the location of such utilities and facilities shall be outside RPAs;

2. No more land shall be disturbed than is necessary to provide for the desired utility installation;
  3. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
  4. Any land disturbance exceeding an area of 2,500 square feet complies with all Accomack County erosion and sediment control requirements.
- C. Exemptions for Forestry Activities. Forestry activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations."
- D. Exemptions in Resource Protection Areas. The following land disturbances in Resource Protection Areas may be exempted from the Overlay District: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:
1. Any required permits, except those to which this exemption specifically applies, shall have been issued;
  2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
  3. The intended use does not conflict with nearby planned or approved uses; and
  4. Any land disturbance exceeding an area of 2500 square feet shall comply with all Accomack County erosion and sediment control requirements.

III-5.15 Exceptions.

- A. A request for an exception to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of Section III-5.11.
- B. The Zoning Administrator shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Zoning Administrator finds:



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

## **Article IV - Sign Regulations**

IV-1 Statement of Purpose. The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the Town, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.

IV-2 Outdoor Advertising Regulations. No person except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain, or fasten any sign, pennant, flags, outdoor advertising signs, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

IV-3 Height Regulations. Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher.

### IV-4 General Regulations.

IV-4.1. Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

IV-4.2. No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway.

IV-4.3. No sign will be erected which advertises any activities which are illegal under State or Federal law or regulations in effect at the location of such sign or at the location of such activities.

IV-4.4. No sign will be erected which is inconsistent with State law or the provisions of this ordinance.

IV-4.5. No sign will be erected which involves noise, motion or rotation of any part of the structure or displays intermittent or flashing lights, without a Special Use Permit from the governing body.

IV-4.6. Signs that are larger or higher than provided in this ordinance may be allowed with a special use permit granted by the governing body.



IV-5 Nonconforming Signs. Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. Such nonconforming signs shall comply in all respects with the requirements of Article VI relating to nonconforming uses.

If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of Article IV.

## **Article V - Off-Street Parking**

V-1 Statement of Intent. The schedule below shall control the provision of parking spaces in the various Town zoning districts. The purpose of off-street parking provisions is to insure adequate access to any part of the Town by fire and emergency medical services, and to promote the economic well-being of the Town by creating a pleasant shopping climate.

V-2 Parking Space Size. Parking space size shall be a maximum of 162 square feet with a width of 9 feet and a length of 18 feet and a minimum of 91 square feet with a width of 7 feet and a length of 13 feet. Parking spaces required for the handicapped shall be 200 square feet with a width of 10 feet and a length of 20 feet.

### V-3 Schedule of Off-Street Parking.

<u>Districts</u>	<u>Off-Street Parking Requirements</u>
R-1	Two (2) parking spaces per dwelling unit.
B-G	One (1) parking space for each one hundred (100) square feet of gross floor area or fraction thereof.
M-1	One (1) parking space for each one hundred (100) square feet of gross floor area or fraction thereof.

V-4 Additional Requirements. The following uses are controlled separately from the above district-wide off-street parking regulations.

V-4.1. For churches, high schools, theaters, general auditoriums, and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.

V-4.2. For medical and dental offices, at least ten (10) parking spaces. Three (3)

additional parking spaces shall be furnished for each doctor or dentist in such offices in excess of three doctors or dentists.

V-4.3. For fraternal lodges, hunting clubs, golf courses, and country clubs, at least twenty-five (25) parking spaces shall be provided. Additional parking may be required by the Zoning Administrator.

V-4.4. For post offices at least one (1) for each fifty (50) box holders but not less than ten (10) spaces.

V-4.5. For restaurants at least one (1) parking space per table or booth plus six (6) for employees.

V-4.6. For tourist homes and motels, at least one (1) parking space for each accommodation, provided on the lot.

V-4.7. For tourist courts, apartments, and apartment motels, at least one (1) parking space for each individual sleeping or living unit. For hotels and apartment motels, at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20).

V-5. Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred (600) feet. Every parcel of land hereafter used as public parking areas shall be surfaced with gravel, stone, asphalt, or concrete. It shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate said parking areas shall be arranged so as to reflect the light away from the adjoining premises in a residential district.

V-6. Minimum Requirements for Handicapped Access.

<u>Total Parking Spaces in Lot</u>	<u>Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total



Parking spaces for handicapped persons shall have a minimum dimension of ten by twenty feet and shall be clearly marked "Handicapped Parking Only."

## **Article VI - Nonconforming Lots**

VI-1 Statement of Intent. Unimproved nonconforming lots of record at the time of the effective date of this Ordinance which are of insufficient size to meet the minimum requirements of this ordinance regarding area, frontage, setbacks, width, depth, side and rear yard requirements may be used as permitted by this Article or the regulations for the underlying district in which the lot is located, subject to certain conditions.

VI-2. Lots must comply with all minimum zoning requirements and other applicable ordinances in effect on the date such lot is located.

VI-3. The use of such nonconforming lots shall be subject to the requirements of the Board of Zoning Appeals as to setbacks, side yards and rear yards for same, and other provisions of this ordinance pertaining thereto.

### VI-4 Procedure.

VI-4.1. An application for a permit for the use of a nonconforming lot shall be made to the Board of Zoning Appeals through the Zoning Administrator, which application shall contain information as follows:

- A. Name and address of applicant and property owner
- B. Legal description of the property and a copy of the plat of survey thereof, showing date of recordation, if any
- C. Type of use proposed for the property
- D. A sketch of the lot showing dimensions thereof and proposed location of structures thereon, in relation to streets, lot lines, Chesapeake Bay Preservation Areas (if applicable), structures on adjoining properties, and the location of proposed water supply and septic system the lot and the location of such systems on adjoining

lots.

VI-4.2. The Board of Zoning Appeals shall consider the application as it would an application for a variance, and after holding a public hearing following due advertisement thereof, the Board may grant the right to use said lot subject to reasonable requirements imposed by it relative to setback, side yard, rear yard, and other provisions of this ordinance pertaining thereto.

## **Article VII - Nonconforming Uses**

### VII-1 Continuation.

- VII-1.1. If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is being legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.
- VII-1.2. 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.
- VII-1.3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- VII-1.4. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.
- VII-1.5. Uses, structures, or activities which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment, may be continued. Any such future use, structure, or activity shall conform to the requirements of this ordinance or future amendment.

### VII-2 Procedure.

- VII-2.1. An application for a nonconforming use permit shall be made to and upon forms furnished by the Zoning Administrator and shall include for the purpose of proper enforcement of this Article, the following information:



- A. Name and address of applicant and property owner;
- B. Legal description of the property and type of proposed use and development;
- C. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area for any lot or parcel located within a Chesapeake Bay Preservation Area;
- D. Location and description of any existing private water supply or sewage system.

VII-2.2. Upon determining that same is proper, a nonconforming use permit shall be issued by the Zoning Administrator.

VII-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 (12) consecutive months on ordinary repairs 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 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.

VII-4 Expansion or Enlargement.

VII-4.1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

VII-4.2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

VII-5 Restoration or Replacement.

VII-5.1. If a nonconforming activity is destroyed or damaged in any manner, it shall be restored only if such use complies with the requirements of this ordinance, provided any such restoration is started within twelve (12) months and completed within twenty-four (24) months from the date of damage or destruction.

VII-5.2. If a nonconforming structure is destroyed or damaged in any manner, it shall be restored only within the existing construction footprint. If such a nonconforming structure can be made conforming during reconstruction, then it shall comply with the requirements of this ordinance.

- VII-5.3. When a conforming or nonconforming structure, regardless of use, is damaged to any extent, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

## **Article VIII Administration and Enforcement**

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

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

### VIII-2 Zoning Permits.

VIII-2.1. Buildings or other structures shall be erected, constructed, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the administrator. Fees shall be charged in accordance with Section VII-6 of this Article. The zoning permit shall state that the proposed construction, use, or other activity is in accord with all provisions of this Zoning Ordinance. The Zoning Administrator may promulgate rules determining any additional information that may be required to accompany each application for a permit herein.

VIII-2.2. The Zoning Administrator shall act on any application received within forty-five (45) days after receiving the application, unless the property is located in the Chesapeake Bay Preservation Area. For property located within the Chesapeake Bay Preservation Area, the Zoning Administrator shall act within ninety (90) days upon receipt of the application. If formal notice in writing is given to the applicant, the time for action may be extended as reasonably necessary.

VIII-3 Certificate of Compliance. Land may be used or occupied, and buildings structurally altered or erected may be used or changed in use only after a certificate of compliance has been issued by the administrator. Such a permit 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, changing, or extending a nonconforming use.



A certificate of compliance either for the whole or part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

VIII-4 Required Information. Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing. 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 to the right of way or any street or highway adjoining said parcel of land. Any other information which the Zoning Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

VIII-5 Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two hundred fifty dollars (\$250) or imprisonment in the county jail for not more than thirty (30) days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and shall be enjoined to cease.

VIII-6 Fee Schedule. Fees shall be imposed as follows:

Zoning Ordinance (copy)	\$ 5.00
Zoning Permits:	
R-1 District	\$ 25.00
B-G District	\$ 50.00
M-1 District	\$ 50.00
Certificate of Compliance	\$ 10.00
Nonconforming Use Permit	\$ 10.00
Special Use Permit	\$150.00
Variance	\$150.00
Rezoning	\$500.00
Water Quality Impact Assessment Review	\$150.00

In addition to the foregoing fees, the applicant for any permit, special use permit, variance, rezoning, or water quality impact assessment review shall pay all costs of any required advertisements and notices. All fees and costs paid shall be non-refundable.

## **Article IX Special Use Permits**

IX-1 Statement of Intent. It is recognized in this ordinance that certain uses are not necessarily incompatible with the uses traditionally associated with standard zoning districts, if the proper mitigating conditions are enacted along with the proposed use. Therefore, such uses have been designated as special uses, and have been included in Article III. Such uses are allowed in the associated districts upon the issuance of a Special Use Permit by the Onley Town Council.

IX-2 Procedure. An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:

- A. The applicant shall submit an application to the Zoning Administrator. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met. Accompanying maps showing the site of the proposed use may be required.
- B. The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate and transmit a recommendation to the Town Council.
- C. The Town Council shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, in order to receive public comment and to decide upon the Special Use Permit application. Such public hearing shall be scheduled to coincide with the regularly scheduled Town Council meeting that most closely follows the Council's receipt of the Special Use Permit application. If the requirement for proper notice for a public hearing makes such regularly scheduled Town Council meeting impractical, the public hearing shall be scheduled for the Town Council meeting one meeting hence from the meeting most closely following receipt of the application by the Town Council.
- D. If the Town Council requests a recommendation from the Planning Commission regarding the issuance of the Special Use Permit, a joint public hearing shall be held. The Planning Commission recommendation shall be transmitted to the Town Council by the Town Council's first meeting after the date the public hearing is held.

IX-3 Conditions and Bonds. The Town Council may impose conditions, limitations, or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as, but not limited to, the following:

- A. Abatement or restriction of noise, smoke, dust, vibration, odors, wastes, or other elements that may affect surrounding properties.
- B. Establishment of setback, side, front, and rear yard requirements necessary for orderly expansion and for preventing traffic congestion.



- C. Provision for adequate parking and ingress and egress to public streets and roads necessary to prevent traffic congestion.
- D. Provision for adjoining property with a buffer or shield from view of the proposed use and/or structure.
- E. Limitation on signage or other structures to be placed upon property that may affect surrounding properties.
- F. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal.
- G. The Town Council may require a bond, in a reasonable amount determined by the Council, to be payable to the Zoning Administrator to insure compliance with the terms and conditions of any special use permit.

IX-4 Review Standards. The Zoning Administrator and Town Council shall consider the following in reviewing a special use application:

- A. The proposed use and/or structure is allowed in the district in question with a special use permit.
- B. The proposed use and/or structure is consistent with the Town Plan.
- C. The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.
- D. The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.

IX-5 Notification to Applicant. After due consideration, the Town Council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or special conditions.

IX-6 Effect of Approval. The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from the term of the special use permit without the express written consent of the Town Council.

## **Article X Provisions for Appeal**

### X-1 Board of Zoning Appeals.

X-1.1. A Board of Zoning Appeals, which shall consist of no more than seven (7) and no less than five (5) residents of the Town but shall always be an odd number, shall be appointed by the Circuit Court of Accomack County according to the provisions of the Code of Virginia, Section 15.1-494. Members of the Board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

X-1.2. The term of office shall be for five (5) years, except that original appointments shall be made for such terms that the term of one member shall expire each year. Members of the board shall hold no other public office in the County or Town except that one may be a member of the local planning commission.

X-1.3. 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 a legal interest.

X-1.4. The board shall choose annually its own chairman, vice-chairman, and secretary. The vice-chairman shall act in the absence of the chairman.

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

X-2.1. To hear and decide appeals from any order, requirements, decision or determination made by an administrative officer or Zoning Administrator in the administration or enforcement of this ordinance.

X-2.2. To authorize upon appeal in specific cases such variances 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:

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 the effective date of the ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of 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:

1. That the strict application of the ordinance would produce undue hardship; and
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. 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 unless the board finds 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 reasonably 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 conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

X-2.3 Interpretation. The Board of Zoning Appeals shall have the authority to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Section 15.1-431 of the Code of Virginia, the board may interpret the map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The Board shall not have the power to change substantially the location of district boundaries as established by ordinance.

X-3 Applications for Variances. Applications for variances may be made by any property owner, tenant, governmental official, department, board or bureau. Such applications shall be made to the Zoning Administrator in accordance with rules and regulations adopted by the Board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board who shall place the matter on the docket to be acted upon by the Board. No such variances shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia. The Zoning Administrator may also transmit a copy of the application to the Planning Commission which may send a recommendation to the Board or appear as a party at the hearing.

X-4 Appeal to the Board of Zoning Appeals. An appeal to the board may be taken by any person aggrieved or by any office, department, board or bureau of the county or municipality affected by any decision of the Zoning Administrator. Any written notice of a zoning violation or a written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The appeal period shall not commence until such statement is given. 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 certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown. No such appeal shall be heard until after notice and hearing as required by Section 15.1-431 of the Code of Virginia.

X-4.1. Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual official, department or agency concerned, if any.

X-5 Rules and Regulations.

X-5.1. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

X-5.2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

X-5.3. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

X-5.4. 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 examination and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record.

X-5.5. All meetings of the board shall be open to the public.

X-5.6. A favorable vote of the majority 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.



X-6 Public Hearing. 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 ninety (90) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of an administrative officer, or may decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or may effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the Town Hall and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

X-7 Decision of the Board of Zoning Appeals.

X-7.1. 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 county or municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Town Hall.

X-7.2. 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 allowance 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.

X-7.3. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take 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.

X-7.4. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision from which appealed.

## **Article XI Amendments**

XI-1 General Provisions. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:

XI-1.1. The Planning Commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by law, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon completion of its work, the commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.

XI-1.2. Before approving and adopting any amendment, the governing body shall hold at least one (1) public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes or corrections in the proposed amendments; 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 after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.

XI-2 Effect of Repeal, Amendments, or Recodification of any Part of this Ordinance on prior Proceedings, Acts or Offenses. The repeal, amendment or recodification of any part of this ordinance shall not affect any act, or offense done or committed, or any penalty incurred, or any right established, accrued or accruing on or before the effective date of such repeal, amendment or recodification, nor enlarge any such right or privilege, except as specifically provided by such repeal, amendment or recodification. Neither shall the repeal, amendment or recodification of any part of this ordinance affect any proceeding, prosecution, suit or action which may be pending, said prior laws being continued in full force and effect for those purposes.



Town Zoning Ordinance  
of  
The Town of Parksley, Virginia

Prepared by:  
The Town of Parksley Planning Commission

During the preparation of this ordinance, financial assistance was provided by the Chesapeake Bay Local Assistance Department, Commonwealth of Virginia.



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration. Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

With Technical Assistance by:  
Accomack-Northampton Planning District Commission  
P.O. Box 417  
Accomac, Virginia 23301

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	General Provisions.....	1
II	Definitions.....	5
III	Districts.....	16
	Residential, Single-Family (R-15).....	20
	Residential, Mixed (R-M).....	23
	Commercial, General (C-G).....	26
	Chesapeake Bay Preservation Area Overlay District (CBPA).....	29
IV	Sign Regulations.....	47
V	Off-Street Parking.....	49
VI	Nonconforming Lots.....	51
VII	Nonconforming Uses.....	52
VIII	Administration and Enforcement.....	55
IX	Special Use Permits.....	57
X	Provisions for Appeal.....	60
XI	Amendments.....	65



MAPS and FIGURES

<u>MAP</u>	<u>PAGE</u>
Town of Parksley Zoning Map.....	17
Town of Parksley Chesapeake Bay Preservation Area Overlay District Map.....	18

<u>FIGURE</u>	
Illustration of Lot Terms and Yard Requirements.....	19

Article I - General Provisions

I-1 Purpose and Authority to Zone. Whereas, by act of the General Assembly of Virginia as provided in Title 15.1, Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia, as amended, 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, prohibit, and determine the following:

- A. The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses; and
- B. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures; and
- 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 in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- D. The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of the Town of Parksley, Virginia, for the purpose of promoting the health, safety, and/or general welfare of the public and of further accomplishing the objectives of Section 15.1-427 of the Code of Virginia, that the following be adopted as the zoning ordinance of the Town of Parksley, Virginia, together with the accompanying map. This ordinance has been designed: (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to expedite 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; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of 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; (7) to encourage economic development activities that provide desirable employment and



enlarge the tax base; (8) to promote affordable housing; (9) to protect surface water and ground water as required by the Chesapeake Bay Preservation Act; and (10) to be in accord with and to implement the goals, objectives and policies set forth in the Parksley Town Plan, as adopted by the Parksley Town Council.

I-2 Ordinance Sets Minimum Standards. Whenever the standards set forth in this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, deed restrictions, covenants, or ordinances, the most restrictive, or that imposing the highest standards shall govern.

I-3 Town Liability. The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by the Town of Parksley of the suitability of such land or structure for developing or use.

I-4 Severability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof other than the part so declared to be unconstitutional or invalid.

I-5 Non-exclusionary Intent. It is not the intent of this ordinance to exclude any economic, racial, religious or ethnic group from enjoyment of residence, land ownership or tenancy within the Town; nor is it the intent of this ordinance to use public powers in any way to promote the separation of economic, racial, religious, ethnic groups, nor persons with disabilities; nor is it the intent of this ordinance to use public powers in any way to deny anyone the otherwise lawful use of the resources within the Town of Parksley based upon family status, except as may be the incidental result of meeting the purpose outlined in Section I-1, herein.

I-6 Provisions for Official Zoning Map. The boundaries of the zoning districts are shown on the official zoning map of the Town of Parksley, Virginia, which together with all notations, amendments, and explanatory matter thereon are hereby made a part of this ordinance. The official zoning map shall be attested by the signature of the Mayor of the Town, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator and/or Town Hall where it shall be accessible to the general public.

1-6.1 Changes or Amendments. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the change has been approved by the Town Council, or no more than thirty (30) days after approval. Such changes shall be attested by the initials of



the Zoning Administrator and the date of entry. A paper copy of such map or maps shall be maintained in the office of the Zoning Administrator and/or Town Hall.

Changes to this ordinance which involve matters portrayed on the official zoning map shall become effective immediately upon being entered onto the official zoning map or matter shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided under Article VII.

I-6.2 Replacement. In the event that any or all of the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new official zoning map. The new official zoning map may correct drafting or other errors, or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be attested by the signature of the Mayor and shall be witnessed. Unless the prior official zoning map or maps have been lost or totally destroyed, the prior map or maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment, if any, of the prior map or maps.

I-6.3 Application and Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Unless otherwise indicated, district boundaries indicated as approximately following the center lines of existing or proposed roads, streets, highways, alleys, or railroads; mean low water or center lines, as indicated, of streams, ponds, drainage ditches, or other natural and manmade bodies of water; or property lines shall be construed to follow such lines.
- B. Boundaries indicated as parallel to or extensions of features indicated in subsection A above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- C. If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the size of the scale shown on the official zoning map.
- D. Where a district boundary line divides a lot which was in



single ownership at the time of passage of this ordinance, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of Article VIII.

- E. Where the exact location of district boundaries is not clear after application of the rules presented, the Board of Zoning Appeals shall hear and decide such questions in accordance with the provisions of Article VIII.

I-7 Application of District Regulations. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.
- B. No building shall hereafter be erected, constructed, or altered so as to exceed height or bulk limits, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required.
- C. No new yard or lot shall hereafter be created nor shall any yard or lot existing at the time of enactment of this ordinance be altered so that width, depth, or area requirements; front side, or rear requirements; or other requirements of this ordinance are not maintained, except when a portion of a lot is acquired for public use.
- D. Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six (6) months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.

I-8 General Performance Criteria. The following standards shall apply in all zoning districts in the Town of Parksley:

- A. All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years, in accordance with the provisions of the Accomack County Health Code.
- B. Any land disturbing activity exceeding 2,500 square feet, including construction of all single family houses, septic tanks and drainfields, shall comply with the requirements of the Accomack County Erosion and Sediment Control Ordinance.

## Article II - Definitions

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

II-1 Accessory Use or Structure: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. This definition of accessory structure shall include satellite dishes.

II-2 Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

II-3 Administrator, The: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

II-4 Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing plants, dairies, or similar uses.

II-5 Agricultural Lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

II-6 Alteration: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

II-7 Apartment House: A building used or intended to be used as the residence of three (3) or more families living independently of each other.

II-8 Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for purposes of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

II-9 Bed and Breakfast House: A dwelling where lodging and breakfast is provided for compensation for up to six (6) persons (in contradistinction to hotels, boarding houses and tourist houses) and open to transients. Up to one person may be hired to assist in the operation of the establishment.



II-10 Best Management Practices (BMPs): A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

II-11 Boarding House: A building where, for compensation, lodging and meals are provided for at least six (6) and up to ten (10) persons.

II-12 Buffer Area: An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

II-13 Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

II-14 Building, Height of: The height shall be measured from the average elevation of the ground surface along the front of the building.

II-15 Building, Main: The principal structure or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.

II-16 Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

II-17 Chesapeake Bay Preservation Area (CBPA): Any land designated by the Parksley Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, promulgated pursuant to the Code of Virginia. The Parksley Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

II-18 Commission, The: The Planning Commission of the Town of Parksley, Virginia.

II-19 Construction Footprint: The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

II-20 Dairy: A commercial establishment for the manufacture and sale of dairy products.

II-21 Development: The construction, or substantial alteration, of

residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

II-22 Diameter at Breast Height (DBH): The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

II-23 District: Districts as referred to in the State Code, Section 15.1-486.

II-24 Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

II-25 Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, travel trailers, and manufactured and mobile homes.

II-25.1 Multiple-Family: A structure arranged or designed to be occupied by more than two (2) families.

II-25.2 Single-Family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

II-25.3 Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

II-26 Dwelling Unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

II-27 Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.

II-28 Frontage: The minimum width of a lot measured from one (1) side line to the other along a straight building setback line as defined as required herein.

II-29 Garage, Private: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.

II-30 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.



II-31 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.

II-32 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.

II-33 Governing Body: The Town Council of Parksley, Virginia.

II-34 Historical Area: An area indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.

II-35 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.

II-36 Home Occupation: Any occupation or profession carried on in a dwelling unit or on the premises thereof, provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit or twenty-five (25) percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area. The sign must have a white background with black trim. Letters must be in black and must be no more than three inches in height.
- D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In the case of the electrical

interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Bed and breakfast houses, boarding and rooming houses, tourist homes and private education institutions, the conducting of a beauty or barber shop, tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, real estate office, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

II-37 Impervious Cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

II-38 Infill: Utilization of vacant land in previously developed areas.

II-39 Kennel: Any place in which more than three (3) dogs, more than six (6) months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.

II-40 Land Disturbance: Any activity causing a land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto other lands, including, but not limited to, clearing, grading, excavating, transporting and filling of land; except that this term shall not apply to minor activities such as home gardening, individual home landscaping, and repairs and home maintenance.

II-41 Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

II-42 Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

II-43 Lot, Depth of: The average horizontal distance between the front and rear lot lines.

II-44 Lot, Double Frontage: An interior lot having frontage on two (2) streets.



II-45 Lot, Interior: Any lot other than a corner lot.

II-46 Lot, Width: The width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.

II-47 Lot of Record: A lot which has been recorded in the Clerk's Office of the Circuit Court.

II-48 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.

II-49 Manufactured Home: A structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width and is forty (40) or more feet in length, or when erected on site, is three-hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical conditions contained therein. The term "mobile home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia, Section 36-85.16 et seq., by the term "manufactured home."

II-50 Manufactured Home Park or Subdivision: Any area designed to accommodate two (2) or more manufactured homes intended for residential use where residence is in manufactured homes exclusively.

II-51 Mobile Home: A transportable, factory built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (This definition shall not include motor homes and travel trailers.)

II-52 Motor Home: Every private motor vehicle with a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings.

II-53 Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

II-54 Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

II-55 Nonconforming Structure: An otherwise legal building or structure that does not conform with 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.

II-56 Nonpoint Source Pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

II-57 Nontidal Wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986, provided that any exceptions thereto shall be exceptions herein.

II-58 Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

II-59 Office: For the purpose of this ordinance offices are defined as a building, room or suite in which services, clerical work, professional duties or the like are carried out.

II-60 Parking Space: A permanently maintained area, enclosed or unenclosed, sufficient in size to store one (1) standard size automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

II-61 Parking Area, Off-Street: Parking (as defined in II-61) space provided for vehicles outside the dedicated street right-of-way.

II-62 Plan of Development: The process for site plan review to ensure compliance with Section 10.1-2109 of the Code of Virginia and Section III-5.12 of this Zoning Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.



II-63 Public Road: A publicly-owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation.

II-64 Public Water and Sewer Systems: A water or sewer system owned and operated by the Town of Parksley 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.

II-65 Recreational Vehicle: Vehicular-type structure designed as temporary living accommodations for recreation, camping, and travel use. There are four (4) basic types of recreational vehicles: travel trailers, motor homes, truck campers, and camping trailers.

II-66 Redevelopment: The process of developing land that is or has been previously developed.

II-67 Required Open Space: Any space required in any front, side, or rear yard.

II-68 Resource Management Area (RMA): That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

II-69 Resource Protection Area (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

II-70 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.

II-71 Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, 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.

II-72 Satellite Dish: A device incorporating a reflective surface

that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

II-73 Setback: The minimum distance by which any building or structure must be separated from a lot line.

II-74 Sign: Any display of any letters, words, numerals, figures, device, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

II-74.1 Business. A sign which directs attention to a product, commodity, or service available on the premises.

II-74.2 Home Occupation. A sign not exceeding one (1) square foot in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling. The sign must have a white background with black trim. Letters must be in black and no more than three inches in height.

II-74.3 Home Identification. A sign not exceeding four (4) square feet in area identifying an individual dwelling, property, or occupants' name. Said sign shall not be located any closer than five (5) feet to any property line.

II-74.4 General Advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.

II-74.5 Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

II-74.6 Directional. A directional sign which indicates the direction to which attention is called four (4) square feet or less in area, giving the name only of the farm or business responsible for the erection of same, one end of which may be pointed, or on which an arrow may be painted.

II-74.7 Identification. A sign, not exceeding sixteen (16) square



feet in area, for the purpose of showing the name and use of a convent, monastery, seminary, church, country club, sanitarium, cemetery, children's home, orphanage, fraternal organization, hospital, or other similar establishment, when such use is permitted in a residential zone as specified in this article and such sign is erected or displayed on the property as identified.

II-74.8 Real Estate. A sign not exceeding four (4) square feet in area identifying a particular property for sale.

II-74.9 Temporary. A sign not exceeding four (4) square feet in area applying to a seasonal or other brief activity such as, but not limited to, yard sales, horse shows, or auctions.

II-75 Sign Structure: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

II-76 Store: See Item II-72, Retail Stores and Shops.

II-77 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 is no floor above it, the space between the floor and the ceiling next above it.

II-78 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.

II-79 Street; Road: A public thoroughfare, except an alley or driveway, which affords principal means of access to abutting property.

II-80 Street Line: The dividing line between a street or road right-of-way and the contiguous property.

II-81 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.

II-82 Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

II-83 Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.

II-84 Travel Trailer: Vehicular structure mounted on wheels which

is designed as temporary living accommodations for recreation, camping, and travel use and can be easily towed by automobile or small truck and does not require special highway movement permits.

II-85 Truck Camper: Portable structure designed to be loaded onto or affixed to the bed or chassis of a truck. Designed to be used as temporary living accommodations for recreation, camping, and travel use.

II-86 Use, Accessory: A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

II-87 Variance: A variance is a reasonable deviation, granted by the Board of Zoning Appeals, from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk, or location of a building or structure.

II-88 Water-dependent Facility: A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

II-89 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.

II-90 Wetlands: Nontidal wetlands.

II-91 Yard: An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

II-91.1 Front. An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

II-91.2 Rear. An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending across the full width of the lot.

II-91.3 Side. An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.



Article III - Districts

III-1 Enumeration of Districts. For the purpose of this ordinance, the incorporated area of the Town of Parksley, Virginia, is hereby divided into the following districts.

Residential, Single-Family:	R-15	page 20
Residential, Mixed:	R-M	page 23
Commercial, General:	C-G	page 26
Chesapeake Bay Preservation Area Overlay District	CBPA	page 29

Location of these districts can be found on Map 1, page 17, and on Map 2, page 18.

A graphic illustration of lot terms and yard requirements as defined in Article II and used in the district regulations may be found on Figure 1, page 19.

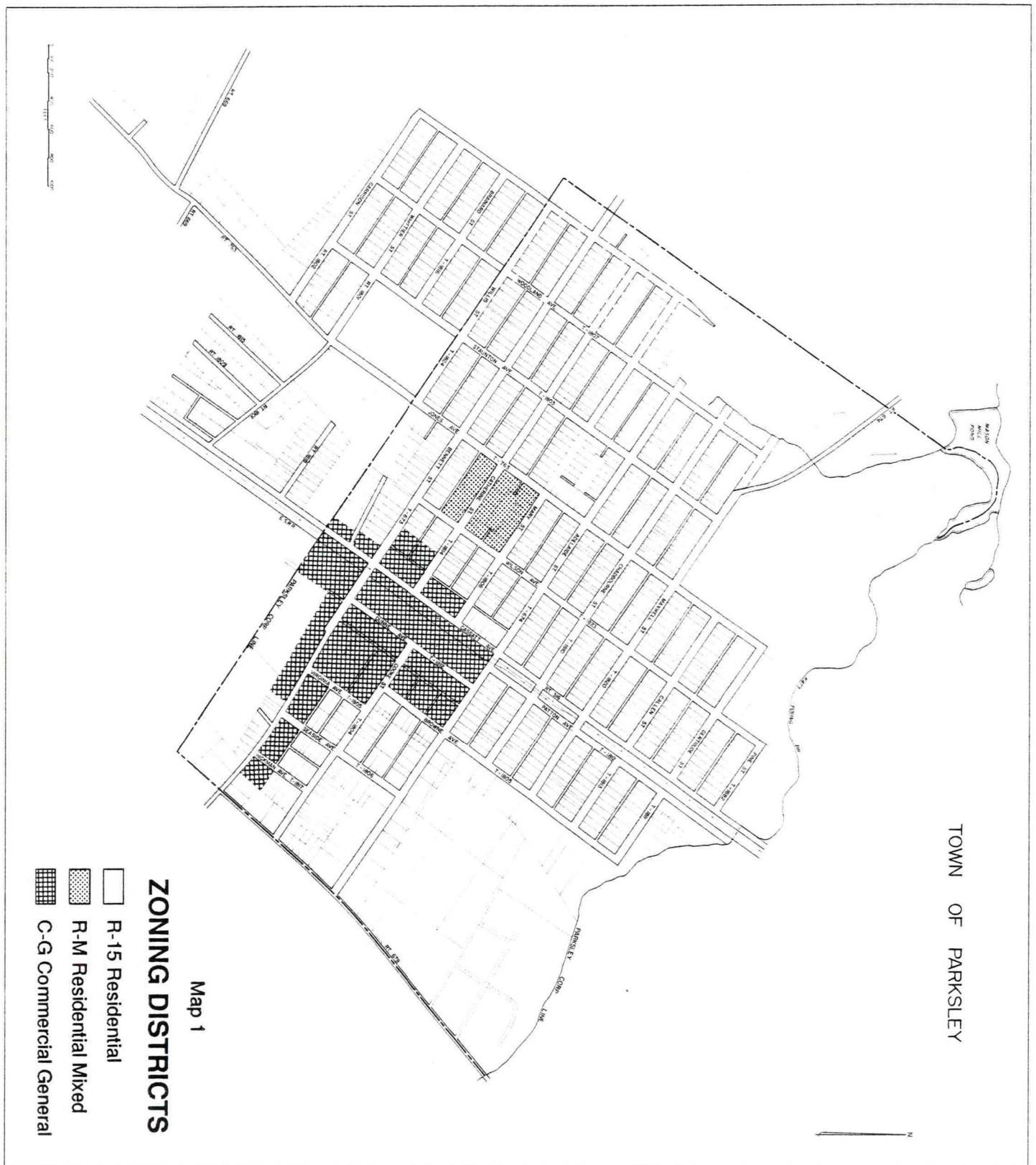






Figure 1

ILLUSTRATION OF LOT TERMS

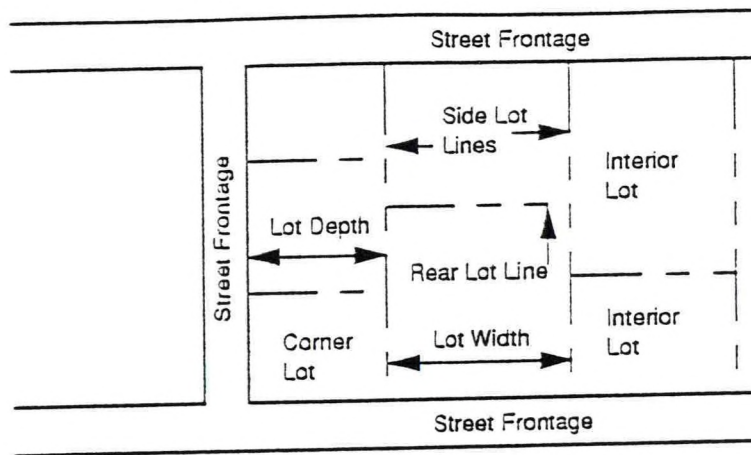
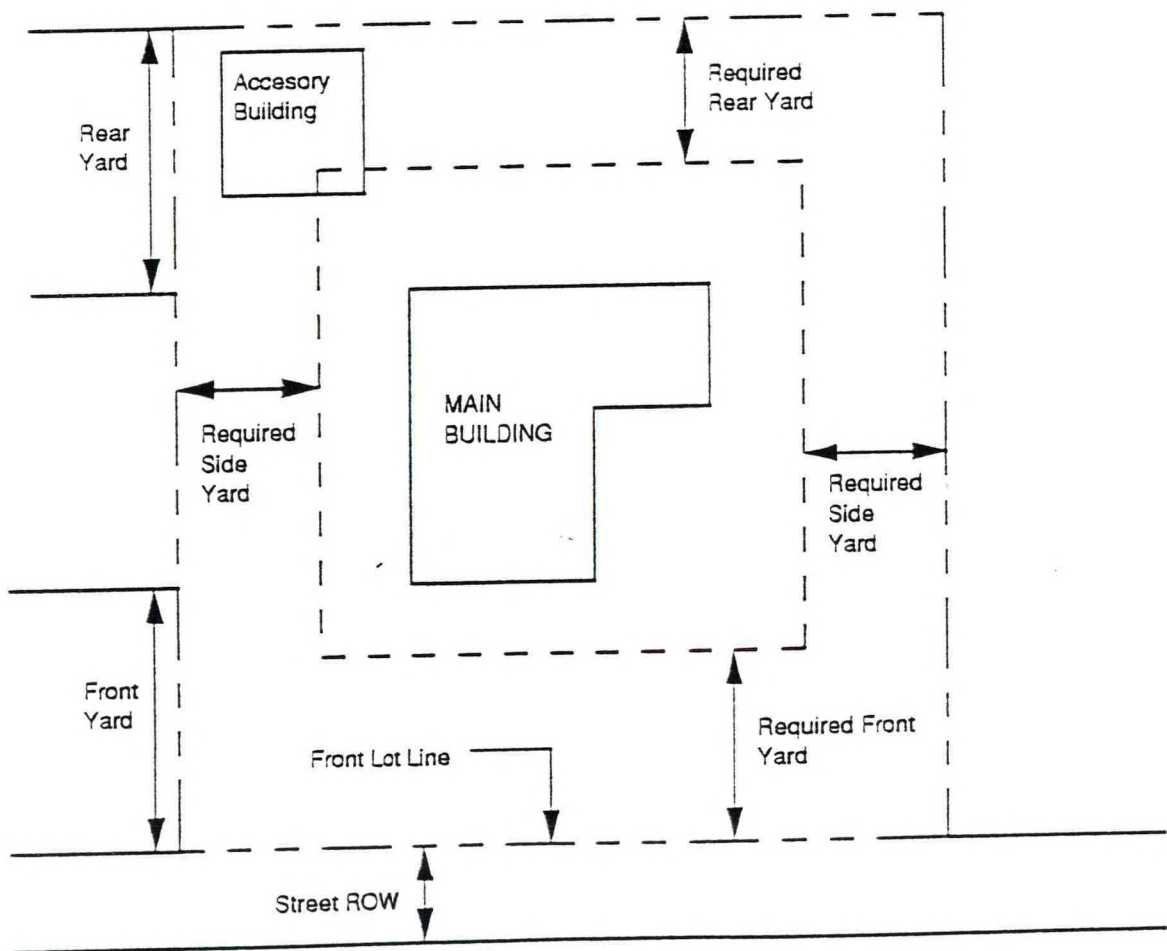


ILLUSTRATION OF REQUIRED YARDS





III-2 Residential Single-Family District, R-15

III-2.1 Statement of Intent. This district is composed of certain quiet, medium-density residential areas plus certain open areas where similar residential development is recommended to occur by the Town of Parksley Town Plan. 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 where there are children. To these ends, development is limited to a relatively medium concentration; and permitted uses are basically limited to single-unit dwellings providing homes for the residents, plus certain additional uses, such as parks, and certain public facilities that serve the residents of the district. This area is represented as R-15 on page 18 of the Town of Parksley, Virginia, Zoning Ordinance and as Residential on the Future Land Use Map in the Parksley Town Plan.

III-2.2 Principal Permitted Uses and Structures. The following uses shall be permitted subject to all the other requirements of this ordinance as a matter of right in Single-Family Residential District (R-15).

- A. Single-Family Dwellings.
- B. Public Parks and Playgrounds.
- C. Accessory Buildings, including Satellite Dishes.
- D. Residential Swimming Pools, provided that same are located no closer than ten (10) feet to any adjoining property line, and provided that any swimming pool with a depth of twenty-four (24) inches or more, whether below or above grade, fixed or movable, shall be enclosed by independent fencing and gates at least five (5) feet high with a mesh no larger than six (6) inches.

Swimming pools not in conformity with the foregoing shall require a Special Use Permit.

- E. Public Utilities: signs, poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- F. Home identification signs as defined in Article II and in compliance with Article IV of this Ordinance.
- G. Identification signs as defined in Article II and in compliance with Article IV of this Ordinance.
- H. Real estate signs as defined in Article II and in compliance

with Article IV of this Ordinance.

- I. Temporary signs as defined in Article II and in compliance with Article IV of this Ordinance.

III-2.3 Special Exceptions. The following uses shall be permitted in Single-Family Residential District (R-15), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the Town Council.

- A. Two-Family Dwelling.
- B. Home Occupations - as defined in II-36.
- C. Home occupation signs as defined in Article II and in compliance with Article IV of this Ordinance.
- D. Churches.
- E. Bed and Breakfast Houses.
- F. Swimming Pools not in conformity with Section III-2.2.D.
- G. Cemeteries.

III-2.4 Area Regulations. The minimum lot area required for a permitted use in the "R-15" district is 15,000 square feet.

III-2.5 Setback Regulations. Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need be set back more than the average of the setbacks of the two adjacent structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the "setback line." On corner lots, the structures shall be set back thirty (35) feet from both streets.

III-2.6 Frontage Regulations. The minimum lot width measured along a street at the setback line shall be fifty (50) feet or more.

III-2.7 Yard Regulations.

Side: The minimum side yard shall be fifteen (15) feet or more. A one story accessory building shall have a side yard of three (3) feet or more and any accessory building over 1 story in height shall be ten (10) feet or more from any lot line, except that any satellite dish shall be five (5) feet or more from any lot line.



Rear: Each main building shall have a rear yard of thirty-five (35) feet or more. Any satellite dish shall be placed in a rear yard only. A one story accessory building shall have a rear yard of three (3) feet or more and each accessory building over 1 story shall be ten (10) feet or more from any lot line.

III-2.8 Height Regulations. Buildings may be erected up to 35 feet and two and one-half (2 1/2) stories in height except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings and satellite dishes shall be limited to two (2) stories or twenty-five feet in height.

III-2.9 Fencing Regulations. Fences may be erected upon the obtaining of a zoning permit, subject to all other requirements of this ordinance.

- A. Fences may be erected up to ten (10) feet in height.
- B. Fences may be placed on the property line upon agreement between adjacent property owners; otherwise fencing shall be setback one (1) foot from the property line.
- C. Type of construction and materials for fencing shall be subject to approval by the zoning administrator.

III-2.10 Access. Each dwelling unit shall front on a dedicated public street or a fifteen (15) foot minimum width access easement.

III-3 Residential Mixed District, R-M

III-3.1 Statement of Intent. This district is intended to provide quiet, medium- and higher-density residential areas plus open areas where residential development is recommended to occur by the Town of Parksley Town Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of a residential district and to promote and encourage a suitable environment for family life where there are children while allowing for a variety of housing opportunities and flexibility in design. This area is represented as R-M on the Zoning Map on page 18 of the Town of Parksley, Virginia, Zoning Ordinance and as Residential on the Future Land Use Map in the Parksley Town Plan.

III-3.2 Principal Permitted Uses and Structures. The following uses shall be permitted subject to all the other requirements of this ordinance as a matter of right in Residential Mixed District (R-M).

- A. Single-Family Dwellings.
- B. Two-Family Dwellings.
- C. Multi-Family Dwellings.
- D. Apartment Houses and Boarding Houses.
- E. Tourist Homes.
- F. Bed and Breakfast Houses.
- G. Schools.
- H. Churches.
- I. Libraries.
- J. Rest or Convalescent Homes.
- K. Nursing Homes.
- L. Clubs and Lodges.
- M. Parks and Playgrounds.
- N. Accessory Buildings, including Satellite Dishes.
- O. Home Occupations as defined in Section II-36 of this Ordinance.
- P. Public Utilities: signs, poles, distribution lines,



distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

- Q. Home occupation signs as defined in Article II and in compliance with Article IV of this Ordinance.
- R. Home identification signs as defined in Article II and in compliance with Article IV of this Ordinance.
- S. Identification signs as defined in Article II and in compliance with Article IV of this Ordinance.
- T. Real estate signs as defined in Article II and in compliance with Article IV of this Ordinance.
- U. Temporary signs as defined in Article II and in compliance with Article IV of this Ordinance.

#### III-3.4 Area Regulations.

- A. For lots containing or intended to contain a single-family dwelling not served by public water and sewerage systems, the minimum lot area shall be 15,000 square feet.
- B. For lots containing or intended to contain dwellings for two or more families not served by public water and sewerage, the minimum lot area is 15,000 square feet plus 1,000 square feet for each additional dwelling unit above one. The administrator may require a greater area if considered necessary by the health official.

III-3.5 Setback Regulations. Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however no building need be set back more than the average of the setbacks of the two adjacent structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the "setback line." On corner lots, the structures shall be set back thirty (35) feet from both streets.

III-3.6 Frontage Regulations. The minimum lot width measured along a street at the setback line shall be fifty (50) feet or more, and for each additional dwelling unit or permitted use there shall be at least ten (10) feet of additional lot width at the setback line.

#### III-3.7 Yard Regulations.

Side: The minimum side yard shall be fifteen (15) feet or more.

A one story accessory building shall have a side yard of three (3) feet or more and any accessory building over 1 story in height shall be ten (10) feet or more from any lot line, except that any satellite dish shall be five (5) feet or more from any lot line.

Rear: Each main building shall have a rear yard of twenty-five (25) feet or more. Any satellite dish shall be placed in a rear yard only. A one story accessory building shall have a rear yard of three (3) feet or more and each accessory building over 1 story shall be ten (10) feet or more from any lot line.

III-3.8 Height Regulations. Buildings may be erected up to 35 feet and two and one-half (2 1/2) stories in height except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height.
- C. The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.
- D. A public or semipublic building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

III-3.9 Access. Each dwelling unit shall front on a dedicated public street or a fifteen (15) foot minimum width access easement.



III-4 Commercial-General District, C-G

III-4.1 Statement of Intent. This district is intended to provide for the conduct of general business to which the public requires direct and frequent access. This area is represented as C-G on page 18 of the Town of Parksley, Virginia, Zoning Ordinance and as Commercial on the Future Land Use Map in the Parksley Town Plan.

III-4.2 Principal Permitted Uses and Structures. The following uses shall be permitted by right in Commercial-General District (C-G).

- A. Retail Food Stores.
- B. Bakeries.
- C. Dry Cleaners.
- D. Laundries.
- E. Post Offices, County Offices, Town Offices, and other similar public uses.
- F. Barber and Beauty Shops.
- G. Theaters and Assembly Halls.
- H. Hotels, Motels, and Inns.
- I. Professional and Business Offices.
- J. Banks and Lending Institutions.
- K. Churches.
- L. Libraries.
- M. Animal Hospital or Clinic.
- N. Funeral Homes.
- O. Restaurants.
- P. Retail Service Stores.
- Q. Retail Sales Stores.
- R. Service Stations (with major repair under cover).
- S. Clubs and Lodges.

- T. Auto Sales and Service.
- U. Public Utilities: Signs, poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- V. Virginia ABC Stores.
- W. Drainage, Erosion and Flood Control Devices.
- X. Residential Apartments above stores.
- Y. Accessory Buildings.
- Z. Business signs not affixed to the building in which the business is conducted shall be permitted only upon the specific premises where the business is located, provided that no business shall have more than one (1) sign and said sign shall not exceed thirty-two (32) square feet in area. Signs shall not exceed a height of twenty (20) feet above ground level. Larger or higher signs may be allowed with a special use permit.
- AA. Signs or a combination of letters may be attached to a building or structure, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of the specific business conducted therein.
- BB. Directional signs, as defined in Article II and in compliance with Article IV of this Ordinance.
- CC. Identification signs not exceeding twelve (12) square feet in area.

III-4.3 Special Exceptions. The following uses shall be permitted in Commercial-General District, C-G, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest.
- B. Grain and Feed Supply.



- C. Machinery Sales and Service.
- D. Wholesale Stores.
- E. Warehouses.
- F. Truck Storage and Service.
- G. Lumber and Building Supply (with storage under cover).
- H. Plumbing and Electrical Supply (with storage under cover).
- I. Multi-family dwellings.
- J. Bed and Breakfast Houses.
- K. Apartment Houses and Boarding Houses.
- L. Tourist Homes.
- M. Any other uses not specifically named herein.

III-4.4 Area Regulations. None, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

III-4.5 Frontage and Yard Regulations. None, except for permitted uses adjoining or adjacent to a residential district, the minimum side yard or rear yard shall be twenty-five (25) feet, and off-street parking shall be in accordance with the provisions contained herein.

III-4.6 Height Regulations. Buildings may be erected to a height of 45 feet and three (3) stories, except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.

III-4.7 Access. Each main building shall front on a dedicated public street or a fifteen (15) foot minimum width access easement.

III-5 Chesapeake Bay Preservation Area Overlay District, CBPA

III-5.1 Purpose and Intent.

- A. This Article is enacted to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act) as part of the Town of Parksley Zoning Ordinance. The intent of the Parksley Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Parksley.
- B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in the Town of Parksley Zoning Ordinance Section III-5.12, Plan of Development Process; the Accomack County Erosion and Sediment Control Ordinance; and the Accomack County Building Code, including all grading permits and building permits, shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

III-5.2 Authority. This Article is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia. Section 15.1-489 states that zoning ordinances shall be designed to give reasonable consideration to the preservation of lands significant for the protection of the natural environment, and that such zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-44.85 (8)."

III-5.3 Conflict with Other Regulations. In any case where the requirements of this Article conflict with any other provision of the Town of Parksley Code, whichever imposes the more stringent restrictions shall apply.



III-5.4 Definitions. The words and terms used in the Overlay District have the meanings which are defined in Article II, Definitions, of the Town of Parksley Zoning Ordinance, unless the context clearly indicates otherwise.

III-5.5 Application of CBPA District.

A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPA's as designated by the Parksley Town Council and as shown on the Town of Parksley Chesapeake Bay Preservation Area Map. The Chesapeake Bay Preservation Area Overlay District is composed of a Resource Protection Area (RPA), and a Resource Management Area (RMA).

(1) Resource Protection Areas include the following land categories, the protection of which is necessary to protect the quality of state waters:

- a. The tributary stream known as Katy Young Branch;
- b. A 100-foot vegetated buffer area located adjacent to and on the southern side of Katy Young Branch.

(2) Resource Management Areas are generally composed of the 200 feet of land contiguous to and south of the RPA, except between Jones and Browne Avenues. Beginning at the intersection of Jones Avenue and Gertrude Street, it shall run east along the north edge of Gertrude Street to the east side of Wilson Avenue, turning north along Wilson Avenue to the south edge of Pine Street, then running east along the south side of Pine Street to the west side of Cassatt Avenue, then running south on the west side of Cassatt Avenue to the north side of an alley between Gertrude and Callen Streets, then running east across Patton Avenue and continuing on the north side of the alley until rejoining the aforementioned 200 foot line at Browne Avenue.

B. The Town of Parksley Chesapeake Bay Preservation Areas Map on page 19 of this Ordinance shows the general location of CBPA's and should be consulted by persons contemplating activities within the Town of Parksley prior to engaging in a regulated activity.

III-5.6 Interpretation of Resource Protection Area Boundaries.

A. Delineation by the Applicant.

The site-specific boundaries of the Resource Protection Area shall ordinarily be determined by the applicant in accordance

with Section III-5.12, Plan of Development Process, of this Article.

B. Delineation by the Zoning Administrator.

The Zoning Administrator, when requested by an applicant wishing to construct a single family residence, may perform the delineation. The Zoning Administrator may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.

C. Where Conflict Arises Over Delineation.

Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may render adjustments to the applicant's boundary delineation, in accordance with Section III-5.12, Plan of Development Process, of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section III-5.12.D.

III-5.7 Use Regulations. Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

III-5.8 Lot Size. Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the RPA to accommodate an intended development, in accordance with the performance standards in Section III-5.10, Performance Standards, when such development is not otherwise allowed in the RPA.

III-5.9 Required Conditions for Resource Protection Areas.

A. Development in RPAs may be allowed only if it: (i) is water-dependent; or (ii) constitutes redevelopment. A new or expanded water-dependent facility may be allowed provided that:

- (1) It does not conflict with the Parksley Town Plan;
- (2) It complies with the performance criteria set forth in Section III-5.10 of this Article;
- (3) Any non-water-dependent component is located outside of Resource Protection Areas;



- (4) Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.
- B. A water quality impact assessment shall be required for any proposed development within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section III-5.11, Water Quality Impact Assessment, of this Article.
- C. Redevelopment shall conform to applicable stormwater management and erosion and sediment control criteria as set forth in Section III-5.10 of this Article.

III-5.10 Performance Standards.

A. Purpose and Intent.

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

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

- B. General Performance Standards for Development and Redevelopment in Chesapeake Bay Preservation Areas.
  - (1) All development exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, in accordance with Section III-5.12, Plan of Development Process, of this Article.
  - (2) Land disturbance shall be limited to the area necessary to provide for the desired use or development.
    - a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the

construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.

- b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.
- (3) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.
- a. Existing trees over six (6) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Diseased trees, trees that create a danger to the structure, or trees weakened by age, storm, fire, or other injury may be removed.
  - b. Clearing shall be allowed only to provide necessary access, sight lines and vistas; positive site drainage; water quality BMPs; and the installation of utilities, as approved by the Zoning Administrator.
- (4) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
- a. Pervious material shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Zoning Administrator.
- (5) Any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of the Accomack County Erosion and Sediment Control Ordinance.
- (6) All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years.
- (7) A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a



reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.

- (8) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
  - a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay watershed (0.45 pounds of phosphorous per acre per year) or as calculated by the Eastern Shore Soil and Water Conservation District for the Town of Parksley, whichever is greater;
  - b. For sites within isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, but in no case may the post-development nonpoint source pollution runoff load exceed the pre-development load.
  - c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- (9) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section III-5.12, Plan of Development Process, of this Article.
- (10) Land in CBPAs upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of

Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District by January 1, 1996.

C. Buffer Area Requirements.

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

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. Generally, the buffer area shall be measured 100' landward from that point where there is a distinct change from predominantly wetland vegetation to non-wetland vegetation. The full buffer area shall be designated as the landward component of the RPA.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full 100-foot buffer area may be employed in lieu of the 100-foot buffer if approved by the Zoning Administrator after consideration of the Water Quality Impact Assessment, in accordance with Section III-5.11 of this Article.

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

- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:
  - a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
  - b. Any path shall be constructed and surfaced so as to



effectively control erosion.

- c. Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the best available technical information, which can be obtained from the local State Forester and County Extension Office.
  - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
- (2) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Zoning Administrator may modify the buffer area in accordance with the following criteria:
- a. Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - b. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
  - c. In no case shall the reduced portion of the buffer area be less than 50 feet in width without an exception pursuant to Section III-5.15.
- (3) On agricultural lands within the RPA the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:
- a. To a minimum width of 50 feet when the adjacent land is implementing a federal, state, or locally-funded agricultural best management practices program, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100 foot buffer

area;

- b. To a minimum width of 25 feet when a soil and water quality conservation plan, as approved by the local Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Article.
- c. The buffer area is not required for agricultural drainage ditches within designated RPAs if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District.

#### III-5.11 Water Quality Impact Assessment.

##### A. Purpose and Intent.

The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within Resource Protection Areas; ensure that, where development does take place within Resource Protection Areas, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of Resource Protection Areas; and specify mitigation which will address water quality protection.

##### B. Water Quality Impact Assessment Required.

A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, is required for:

- (1) Any proposed development within a Resource Protection Area, including any buffer area modification or reduction as provided for in Section III-5.10.C of this Article.
- (2) Any proposed development in the RMA if deemed necessary by the Zoning Administrator due to unique characteristics of the site or intensity of the proposed development.

##### C. Contents of a Water Quality Impact Assessment.

The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The information required in this section shall be considered a minimum, unless the Zoning Administrator determines that some



of the elements are unnecessary due to the nature and scope of the proposed use and development of land. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:

- (1) Location of the components of the RPA, including the one hundred (100) foot RPA buffer.
- (2) Location and nature of any proposed encroachments into the RPA buffer area including the type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
- (3) Type and location of proposed best management practices to mitigate the proposed encroachment.
- (4) Calculation of pre- and post-development pollutant loading in accordance with Section III-5.10.B(7).
- (5) Identification and status of any required wetlands permits from federal, state or local agencies.
- (6) An erosion and sediment control plan in accordance with the requirements of Accomack County's Erosion and Sediment Control Ordinance.

D. Evaluation Procedure.

- (1) The Zoning Administrator may request review of the water quality impact assessment by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by CBLAD will be considered by the Zoning Administrator provided that such comments are provided by CBLAD within thirty (30) days of the request.
- (2) Upon the completed review of a water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the purpose and intent of this Article or if the proposed development is consistent with the purpose and intent of this Article. The Zoning Administrator will make a finding based on the following criteria in conjunction with Sec. III-5.12:
  - a. The necessity of the proposed encroachment into the buffer area and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - b. Within any RPA, the proposed development is water-

dependent;

- c. The disturbance of wetlands will be minimized;
- d. Impervious surface is minimized;
- e. The development, as proposed, meets the purpose and intent of this Article;
- f. Proposed erosion and sediment control devices are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
- g. Proposed best management practices, where required, or proposed stormwater management facilities and practices are adequate to control the stormwater runoff to achieve the required standard for pollutant control;
- h. The development will not result in unnecessary destruction of plant materials on site;
- i. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

III-5.12 Plan of Development Process. Any development exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of a site or the issuance of any building permit, to assure compliance with all applicable requirements of this Ordinance. The plan of development process shall generally be satisfied by the approval of a site plan, or a plot plan in accordance with the provisions in III-5.12.A and any additional plans or studies as required by the Administrator.

- A. Plot Plans. One copy of a plot plan drawn to scale for individual single-family dwellings or accessory structures for single-family residences or for commercial development which results in a land disturbance less than 10,000 square feet and which will result in an area of impervious surface of less than 16 percent of any lot or parcel, shall be submitted to the designated authority for review and approval. Any encroachment into an RPA shall require an applicant to prepare a site plan as outlined in § III-5.12.B below, including the submission of a water quality impact assessment in accordance with Article III-5.11 of this Article.



- B. Required Information. At a minimum, the plot plan shall be drawn to scale and contain the following information:
- (1) A boundary survey of the site drawn to scale or site drawing showing the north arrow and property line boundaries and distances.
  - (2) Area of the lot/parcel.
  - (3) Location, dimensions, and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
  - (4) Location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way.
  - (5) Dimensions and location of all existing driveways, parking areas, or other impervious surfaces.
  - (6) Location of all existing and proposed septic tanks and drainfield areas including reserve areas required according to § III-5.10.B(6) and the location of all existing and proposed wells.
  - (7) Limits of clearing and grading.
  - (8) Specifications for the protection of existing trees and vegetation during clearing, grading, and all phases of construction.
  - (9) Location of Resource Protection Area (RPA) boundary, as specified in § III-5.6 of this Article, including any required buffer areas.
  - (10) Location of all erosion and sediment control devices.
  - (11) Amount of impervious surface proposed for the site.
- C. Site Plan. A site plan for any proposed development which will result in 10,000 square feet of land disturbance or greater, or any industrial development proposal shall be submitted to the designated authority for review and approval. Any encroachment into an RPA shall require an applicant to submit a water quality impact assessment in accordance with Section III-5.11 of this Article.
- D. Required Information. The applicant shall submit six (6) prints at a scale of one hundred (100) feet to the inch of the site plan to the designated authority. At a minimum, the site plan shall contain the information required for a plot plan

above and the following additional information:

- (1) The proposed title of the project and the names and addresses of the professional(s) preparing the plan, the owner or owners of record, and the applicant, if different, and a signature panel for the designated authority's approval.
- (2) Site boundaries, north arrow, scale, the present zoning and current use of the property and all contiguous or abutting parcels.
- (3) Existing topography with a maximum contour interval of two (2) feet.
- (4) All wetlands permits required by law.
- (5) Limits of existing floodplains.
- (6) Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on the site plan, including the location of all wooded areas before development, the proposed limits of clearing and all trees to be preserved in accordance with Section III-5.10.B(2) of this Article.
- (7) Public sanitary sewer system, public water mains and fire hydrants.
- (8) Slopes, terraces, retaining walls, fencing and screening within required yards, and any shoreline stabilization structures.
- (9) Plans for collecting and depositing stormwater and method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.
- (10) Stormwater management plan which shows the following:
  - a. Location and design of all planned stormwater control devices.
  - b. Procedures for implementing non-structural stormwater control practices and techniques.
  - c. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations.



- d. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.
  - e. The plan shall include a guarantee from the property owner that he or she and subsequent owners shall be responsible for any necessary maintenance or repairs.
- E. Review by Administrator. The administrator shall review plot plans, site plans and subdivision plans for compliance with all requirements of this Ordinance. Within sixty (60) days of submission of a plot plan, site plan, or subdivision plan, the applicant shall be advised in writing, by formal letter or by legible markings on the plan, of any additional data that may be required or improvements that need to be made for compliance with this Ordinance.
- F. Denial of Plan, Appeal of Conditions or Modifications. In the event the plot plan or site plan is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Town Council. In granting an appeal, the Town Council must find such plan in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of this Ordinance. If the Town Council finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

III-5.13 Nonconformities. The lawful use of a building or structure which existed on the effective date of this Article or which exists at the time of any amendment of this Article, and which is not in conformity with new provisions of this Overlay District may be continued in accordance with the following provisions and the provisions in this Ordinance for Nonconforming Uses.

- A. No change or expansion of use of an existing nonconforming structure shall be allowed with the exception that the Administrator may grant an application for existing structures on lots or parcels to provide for remodeling and alterations or additions to such nonconforming structures in accordance with Article VI of this Ordinance, provided that:
- (1) The alteration, use, improvement, or minor expansion of an existing structure does not increase the non-point source pollution load or degrade the quality of surface waters, and encroachment into the buffer area is minimized.

- (2) Any development, redevelopment, or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of the Accomack County Erosion and Sediment Control Ordinance.
- B. Unimproved nonconforming lots of record at the time of the effective date of this Ordinance which are of insufficient size to meet the minimum requirements of this Ordinance regarding area, frontage, setbacks, width, depth, side and rear yards, or Buffer Area requirements may be used as permitted by the regulations for the underlying district in which the lot is located, subject to the following:
- (1) Lots must comply with all minimum zoning requirements and other applicable ordinances in effect on the date such lot was recorded, and
  - (2) When the application of the full 100-foot buffer area would result in the loss of buildable area on a lot or parcel recorded prior to October 1, 1989 the Administrator may modify the buffer area in accordance with the following:
    - a. Reduction of the buffer area shall be the minimum necessary to achieve a reasonable buildable area for the principle structure and necessary utilities; and
    - b. Where possible, an area equal to the reduction of the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
    - c. In any case where a 50-foot buffer area cannot be maintained, an applicant may request an exception in accordance with Section III-5.15 below.
- C. An application to alter or expand a nonconforming use shall be made to and upon forms furnished by the Administrator and shall include for the purpose of proper enforcement of this Article the following information:
- (1) Name and address of applicant and property owner.
  - (2) Legal description of the property and type of proposed use and development.
  - (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area.



- (4) Location and description of any existing private water supply or sewage system.

D. Approved applications shall become null and void twelve months from the date issued if no substantial work has commenced.

III-5.14 Exemptions.

A. Exemptions for Utilities, Railroads, and Public Roads.

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

- (1) Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality;
- (2) Public roads as defined in Section II of this article are exempt from Overlay District requirements.

B. Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the Overlay District provided that:

- (1) To the degree possible, the location of such utilities and facilities shall be outside RPAs;
- (2) No more land shall be disturbed than is necessary to provide for the desired utility installation;
- (3) All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

- (4) Any land disturbance exceeding an area of 2,500 square feet complies with all Accomack County erosion and sediment control requirements.

C. Exemptions for Forestry Activities.

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

D. Exemptions in Resource Protection Areas.

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

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

III-5.15 Exceptions.

- A. A request for an exception to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed exception on water quality.
- B. The Zoning Administrator shall review the request for an exception and the water quality impact assessment if required, and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Zoning Administrator finds:
  - (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;



- (2) The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
  - (3) The exception request is the minimum necessary to afford relief;
  - (4) The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
  - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
- C. If the Zoning Administrator cannot make the required findings or refuses to grant the exception, the Zoning Administrator shall return the request for an exception and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance as provided in Article IX, Provisions for Appeal.
- D. The Board of Zoning Appeals shall consider the findings and rationale of the Zoning Administrator in determining consistency with the purpose and intent of this Article.

## Article IV - Sign Regulations

IV-1 Statement of Purpose. The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the Town, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.

IV-2 Advertising Outdoors Regulated. No person except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain, or fasten any sign, pennant, flags, outdoor advertising signs, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

IV-3 Height Regulations. Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher.

### IV-4 General Regulations.

IV-4.1. Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

IV-4.2. No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway.

IV-4.3. No sign will be erected which advertises any activities which are illegal under State or Federal law or regulations in effect at the location of such sign or at the location of such activities.

IV-4.4. No sign will be erected which is inconsistent with State law or the provisions of this ordinance.

IV-4.5. No sign will be erected which involves noise, motion or rotation of any part of the structure or displays intermittent or flashing lights, without a Special Use Permit from the governing body.



IV-5 Nonconforming Signs. Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. Such nonconforming signs shall comply in all respects with the requirements of Article VI relating to nonconforming uses. If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of Article IV.

Article V - Off-Street Parking

V-1 Statement of Intent. The schedule below shall control the provision of parking spaces in the various Town zoning districts. The purpose of off-street parking provisions is to insure adequate access to any part of the Town by fire and emergency medical services, and to promote the economic well-being of the Town by creating a pleasant shopping climate.

V-2 Parking Space Size. Parking space size shall be a maximum of 162 square feet with a width of 9 feet and a length of 18 feet and a minimum of 91 square feet with a width of 7 feet and length of 13 feet. Parking spaces required for the handicapped shall be 200 square feet with a width of 10 feet and a length of 20 feet.

V-3 Schedule of Off-Street Parking.

<u>Districts</u>	<u>Off-Street Parking Requirements</u>
R-15	Two (2) parking spaces per dwelling unit.
R-M	Two (2) parking spaces per dwelling unit.
C-G	When there is no public parking within 300' of the premises, one (1) parking space for each two hundred (200) square feet of gross floor area or fraction thereof.

V-4 Additional Requirements. The following situations are controlled separately from the above district-wide off-street parking regulations.

V-4.1. For churches, high schools, theaters, general auditoriums, and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.

V-4.2. For medical and dental offices, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist in such offices in excess of three doctors or dentists.

V-4.3. For fraternal lodges, hunting clubs, golf courses, and country clubs, at least twenty-five (25) parking spaces shall be provided. Additional parking may be required by the Zoning Administrator.

V-4.4. For post offices at least one (1) for each fifty (50) box holders but not less than ten (10) spaces.



V-4.5. For restaurants at least one (1) parking space per table or booth plus six (6) for employees.

V-5 Requirements for Handicapped Access.

<u>Total Parking Spaces in Lot</u>	<u>Accessible Spaces</u>
2 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total

Parking spaces for handicapped persons shall have a minimum dimension of twelve by twenty feet and shall be clearly marked "Handicapped Parking Only."

Article VI - Nonconforming Lots

VI-1 Statement of Intent. Unimproved nonconforming lots of record at the time of the effective date of this Ordinance which are of insufficient size to meet the minimum requirements of this ordinance regarding area, frontage, setbacks, width, depth, side and rear yard requirements may be used as permitted by this Article or the regulations for the underlying district in which the lot is located, subject to certain conditions.

VI-2. Lots must comply with all minimum zoning requirements and other applicable ordinances in effect on the date such lot is located.

VI-3. The use of such nonconforming lots shall be subject to the requirements of the Board of Zoning Appeals as to setbacks, side yards and rear yards for same, and other provisions of this ordinance pertaining thereto.

VI-4 Procedure.

VI-4.1. An application for a permit for the use of a nonconforming lot shall be made to the Board of Zoning Appeals through the Zoning Administrator, which application shall contain information as follows:

- A. Name and address of applicant and property owner
- B. Legal description of the property and a copy of the plat of survey thereof, showing date of recordation, if any
- C. Type of use proposed for the property
- D. A sketch of the lot showing dimensions thereof and proposed location of structures thereon, in relation to streets, lot lines, Chesapeake Bay Preservation Areas (if applicable), structures on adjoining properties, and the location of proposed water supply and septic system the lot and the location of such systems on adjoining lots.

VI-4.2. The Board of Zoning Appeals shall consider the application as it would an application for a variance, and after holding a public hearing following due advertisement thereof, the Board may grant the right to use said lot subject to reasonable requirements imposed by it relative to setback, sideyard, rear yard, and other provisions of this ordinance pertaining thereto.



Article VII - Nonconforming Uses

VII-1 Continuation.

VII-1.1. If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is being legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.

VII-1.2. 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.

VII-1.3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

VII-1.4. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.

VII-1.5. Uses, structures, or activities which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment, may be continued. Any such future use, structure, or activity shall conform to the requirements of this ordinance or future amendment.

VII-2 Procedure.

VII-2.1. An application for a nonconforming use permit shall be made to and upon forms furnished by the Zoning Administrator and shall include for the purpose of proper enforcement of this Article, the following information:

- A. Name and address of applicant and property owner;
- B. Legal description of the property and type of proposed use and development;
- C. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area for any lot or parcel located within a Chesapeake Bay Preservation Area;
- D. Location and description of any existing private water supply or sewage system.

VII-2.2. Upon determining that same is proper, a nonconforming use permit shall be issued by the Zoning Administrator.

VII-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 (12) consecutive months on ordinary repairs 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 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.

VII-4 Expansion or Enlargement.

VII-4.1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

VII-4.2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

VII-5 Restoration or Replacement.

VI-5.1. If a nonconforming activity is destroyed or damaged in any manner, it shall be restored only if such use complies with the requirements of this ordinance, provided any such restoration is started within twelve (12) months and completed within twenty-four (24) months from the date of damage or destruction.

VII-5.2. If a nonconforming structure is destroyed or damaged in any manner, it shall be restored only within the existing construction footprint. If such a nonconforming structure can be made conforming during reconstruction, then it shall comply with the requirements of this ordinance.

VII-5.3. When a conforming or nonconforming structure, regardless of use, is damaged to any extent, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of damage or destruction.

VII-6 Procedure.

VII-6.1. Prior to commencement of any repairs or maintenance under Section VII-3, expansion or enlargement under VII-4, or restoration or replacement under VII-5, an application for a permit for same shall be made to the Zoning Administrator, which application shall contain the information required in VII-2 of this ordinance.

VII-6.2. Upon determining that the proposed repairs and



maintenance, and/or expansion and enlargement, and/or restoration or replacement is in accordance with the provisions of this ordinance, the Zoning Administrator shall issue a permit for same.

## Article VIII Administration and Enforcement

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

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

### VIII-2 Zoning Permits.

VIII-2.1. Buildings or other structures shall be erected, constructed, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the administrator. Fees shall be charged in accordance with Section VIII-6 of this Article. The zoning permit shall state that the proposed construction, use, or other activity is in accord with all provisions of this Zoning Ordinance. The Zoning Administrator may promulgate rules determining any additional information that may be required to accompany each application for a permit herein.

VIII-2.2. The Zoning Administrator shall act on any application received within forty-five (45) days after receiving the application, unless the property is located in the Chesapeake Bay Preservation Area. For property located within the Chesapeake Bay Preservation Area, the Zoning Administrator shall act within ninety (90) days upon receipt of the application. If formal notice in writing is given to the applicant, the time for action may be extended as reasonably necessary.

VIII-3 Certificate of Compliance. Land may be used or occupied and buildings structurally altered, erected, used or changed in use only after a certificate of compliance has been issued by the administrator. Such a permit 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, changing, or extending a nonconforming use. A certificate of compliance either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the



provisions of this ordinance.

VIII-4 Required Information. Each application for a zoning permit and a certificate of compliance shall be accompanied by three (3) copies of a scale drawing. 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 to the right of way or any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

VIII-5 Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than two hundred fifty dollars (\$250) or imprisonment in the county jail for not more than thirty (30) days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and shall be enjoined to cease.

VIII-6 Fee Schedule. Fees shall be imposed as follows:

Zoning Ordinance (copy)	\$ 5.00
Zoning Permit	\$ 10.00
Certificate of Compliance	\$ 10.00
Nonconforming Use Permit	\$ 10.00
Special Use Permit	\$150.00
Variance	\$150.00
Rezoning	\$500.00
Water Quality Impact Assessment Review	\$150.00

In addition to the foregoing fees, the applicant for any permit, special use permit, variance, rezoning, or water quality impact assessment review shall pay all costs of any required notices and advertisements. All fees and costs paid shall be non-refundable.

Article IX Special Use Permits

IX-1 Statement of Intent. It is recognized in this ordinance that certain uses are not necessarily incompatible with the uses traditionally associated with standard zoning districts, if the proper mitigating conditions are enacted along with the proposed use. Therefore, such uses have been designated as special uses, and have been included in Article III. Such uses are allowed in the associated districts upon the issuance of a Special Use Permit by the Parksley Town Council.

IX-2 Procedure. An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:

- A. The applicant shall submit an application to the Zoning Administrator. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met. Accompanying maps showing the site of the proposed use may be required.
- B. The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate and transmit a recommendation to the Town Council.
- C. The Town Council shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, in order to receive public comment and to decide upon the Special Use Permit application. Such public hearing shall be scheduled to coincide with the regularly scheduled Town Council meeting that most closely follows the Council's receipt of the Special Use Permit application. If the requirement for proper notice for a public hearing makes such regularly scheduled Town Council meeting impractical, the public hearing shall be scheduled for the Town Council meeting one meeting hence from the meeting most closely following receipt of the application by the Town Council.
- E. If the Town Council requests a recommendation from the Planning Commission regarding the issuance of the Special Use Permit, a joint public hearing shall be held. The Planning Commission recommendation shall be transmitted to the Town Council by the Town Council's first meeting after the date the public hearing is held.

IX-3 Conditions and Bonds. The Town Council may impose conditions, limitations, or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as,



but not limited to, the following:

- A. Abatement or restriction of noise, smoke, dust, vibration, odors, wastes, or other elements that may affect surrounding properties.
- B. Establishment of setback, side, front, and rear yard requirements necessary for orderly expansion and for preventing traffic congestion.
- C. Provision for adequate parking and ingress and egress to public streets and roads necessary to prevent traffic congestion.
- D. Provision for adjoining property with a buffer or shield from view of the proposed use and/or structure.
- E. Limitation on signage or other structures to be placed upon property that may affect surrounding properties.
- F. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal.
- G. The Town Council may require a bond, in a reasonable amount determined by the Council, to be payable to the Zoning Administrator to insure compliance with the terms and conditions of any special use permit.

IX-4 Review Standards. The Zoning Administrator and Town Council shall consider the following in reviewing a special use application:

- A. The proposed use and/or structure is allowed in the district in question with a special use permit.
- B. The proposed use and/or structure is consistent with the Town Plan.
- C. The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.
- D. The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.

IX-4 Notification to Applicant. After due consideration, the Town Council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or

special conditions.

IX-5 Effect of Approval. The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from the term of the special use permit without the express written consent of the Town Council.



Article X Provisions for Appeal

X-1 Board of Zoning Appeals.

X-1.1. A Board of Zoning Appeals, which shall consist of no more than seven (7) and no less than five (5) residents of the Town but shall always be an odd number, shall be appointed by the Circuit Court of Accomack County according to the provisions of the Code of Virginia, Section 15.1-494. Members of the Board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

X-1.2. The term of office shall be for five (5) years, except that original appointments shall be made for such terms that the term of one member shall expire each year. Members of the board shall hold no other public office in the County or Town except that one may be a member of the local planning commission.

X-1.3. 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 a legal interest.

X-1.4. The board shall choose annually its own chairman, vice-chairman, and secretary. The vice-chairman shall act in the absence of the chairman.

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

X-2.1. To hear and decide appeals from any order, requirements, decision or determination made by an administrative officer or Zoning Administrator in the administration or enforcement of this ordinance.

X-2.2. To authorize upon appeal in specific cases such variances 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:

- A. 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 the effective date of the ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of

property, or of 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:

- (1) That the strict application of the ordinance would produce undue hardship; and
- (2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- (3) 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.

- B. No such variance shall be authorized if the board finds that the condition or situation of the property concerned or the intended use of the property is of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
- C. In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

X-2.3 Interpretation. The Board of Zoning Appeals shall have the authority to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Section 15.1-431 of the Code of Virginia, the board may interpret the map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The Board shall not have the power to change substantially the location of district boundaries as established by ordinance.



X-3 Applications for Variances. Applications for variances may be made by any property owner, tenant, governmental official, department, board or bureau. Such applications shall be made to the Zoning Administrator in accordance with rules and regulations adopted by the Board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board who shall place the matter on the docket to be acted upon by the Board. No such variances shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia. The Zoning Administrator may also transmit a copy of the application to the Planning Commission which may send a recommendation to the Board or appear as a party at the hearing.

X-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. Any written notice of a zoning violation or a written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The appeal period shall not commence until such statement is given. 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 certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown. No such appeal shall be heard until after notice and hearing as required by Section 15.1-431 of the Code of Virginia.

X-4.1. Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual official, department or agency concerned, if any.

X-5 Rules and Regulations.

X-5.1. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

X-5.2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.



X-5.3. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

X-5.4. 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 examination and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record.

X-5.5. All meetings of the board shall be open to the public.

X-5.6. A favorable vote of the majority 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.

X-6 Public Hearing. 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 ninety (90) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of an administrative officer, or may decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or may effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the Town Hall and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

X-7 Decision of the Board of Zoning Appeals.

X-7.1. 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 county or municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Town Hall.

X-7.2. 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 allowance 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.

X-7.4. 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.

X-7.5. 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 appealed.

Article XI Amendments

XI-2 General Provisions. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:

XI-1.1. The Planning Commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by law, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon completion of its work, the commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.

XI-1.2. Before approving and adopting any amendment, the governing body shall hold at least one (1) public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes or corrections in the proposed amendments; 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 after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.

XI-2 Effect of Repeal, Amendments, or Recodification of any Part of this Ordinance on prior Proceedings, Acts or Offenses. The repeal, amendment or recodification of any part of this ordinance shall not affect any act, or offense done or committed, or any penalty incurred, or any right established, accrued or accruing on or before the effective date of such repeal, amendment or recodification, nor enlarge any such right or privilege, except as specifically provided by such repeal, amendment or recodification. Neither shall the repeal, amendment or recodification of any part of this ordinance affect any proceeding, prosecution, suit or action which may be pending, said prior laws being continued in full force and effect for those purposes.



## Town of Tangier

### Zoning Ordinance



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

## Table of Contents

Article 1	General Provisions	1
Article 2	Residential-Mixed District, R-M	4
Article 3	Waterfront Commercial District, C-W	6
Article 4	Chesapeake Bay Presevation Area Overlay District	8
Article 5	Sign Regulations	16
Article 6	Nonconforming Uses	18
Article 7	Administration and Enforcement	19
Article 8	Plan of Development Requirements	22
Article 9	Definitions	25



# Tangier Zoning Ordinance

## ARTICLE 1 - GENERAL PROVISIONS

**1-1. Title.** This ordinance may be known, designated and cited as the "Town Zoning Ordinance of the Town of Tangier."

**1-2. Authority.** The Code of Virginia, Title 15.1, Chapter 11, Article 8, Section 15.1-486 through 15.1-498, empowers towns to enact zoning ordinances and to provide for their administration, enforcement and amendment, and states the purposes, powers, and procedures for municipal zoning.

**1-3. Purpose.** This ordinance is enacted to promote and protect the health, safety and general welfare of the people of the town. It is the intention of the town council that the provisions of this ordinance will implement the purpose and intent of the comprehensive plan of the town by encouraging the most desirable use of the land for residential, commercial, industrial, recreational, public service, drainage, and other purposes, and by encouraging the most appropriate use and occupancy of buildings, and by protecting and improving the quality of the waters within and adjacent to the town, and by encouraging economic development activities that provide desirable employment and enlarge the tax base, and by promoting an attractive and harmonious community.

The governing body of the town 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, prohibit, and determine the following:

- A. The use of land, buildings, structures and other premises for commercial, industrial, residential, and other specific uses; and
- B. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures; and
- 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 in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- D. The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of the Town of Tangier, Virginia for the purpose of promoting the health, safety and/or general welfare of the public and of further accomplishing the objectives of Section 15.1-427 of the Code of Virginia, that the following be adopted as the zoning ordinance of the Town of Tangier, Virginia, together with the accompanying map.

**1-4. Jurisdiction.** This ordinance shall apply to the incorporated territory of the Town of Tangier, Virginia. However, nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six (6) months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.

**1-5. Town Liability.** The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by the Town of Tangier of the suitability of such land or structure for developing or use.

**1-6. Severability Clause.** Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof other than the part so declared to be unconstitutional or invalid.

**1-7. Ordinance sets minimum standards.** Whenever the standards set forth in this ordinance conflict with the requirements of any other lawfully adopted statutes, rules, regulations, deed restrictions, covenants, or ordinances, the most restrictive, or that imposing the highest standards shall govern.

#### **1-8. Zoning Districts and Regulations**

- A. Establishment of districts. In order to carry out the purposes and provisions of this ordinance, the incorporated area of the Town of Tangier is hereby divided into the following districts:
1. Residential-Mixed; R-M
  2. Commercial-Waterfront; C-W
  3. Chesapeake Bay Preservation Area Overlay; CBPA
- B. Establishment of official zoning map. The Town of Tangier is divided into zoning districts, as shown on the official zoning map, which, together with all explanatory matter thereon, shall be a part of this ordinance.
- C. Determination of district boundaries. Unless zoning district boundary lines are fixed by dimensions or otherwise clearly shown as described, and where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:
1. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets or alleys, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.



2. Where a district boundary is indicated to follow a creek, branch or other body of water, such boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
3. If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the above provisions do not apply, the boundary line shall be determined by the administrative authority using the scale shown on the zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals, which shall determine the boundary.

**1-9. General Performance Criteria.** The following standards shall apply in all zoning districts in the Town of Tangier:

- A. Land disturbance shall be limited to the area necessary to provide for the desired use or development.
- B. Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the *Virginia Erosion and Sediment Control Handbook*.
- C. Development and Redevelopment exceeding 2,500 square feet.
  1. All development and redevelopment exceeding 2500 square feet of land disturbance shall be subject to a plan of development process, in accordance with Article 8 - Plan of Development Requirements, of this Zoning Ordinance.
  2. Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of the Accomack County Erosion and Sediment Control Ordinance.

## ARTICLE 2 - RESIDENTIAL-MIXED DISTRICT, R-M

**2-1. Title.** This district shall be known and referenced as the "Residential-Mixed District" of the Town of Tangier, Virginia.

**Statement of Intent.** This district is composed of quiet, medium-density residential areas plus certain open areas where similar residential development is recommended to occur by the Town of Tangier Comprehensive Town Plan. 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 where there are children. To these ends, development is limited to a relatively medium concentration; and permitted uses are basically limited to single-unit dwellings providing homes for the residents, plus certain additional uses, such as parks, and certain public facilities that serve the residents of the district. This area is represented as R-M on page \_\_ of the Town of Tangier Zoning Ordinance and as Residential on the Future Land Use Map in the Tangier Town Plan.

**2-2. Principal permitted uses and structures.** The following uses shall be permitted subject to all other requirements of this ordinance as a matter of right in Residential-Mixed District (R-M).

- A. Single-Family Dwellings.
- B. Two-Family Dwellings.
- C. Parks and Playgrounds.
- D. Accessory Buildings.
- E. Public Utilities: poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

**2-3. Special exceptions.** The following uses shall be permitted in the Residential-Mixed District (R-M), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Exception Permit from the town council.

- A. Home Occupations.
- B. Churches.
- C. Bed and Breakfast Houses.
- D. Retail sales and service stores.
- E. Restaurants.
- F. Boarding houses.



**2-4. Minimum lot area.** The minimum lot area required for a permitted use in the "R-M" district is 6,000 square feet.

**2-5. Minimum lot width.** The minimum lot width shall be 40 feet.

**2-6. Setback regulations.** The following setback regulations shall apply in all R-M districts:

- A. Front. Each main building shall have a minimum front yard setback of 10 feet from lot line.
- B. Side. Each main building shall have a minimum side yard setback of 5 feet from the lot line. Any one-story accessory building shall have a setback of 3 feet and any accessory building over one-story shall have a setback of 5 feet.
- C. Rear. Each main building shall have a rear yard setback of 10 feet from lot line. Any one-story accessory building shall have a setback of 3 feet and accessory building over one-story shall have a setback of 5 feet.

**2-7. Lot Coverage.** Lot coverage for all R-M districts shall not exceed 50 percent of the area of a lot.

**2-8. Height Regulations.** Buildings may be erected up to 35 feet and two and one-half (2 1/2) stories in height except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aeriels are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height.

**2-9. Access.** Each dwelling unit shall front on a street or a 12 ft. minimum width access easement.

### ARTICLE 3 - WATERFRONT COMMERCIAL DISTRICT, C-W

**3-1. Title.** This district shall be known and referenced as the "Waterfront Commercial District" of the Town of Tangier, Virginia.

**3-2. Statement of Intent.** This district is intended to provide for the conduct of a variety of commercial activities and services related to the seafood and tourism industries. In addition, recreational use of the harbor is allowed. All uses should be on a scale compatible with the adjacent residential uses. This area is represented by C-W on page \_\_ of the Town of Tangier, Virginia, Zoning Ordinance and as Commercial, Waterfront on the Future Land Use Map in the Tangier Comprehensive Town Plan.

**3-3. Principal Permitted Uses and Structures.** The following uses shall be permitted by right.

- A. All uses permitted in R-M.
- B. Seafood Packing and Processing Plants, including crab shedding operations.
- C. Welding Shops.
- D. Boat Yards, Boat Repair.
- E. Restaurants.
- F. Launch Ramps.
- G. Retail Sales and Service Stores.
- H. Public Utilities: poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- I. Drainage, erosion and flood control devices.

**3-4. Special Exceptions.** The following uses shall be permitted in Waterfront Commercial District (C-W), subject to all other requirements of this ordinance, only upon the obtaining of a special exception permit from the town council.

- A. Professional and business offices.
- B. Bed and Breakfast operations.
- C. Residential apartments above stores.
- D. Boarding houses.

**3-5. Minimum lot area.** None, except for those uses permitted in R-M District. The area regulations in R-M shall apply to R-M uses.

**3-6. Setback regulations.** The following are the yard regulations for C-W districts:

- A. C-W uses which use a side or rear yard must have a minimum side yard of five (5) feet and a minimum rear yard of five (5) feet.



- B. C-W uses that are adjacent to a residential district must have a minimum side yard of 10 feet and a minimum rear yard of 20 feet.

**3-7. Height Regulations.** Buildings may be erected up to 35 feet and two and one-half (2 1/2) stories in height except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height.

**3-8. Access.** Each main building shall front on a street or twelve (12) foot minimum width access easement.

## **ARTICLE 4 - CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT, CBPA**

**4-1. Title.** This district shall be known and referenced as the "Chesapeake Bay Preservation Area Overlay District" of the Town of Tangier, Virginia.

**4-2. Purpose and Authority.**

- A. It is the intent of the Town of Tangier, Virginia and this overlay district to protect, improve and enhance the waters of the Chesapeake Bay, its tributaries and other state waters. This Article is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia.

**4-3. Conflict with Other Regulations.** In any case where the requirements of this Article conflict with any other provision of the Town of Tangier Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

**4-4. Application of CBPA District.**

- A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Tangier Town Council and as shown on the Town of Tangier Zoning Map as the Chesapeake Bay Preservation Area Overlay District. The Chesapeake Bay Preservation Area Overlay District is composed of a Resource Protection Area and a Resource Management Area.

(1) Resource Protection Areas include the following land categories, the protection of which is necessary to protect the quality of state waters:

- a. Tidal wetlands;
- b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
- c. Tidal shores;
- d. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections a. through c. above, and along both sides of any tributary stream.

(2) Resource Management Areas are generally composed of the following land categories: floodplains; highly permeable soils; nontidal wetlands not included in the RPA; and hydric soils.



- B. The Town of Tangier Zoning Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the Town of Tangier prior to engaging in a regulated activity.
- C. Portions of RPAs and RMAs designated by the Town Council as Intensely Developed Areas (IDAs) shall serve as redevelopment areas. Areas so designated shall comply with all Erosion and Sediment Control requirements and the performance standards for redevelopment in § 4-9.

**4-5. Interpretation of Resource Protection Area Boundaries.** The site-specific boundaries of the Resource Protection Area shall ordinarily be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Administrator and in accordance with Article XI, Plan of Development Requirements, of this Zoning Ordinance.

**4-6. Use Regulations.** Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

**4-7. Lot Size.** Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the RPA to accommodate an intended development, in accordance with the performance standards in Section III-3.12, Performance Standards, when such development is not otherwise allowed in the RPA.

**4-8. Required Conditions.**

- A. Development in RPAs may be allowed only if it: (i) is water-dependent; or (ii) constitutes redevelopment. A new or expanded water-dependent facility may be allowed provided that:
  - (1) It does not conflict with the Tangier Town Plan;
  - (2) It complies with the performance criteria set forth in Section III-3.12 of this Article;
  - (3) Any non-water-dependent component is located outside of Resource Protection Areas;
  - (4) Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.
- B. A water quality impact assessment shall be required for any proposed development or redevelopment within RPAs and for any development within RMAs when required by the Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section III-3.13, Water Quality Impact Assessment, of this Article.

#### 4-9. Performance Standards.

A. Purpose and Intent.

It is the intent of these requirements to prevent a net increase in nonpoint source pollution from new development and achieve a 10% reduction in nonpoint source pollution from redevelopment.

B. General Performance Standards for Development and Redevelopment.

- (1) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
  - a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for the Chesapeake Bay watershed as 16% or .45 pounds per acre per year;
  - b. For redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:
    1. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;
    2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
    3. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service.
  - c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- (2) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Administrator, in accordance with Article XI, Plan of Development Requirements, of this Zoning Ordinance.



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

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any tributary stream. The full buffer area shall be designated as the landward component of the RPA, in accordance with Section III-3.5, Application of CBPA District, and Article XI, Plan of Development Requirements, of this Zoning Ordinance.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full 100-foot buffer area may be employed in lieu of the 100-foot buffer if approved by the Administrator after consideration of the Water Quality Impact Assessment, in accordance with Section III-3.11 of this Article.

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

- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, and best management practices, as follows:
  - a. Any path shall be constructed and surfaced so as to effectively control erosion.
  - b. For shoreline erosion control projects, woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.
- (2) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the Administrator may modify the width of the buffer area in accordance with Article XI, Plan of Development Requirements, of this Zoning Ordinance and the following criteria:
  - a. Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

- b. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
  - c. In no case shall the reduced portion of the buffer area be less than 50 feet in width.
- (3) Redevelopment within the IDA may be exempt from the buffer area, in accordance with Article XI (Plan of Development) of this ordinance.

#### **4-10. Water Quality Impact Assessment.**

- A. Purpose and Intent. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within Resource Protection Areas and other environmentally sensitive lands; ensure that, where development does take place within Resource Protection Areas and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of Resource Protection Areas and other sensitive lands; to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and specify mitigation which will address water quality protection.
- B. Water Quality Impact Assessment Required. A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, is required for:
- (1) Any proposed development or redevelopment within a Resource Protection Area, including any buffer area modification or reduction as provided for in Section III-3.11.C of this Article.
  - (2) Any proposed development or redevelopment within an RMA. The Administrator may waive this requirement when it is apparent that the unique characteristics of the site (such as the topography, soils, groundcover, location of wetlands and tidal shores) will prevent the proposed development from causing a degradation of water quality.
- C. Contents of a Water Quality Impact Assessment. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The information required in this section shall be considered a minimum, the Administrator may determine that additional information is necessary due to the nature and scope of the proposed use and development of land. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:
- (1) Location of the components of the RPA, including the one hundred (100) foot RPA buffer.



- (2) Location and nature of any proposed encroachments into the RPA buffer area including the type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
- (3) Type and location of proposed stormwater management facilities and best management practices necessary to comply with performance standards for stormwater management contained in Section III-3.12.B(7).
- (4) Calculation of pre- and post-development pollutant loading in accordance with Section III-3.12.B(7).
- (5) Identification and status of any required wetlands permits from federal, state or local agencies.
- (6) An erosion and sediment control plan in accordance with the requirements of Accomack County's Erosion and Sediment Control Ordinance.
- (7) A narrative describing the site; the impacts of the proposed development on topography, soils, hydrology and geology; and the measures taken to mitigate nonpoint source pollution.

D. Evaluation Procedure.

- (1) Upon the completed review of a water quality impact assessment, the Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the purpose and intent of this Article or if the proposed development is consistent with the purpose and intent of this Article.
- (2) The Administrator may request review of the water quality impact assessment by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by CBLAD will be considered by the Planning Commission provided that such comments are provided by CBLAD within thirty (30) days of the request.

4-11. **Exemptions.**

A. Exemptions for Utilities, Railroads, and Public Roads.

- (1) Construction, installation, operation, and maintenance of electric, gas, and telephone transmission lines, and sidewalks and lighting, in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements will

be exempt from the Overlay District requirements.

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

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

- (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
- (2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
- (3) The intended use does not conflict with nearby planned or approved uses; and
- (4) Any land disturbance exceeding an area of 2500 square feet shall comply with all Accomack County erosion and sediment control requirements.

#### **4-12. Exceptions.**

- A. A request for an exception to the requirements of this Overlay District shall be made in writing to the Administrator. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of Section 4-10.
- B. The Administrator shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed



necessary to further the purpose and intent of this Article if the Administrator finds:

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

## ARTICLE 5 - SIGN REGULATIONS

**5-1. Statement of Purpose.** The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the Town, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.

**5-2. Advertising Outdoors Regulated.** No person except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain, or fasten any sign, pennant, flags, outdoor advertising signs, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

**5-3. Signs Permitted by Right.** The following signs are permitted by right, subject to other applicable provisions of this article.

- A. **Business.** A business sign is defined as a sign which directs attention to a product, commodity, or service available on the premises. Signs or a combination of letters may be attached to a building or structure, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of the specific business. A Business sign shall not exceed 16 square feet, and the number of signs allowed is limited to one sign per street frontage per establishment.
- B. **Restaurant.** In addition to other signage, restaurants and cafes shall be permitted a menu or sandwich board sign, which shall not exceed five (5) square feet.
- B. **Directional.** A directional sign, displayed for the direction or convenience of the public, must not exceed four (4) square feet, giving the name only of the business responsible for the erection of same, one end of which may be pointed, or on which an arrow may be painted.
- C. **Identification.** An identification sign is defined as a sign displayed for the purpose of showing the name and use of a church, cemetery, fraternal organization, hospital or other similar establishment. An identification sign must not exceed 16 square feet, and is limited to one per establishment.
- D. **Home Occupation.** A home occupation sign is defined as a sign identifying a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling. A Home Occupation sign shall not exceed four (4) square feet, and is limited to one sign per establishment.



#### **5-4. General Regulations.**

All signs shall be of balanced proportions and symmetrical in shape. All signs and the surrounding area shall be maintained in a neat and orderly manner.

Signs shall not exceed a height of 15 feet above ground level or the street to which it is oriented, whichever is higher.

All signs must be attached, or wall-mounted, to a building other permanent structure; Freestanding signs are prohibited.

Signs constructed of paper or cardboard are prohibited.

Applied letters, may substitute for wall-mounted signs, if constructed of painted wood, painted cast metal, bronze, brass or black anodized aluminum. Applied plastic letters shall not be permitted. The height of applied letters shall not exceed eight inches.

**5-6. Nonconforming Signs.** Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. Such nonconforming signs shall comply in all respects with the requirements of Article 6 relating to nonconforming uses. If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of Article 6.

## ARTICLE 6. NONCONFORMING USES

**6-1. Intent.** Some existing lots, uses, structures or combinations of uses and structures will not meet the requirements set out by this Ordinance for districts. These nonconformities (hereinafter "nonconforming uses") are declared by this Ordinance to be incompatible with the requirements of the districts. It is the intent of this ordinance to allow nonconforming uses to continue until they are removed or discontinued but not in any way to encourage their survival; nor to permit their enlargement, expansion or extension' nor to permit their use as a grounds for adding other structures or uses which would be prohibited in the district involved.

**6-2. Continuation.** A nonconforming use may continue provided that it remains otherwise lawful, subject to the provisions set forth in this section:

- A. Change in title. 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.
- B. Abandonment. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- C. Expansion. No nonconforming use shall be enlarged or extended to cover a greater land area than was occupied by the nonconformity of the effective date of this ordinance.
- D. Damage or destruction. If a nonconforming use is damaged or destroyed, it may be reconstructed or restored to its prior condition and location within two (2) years of its being damaged or destroyed, and the nonconformity may continue as before. If it is not reconstructed or restored within two (2) years, any subsequent use shall conform to the requirements of this ordinance.



## ARTICLE 7 - ADMINISTRATION AND ENFORCEMENT

**7-1. Administration.** The zoning administrator shall have all necessary authority on behalf of the Town Council to administer and enforce this ordinance, including the ordering in writing of the remedying of any condition found in violation of this ordinance, and the bringing of legal action to ensure compliance with this ordinance, including injunction, abatement or other appropriate action or proceeding authorized by this ordinance or the laws of this state.

**7-2. Zoning permits.** No use of any real property within the corporate limits of the Town of Tangier shall take place nor shall any construction or excavation or grading therefor commence prior to the issuance of a zoning permit therefor by the zoning administrator. Such permit shall show that the land, structures, and uses of land and structures are in conformity with the provisions of this ordinance. The zoning administrator shall issue such certificate if he finds that all of the requirements of this ordinance have been met, and shall withhold such certificate unless all requirements of the ordinance have been met. If an activity requires a building permit, the Zoning Administrator shall review the application for the zoning permit and sign it off on the building permit before such permit is issued.

**7-3. Special Exception Permits.** The Town Council may grant a special use permit where such special use or structure is permitted by the terms of this Ordinance. The Town Council may grant, deny or grant conditionally the permit. The Town Council may issue a permit for such use after considering the following:

- 1) The proposed use and/or structure appears on the official schedule of district regulations or elsewhere in this ordinance.
  - 2) The proposed use and/or structure complies with the regulations governing individual special exceptions.
  - 3) The proposed use and/or structure is consistent with the Town Plan.
  - 4) The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.
  - 5) The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.
- A. Procedure. The application for a special exception permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:
1. The applicant shall submit an application to the Zoning Administrator. Such application shall be accompanied by evidence that the specific criteria set forth in

the ordinance for the special exception requested will be met.

2. The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate a recommendation to the Planning Commission and Town Council.
  3. Planning Commission and Town Council shall hold public hearings after notice in accordance with Section 15.1-431 of the Code of Virginia, as amended.
  4. The Planning Commission and Town Council shall review the recommendation of the Zoning Administrator, or any other report, visit the site if appropriate, and meet with the applicant.
- B. Conditions and Bonds. The Town Council may impose conditions, limitations or special requirements as it deems necessary to protect the public health, safety and general welfare, such as but not limited to the following:
1. Restriction of noise, smoke, dust, vibration, odors, wastes or other elements that may affect abutting or adjacent properties.
  2. Providing adjoining property with a buffer fence or shield from view of the proposed use and/or structure.
  3. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal.

After due consideration, the Town Council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or special conditions.

- C. Effect of Approval. The issuance of a special exception permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special exception permit. No deviations, expansion, or other changes whatsoever shall be made from the term of the special exception permit without the express written consent of the Town Council.

**7-4. Violations and Penalties.** Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100) or imprisonment in the county jail for not more than thirty (30) days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and shall be enjoined to cease.



**7-5. Appeals and variances.**

The board of zoning appeals shall hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance. In addition thereto, the board shall have such other powers and duties as are set forth in Section 15.11-495 of the Code of Virginia. The board of zoning appeals may reverse, modify or affirm, wholly or in part, any order, requirement, decision or determination under review. However, the Board is not empowered to rezone property.

The Board may grant a variance when an ordinance causes undue hardship to a particular landowner. The hardship incurred by the landowner should relate to the land's size shape, topography or other extraordinary situation, and also should be unique to the property and not be shared by other properties in the same zoning district and vicinity. When granting a variance, the Board must ensure the change shall be in harmony with the intended spirit and purpose of the ordinance. The variance procedure must not be used to rezone land nor should it provide special privilege or convenience to the applicant. When a variance is granted, the Board may impose conditions on the location, character and features of a proposed structure or use.

**7-6. Amendments.** Whenever the public necessity, convenience, general welfare, or good zoning practice requires, 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 the resolution of the town council, or by motion of the planning commission. Proposed amendments must be referred to the planning commission for its recommendation, prior to final action by the Town Council. Public notice must be given and public hearings held before zoning amendments may be adopted.

## ARTICLE 8 - PLAN OF DEVELOPMENT REQUIREMENTS

**8-1. Statement of Intent.** This Article is enacted to ensure compliance with all applicable ordinances and statutes, to promote innovative and creative design, to enhance the Town of Tangier's traffic circulation system by providing for the convenient and safe movement of vehicles and pedestrians, to protect the economic value of the natural environment from unwise and disorderly development, to ensure the efficient use of land, and to promote high standards in the layout, design, landscaping, and construction of development.

**8-2. Application.** Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of a site or the issuance of any building permit, to assure compliance with all applicable requirements of this Ordinance. The plan of development process shall generally be satisfied by the approval of a site plan, or a plot plan in accordance with the provisions in XI-3, and any additional plans or studies as required by the Administrator.

**8-3 Plot Plans.** One copy of a plot plan drawn to scale for individual single-family dwellings or accessory structures for single-family residences or for commercial development which results in a land disturbance less than 10,000 square feet and which will result in an area of impervious surface of less than 30 percent of any lot or parcel, shall be submitted to the Administrator for review and approval. Any encroachment into an RPA shall require an applicant to prepare a site plan as outlined in § XI-4 below, including the submission of a water quality impact assessment in accordance with Article III-3.13 of this Ordinance.

A. Required Information. At a minimum, the plot plan shall be drawn to scale and contain the following information:

- (1) A boundary survey of the site drawn to scale or site drawing showing the north arrow and property line boundaries and distances.
- (2) Area of the lot/parcel.
- (3) Location, dimensions, and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
- (4) Location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way.
- (5) Dimensions and location of all existing impervious surfaces.
- (6) Limits of clearing and grading.
- (7) Specifications for the protection of existing vegetation during clearing, grading,



and all phases of construction.

- (8) Location of Resource Protection Area (RPA) boundary, as specified in § III-3.8 of this Ordinance, including any additional required buffer areas.
- (9) Location of all erosion and sediment control devices.
- (10) Amount of impervious surface proposed for the site.

**8-4. Site Plan.** A site plan for any proposed development which will result in 10,000 square feet of land disturbance or greater, or any proposed development which will result in an area of impervious surface lot coverage of 30 percent or greater, or any industrial development proposal shall be submitted to the designated authority for review and approval. Any encroachment into an RPA shall require an applicant to submit a water quality impact assessment in accordance with Article III-3.13 of this Ordinance.

A. Required Information. The applicant shall submit six (6) prints at a scale of one hundred (100) feet to the inch of the site plan to the designated authority. At a minimum, the site plan shall contain the information required for a plot plan above and the following additional information:

- (1) The proposed title of the project and the names and addresses of the professional(s) preparing the plan, the owner or owners of record, and the applicant, if different, and a signature panel for the designated authority's approval.
- (2) Site boundaries, north arrow, scale, the present zoning and current use of the property and all contiguous or abutting parcels.
- (3) Existing topography with a maximum contour interval of two (2) feet.
- (4) All wetlands permits required by law.
- (5) Limits of existing floodplains.
- (6) Existing natural land features, water features and all proposed changes to these features shall be indicated on the site plan, the proposed limits of clearing and all vegetation to be preserved in accordance with Article III-3.12.B of this Ordinance.
- (7) Public sanitary sewer system, public water mains and fire hydrants.
- (8) Slopes, terraces, retaining walls, fencing and screening within required yards, and any shoreline stabilization structures.
- (9) Plans for collecting and depositing stormwater and method of treatment of natural

and artificial watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.

(10) Stormwater management plan which shows the following:

- a. Location and design of all planned stormwater control devices.
- b. Procedures for implementing non-structural stormwater control practices and techniques.
- c. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations.
- d. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.

**8-5. Review by Administrator.** The Administrator shall review plot plans, site plans and subdivision plans for compliance with all requirements of this Ordinance. Within sixty (60) days of submission of a plot plan, site plan, or subdivision plan, the applicant shall be advised in writing, by formal letter or by legible markings on the plan, of any additional data that may be required or improvements that need to be made for compliance with this Ordinance.

**8-6. Denial of Plan, Appeal of Conditions or Modifications.** In the event the plot plan or site plan is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Town Council. In granting an appeal, the Town Council must find such plan in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of this Ordinance. If the Town Council finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.



## ARTICLE 9 - DEFINITIONS

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

**Accessory use or structure.** A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

**Acreage.** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

**Administrator, The.** The town council, which is charged with the enforcement of this ordinance, or any person whom the council designates as the zoning administrator. The administrator may be any appointed or elected official who is by formal resolution designated to the position by the governing body and may serve with or without compensation as determined by the governing body.

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

**Bed and Breakfast house.** A dwelling where lodging and breakfast is provided for compensation for up to six (6) persons (in contradistinction to hotels, boarding houses and tourist houses) and open to transients. Up to one person may be hired to assist in the operation of the establishment.

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

**Boarding House.** A building where, for compensation, lodging and meals are provided for at least five (5) and up to ten (10) persons.

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

**Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

**Building, height of.** 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 (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.

**Chesapeake Bay Preservation Area (CBPA).** Any land designated by the Tangier Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

**Commission, The.** The Planning Commission of the Town of Tangier, Virginia.

**Development.** The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

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

**Dwelling.** Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, travel trailers, and manufactured homes.

**Dwelling, Multiple-Family.** A structure arranged or designed to be occupied by more than one (1) family.

**Dwelling, Single-Family.** A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Excludes mobile home as defined.

**Dwelling Unit.** One (1) or more rooms in a dwelling designed for living or sleeping purposes and having at least one (1) kitchen.

**Family.** One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.

**Frontage.** The minimum width of a lot measured from one (1) side line to the other along a straight building setback line as defined as required herein.

**Governing body.** The Town Council of Tangier, Virginia.

**Home Occupation.** Any occupation or profession carried on in a dwelling unit or on the premises thereof, provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such operation.
- B. The use of the dwelling unit for the business is clearly incidental and subordinate to its use



for residential purposes by its occupants.

- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet.
- D. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Bed and breakfast houses, boarding and rooming houses, tourist homes and private education institutions, the conducting of a beauty or barber shop, tea room or restaurant, clinic, doctor or dentist office, child care center, real estate office, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

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

**Institutional Use.** For the purpose of this ordinance institutional uses shall be defined as those uses that pertain to government or education.

**Lot.** A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

**Lot, coverage.** The impervious area of any lot or parcel including, but not limited to, buildings, roads, drives, sidewalks, patios, decks, etc.

**Lot, Corner.** A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

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

**Lot, double frontage.** An interior lot having frontage on two (2) streets.

**Lot, Interior.** Any lot other than a corner lot.

**Lot, Width.** The width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or

angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.

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

**Manufactured Home.** A structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width and is forty (40) or more feet in length, or when erected on site, is three-hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical conditions contained therein. The term "mobile home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia, Section 36-85.16 et seq., by the term "manufactured home."

**Mobile Home.** A transportable, factory built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (This definition shall not include motor homes and travel trailers.)

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

**Nonconforming Structure.** An otherwise legal building or structure that does not conform with 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.

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

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

**Office.** For the purpose of this ordinance offices are defined as a building, room or suite in which services, clerical work, professional duties or the like are carried out.

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



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

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

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

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

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

**Retail stores and shops.** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, 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.

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

**Sign.** Any display of any letters, words, numerals, figures, device, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where 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 four (4) square feet is excluded from this definition.

**Sign structure.** Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

**Store.** See Item II-81, Retail Stores and Shops.

**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 is 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, Road.** A public thoroughfare, except an alley or driveway, which affords principal means of access to abutting property.

**Street Line.** The dividing line between a street or road right-of-way and the contiguous property.

**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.

**Tidal Shore or Shore.** Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

**Tidal Wetlands.** Vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia.

**Variance.** A variance is a reasonable deviation, granted by the Board of Zoning Appeals, from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk, or location of a building or structure.

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

**Wetlands.** Tidal and nontidal wetlands.

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

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

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

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



# Town of Bloxom, Virginia

## SUBDIVISION ORDINANCE

Adopted May 23, 1996

During the preparation of this ordinance, financial assistance was provided by the Chesapeake Bay Local Assistance Department, Commonwealth of Virginia.



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

Prepared by:  
Bloxom Planning Commission

With Technical Assistance Provided by:  
Accomack-Northampton Planning District Commission

**Table of Contents**

I.	General Provisions	1
II.	Administration	5
III.	General Regulations	6
IV.	Preparation and Recordation of Plats	14
V.	Effectual Clauses	19



## **I. GENERAL PROVISIONS**

### **A. Title.**

This document is known and may be cited as the "Subdivision Ordinance of the Town of Bloxom, Virginia."

### **B. Definitions.**

For the purpose of this document, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "plot" and "parcel"; the word "shall" is mandatory and not advisory; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this document includes all distances and areas refer to measurements in a horizontal plane.

Agent means the representative of the Town Council who has been designated to review and approve the subdivision of land and the plats of such subdivision when located wholly or partly within the Town.

Alley means a permanent service right-of-way providing secondary means of access to abutting properties.

Building means any structure having a roof, supported by columns or walls, for the housing or enclosure of persons, animals, vehicles, or other personal property.

Building permit means a document issued by the building inspector granting permission to another person to construct, extend, repair, remove or alter a structure.

Building setback means the minimum distance by which any structure must be separated from the front property line of a lot.

Commission means the planning commission of the Town of Bloxom.

Cul-de-sac means a street with only one outlet and having an appropriate turnaround for safe and convenient reverse traffic movement.

Easement means a grant by a property owner for the use of land for one or more specific purposes, which purposes are consistent with the general property rights of the owner.

Engineer means an engineer certified by the Commonwealth of Virginia.

Floodplain means an area subject to inundation by waters of the one hundred (100) year

flood. The basis for delineation of the floodplain shall be the current approved Flood Insurance Study for the Town of Bloxom prepared by the U.S. Department of Housing and Urban Development, or where the area is not covered by the Flood Insurance Studies, soil survey maps or approved engineering studies.

Health official means the health director or sanitarian serving the Town of Bloxom.

Highway engineer means the Resident Engineer employed by the Virginia Department of Transportation serving the Town of Bloxom.

Lot means a numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building.

Lot, corner means 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 means the mean horizontal distance between the front and rear lot lines.

Lot, double frontage means an interior lot having frontage on two streets.

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

Lot of record means a lot which has been recorded among the land records in the office of the Clerk of the Circuit Court of Accomack County.

Lot, width of means the mean horizontal distance between the side lot lines.

Plat means the map or plan of a tract or parcel of land which is to be or which has been subdivided. The word "plat" includes the words "map," "plan," "replat," "plot," and "replot." When used as a verb, "plat" is synonymous with "subdivide."

Right-of-way means land dedicated or reserved for a street, crosswalk, railroad, road, water main, sanitary or storm sewer main, public utilities, or other special uses. For land platting purposes, the term "right-of-way" shall mean that every right-of-way, established after October 20, 1981, and shown on a final plat, is to be separate and distinct from the lots or parcels adjoining such right-of-way and is not included within the dimensions or areas of such lots or parcels. A right-of-way intended for a street, crosswalk, water main, sanitary sewer, storm drain, or any other use involving maintenance by a public agency shall be dedicated to public use.

Street means land, including the entire right-of-way intended to be dedicated, for use as a means of vehicular and pedestrian circulation by the public at large.

Street, major means any existing or future street designated as a major thoroughfare (a



U.S. highway, state primary highway, or secondary highway) on the adopted comprehensive plan of the Town of Bloxom.

Street, minor means a street that is used primarily as a means of providing low volume traffic access to abutting properties of a limited number.

Street, service means a public street, generally parallel and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Street width means the total right-of-way width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

Subdivide means the division of a parcel of land into two or more parts for the purpose of transfer of ownership or building development. For the purposes of this document, the term shall relate to the purpose of recordation of any single division of land into two or more lots or parcels. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in this section.

Subdivider means an individual, corporation, proprietor, trust, partnership, or other entity owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons or entities owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating for, representing, or executing the legal requirements of the subdivision of land.

Surveyor means a land surveyor certified by the Commonwealth.

Zoning ordinance means the adopted zoning ordinance for the Town of Bloxom.

C. Purpose.

The subdivision of land is a privilege conferred upon the subdivider by the Commonwealth of Virginia and the Town of Bloxom through this Subdivision Ordinance. Subdivided land eventually becomes a public responsibility because roads and streets must be maintained and numerous public services customary to developed areas must be provided. The purpose of this document is to assist the Town in meeting these responsibilities by establishing subdivision standards and procedures to implement the comprehensive plan and as provided for by § § 15.1-465 through 15.1-485 of the Code of Virginia. More specifically, the purpose of this document is to:

1. Guide and facilitate the orderly, beneficial growth of the community by ensuring the orderly subdivision of land and its development in a way that protects sensitive environmental resources within and beyond the Town, and protects and enhances the public health, safety, and general welfare;

2. Protect the interests of subdividers and the public by prohibiting improperly located subdivisions on lands unsuitable for development because of high ground water, erosion, vulnerability to flood and storm damage, or other natural or manmade hazards;
3. Guide the conversion of land when developed for residential, business, or industrial purposes and to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and
4. Make possible the provision of public services in a safe, adequate, and efficient manner.

D. Authority.

This document is authorized by Code of Virginia, Title 15.1, Chapter II, Article 7, Land Subdivision and Development, § § 15.1-465 et seq.



## **II. ADMINISTRATION**

### **A. Designation of agent.**

The agent, to whom responsibility for administration and enforcement of this document is delegated, shall be designated by resolution of the Town Council.

### **B. Duties and authority of agent.**

The agent shall perform all duties regarding subdivisions and subdividing in accordance with this document and the Virginia Land Subdivision and Development Act (§ § 15.1-465 et seq., Code of Virginia). In addition to the regulations contained in this Ordinance for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the administration of this document.

### **C. Consultations.**

In the performance of his or her duties, the agent may call for advice on written decisions or opinions from other departments and agencies when evaluating subdivision plats and plans. This authority shall have particular reference to the resident highway engineer, the county health officer, and the planning commission.

### **D. Inspections.**

The agent shall periodically inspect every subdivision during development and may employ any legally permissible means to ensure that the subdivision is developed according to the approved plat and the provisions of this document.

### **III. GENERAL REGULATIONS**

#### **A. Generally.**

The provisions of this article prescribe the minimum requirements for the subdivision of land in the Town. Such requirements may not be waived, except as specifically provided for in this article.

#### **B. Mutual responsibility.**

The Town and the subdivider share a mutual responsibility to divide land so as to improve the general use pattern of the land being subdivided.

#### **C. Land suitability.**

1. No subdivision shall be approved if investigations by trained personnel determine that, due to soil, water table, topography, or other sensitive natural features, the site of the proposed subdivision is unsuitable for platting and development in the manner proposed.
2. Wetlands, as defined by the Zoning Ordinance of the Town of Bloxom or as defined in § 62.1-13.2 of the Code of Virginia, any land designated as a Resource Protection Area (RPA), or any land subject to periodic flooding shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve a danger to health, life, or property, aggravate flood hazard, or be shown to impair water quality. Any such land within the proposed subdivision, whether it be within a lot or reserved for common use of subdivision occupants, shall be restricted against buildings or otherwise reserved for only those uses which will not impair water quality or be endangered by periodic or occasional inundation. To ensure sufficient buildable land which is flood-free and outside the RPA, the subdivider shall be required to map the extent of the 100-year floodplain and the RPA to demonstrate an adequate buildable area outside of the RPA and completely free of the danger of floodwaters.
3. A plat for the subdivision of land with poor drainage, excessive slope, or other adverse physical conditions will be considered for approval only if the subdivider adequately demonstrates that each lot has sufficient buildable area outside of the sensitive features to render the land safe and otherwise acceptable for development.

#### **D. Compliance with document; prohibited acts; penalties.**

1. Any owner or developer of any tract of land situated within the Town, who



subdivides the same shall prepare a plat of such subdivision, in accordance with the provisions of this document and shall record the plat in the office of the clerk of the appropriate court. No such subdivision plat shall be recorded unless it has been submitted, approved, and certified by the agent in accordance with the regulation set forth in this document.

2. No lot shall be sold in any proposed subdivision, nor shall any building permit be granted, until a final plat for the subdivision has been approved and recorded.
3. The clerk of court shall not file or record a plat of a subdivision of land required to be recorded until such plat has been approved, as required by this document, and the penalties provided for in § 17-59 of the Code of Virginia shall apply to any failure to comply with this provision.

E. Recordation not required.

The recording of a subdivision plat under this document shall not be required in the following cases:

1. A partition of land by will or through actions of a court of competent jurisdiction unless or until development of the land is proposed.
2. When a property has been changed in size or shape by reason of the taking of a part of such property for public use by referring to a properly drawn and recorded plat, provided that the outlines and dimensions of such remainder may be clearly determined by reference to the previously recorded plats.
3. The sale or exchange of any parcels of land between owners of adjacent properties for the purpose of a small adjustment in boundaries, provided that additional lots are not created.
4. A bona fide division of a tract of land in order that one (1) or more of the resulting parcels may be used as a part of a public utility right-of-way, provided, that if a parcel resulting from such subdivision is ever to be used as a building site for other than right-of-way purposes, then before a building permit may be issued for such other use, a plat must be filed and recorded which satisfies the requirements of this document and the Town of Bloxom Zoning Ordinance.

F. Improvements.

All required improvements shall be installed by the subdivider at his or her cost. Where specifications have been established either by the Virginia Department of Transportation for streets, curbs, drainage, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has inspected and approved by the appropriate engineer and the agent. All improvements shall be installed in

accordance with the provisions in § § 10-41 through 10- 50. The Town's agent may approve partial release of bonds upon approved completion of major portions of the required improvements, consistent with and as provided for in § 15.1-466(1) of the Code of Virginia.

G. Streets.

1. Design and construction. All streets, service drives, and alleys for any proposed subdivision shall be designed and constructed in accordance with the standards of the Virginia Department of Transportation for acceptance into the state secondary road system, and at no cost to the locality, except as may otherwise be approved by the Town in conjunction with approval of a Planned Development District.
2. Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, a proposed street shall be extended to the boundary line of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles.
3. Access to major streets. Where a subdivision borders on or contains an existing or proposed major street, the planning commission may permit the subdivider to provide that the access to such streets be limited by one (1) or more of the following means:
  - (a) The subdivision of lots so that they will back onto the major street and front onto a parallel minor street. No access shall be provided from the major street, and screen planting shall be provided in a strip of land along the rear property line of such lots.
  - (b) The subdivision of lots along a series of cul-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel minor street, with the rear lines of the terminal lots contiguous with the major street right-of-way.
  - (c) The subdivision of lots along a service street and physically separated for the major street by a planting or grass strip and having access thereto at approved points.
4. Approach angle of streets. Streets shall approach streets at an angle of not less than eighty (80) degrees, unless the agent, upon recommendation of the resident highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain, or compatibility with existing patterns.



5. Cul-de-sacs. Generally, permanent cul-de-sacs shall not exceed a length of four hundred (400) feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet in diameter, except as may be provided for in Planned Development Districts.
6. Alleys. Alleys shall be platted and/or allowed within any subdivision on or after the effective date of this ordinance provided they are at least twelve (12) feet in width, or as specified by the Virginia Department of Transportation.
7. Private streets and reservation strips.
  - (a) No private street shall be permitted in a platted subdivision for detached single-family dwellings. All other subdivided property shall be served by a publicly dedicated street or have access to a public street by a common drive, parking bay, or access way serving not more than forty (40) dwelling units.
  - (b) When a private access is platted or provided, the developer shall establish and record with the plat appropriate declarations and agreements, relieving the Town from all current and future maintenance responsibility. Furthermore, the developer shall establish a maintenance fund equal to ten (10) percent of the original construction costs of the private access for future repairs and snow removal by the established homeowners' association.
8. Names of streets. Proposed streets which are obviously in alignment with other existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names regardless of the use of the suffixes "street," "avenue," "boulevard," "road," "driveway," "place," "lane," or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Town Council.
9. Street identification sign. Street identification signs of a design approved by the Virginia Department of Transportation shall be installed by the subdivider at all intersections.

H. Lots.

1. General design objectives. Lots shall be arranged, to the greatest extent feasible, to preserve and maintain existing fields, pastures, and woodlands. Scenic views or vistas should remain unblocked or uninterrupted, particularly as seen from public roads, special areas, or scenic ways. Buffers of natural vegetation of at least 100 feet in width shall be maintained adjacent to all surface waters and abutting wetlands, as defined in the Town's Chesapeake Bay Preservation Act

regulations.

2. Lot Size. Lot sizes for residential lots shall conform to the Town of Bloxom Zoning Ordinance in effect at the time of filing of the plat.
3. Lot Shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings by providing adequate area for structures, entrances, setbacks, and other features necessary for protecting the public health and safety. Lots shall be properly related to topography so as to provide adequate site drainage and prevent undue soil erosion and stormwater runoff, and shall conform to all requirements of this Ordinance and all other applicable regulations. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
4. Location. Each lot, except those occupied by attached single-family dwelling units (townhouse), shall abut on an existing or recorded public street or a street dedicated by the subdivision plat to be maintained by the Virginia Department of Transportation.
5. Corner lots. Corner lots shall be considered to have two front yards abutting the two streets and a side yard next to each side of the lot. Such lots shall have width sufficient for adequate site distance on both streets, as determined by the agent.
6. Sidelines. Sidelines of lots shall be approximately at right angles or radial to the street line.
7. Remnants. All remnants of lots below minimum size after subdividing of a tract must be added to adjacent lots or otherwise disposed of, rather than allowed to remain as unsalable parcels. No such outlots are permitted except as to provide common open space, as approved by the agent.
8. Separate ownership. When the land covered by a subdivision includes two or more parcels in separate ownership, and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Such deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and then both shall be recorded together.

I. Blocks.

Where created by the subdivision of land, all new blocks shall be designed to comply with the following general requirements:



1. Generally, the maximum length of blocks shall be twelve hundred (1200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
2. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on an existing street, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier lots of minimum depth.
3. Where a proposed subdivision will adjoin a major road, the administrator may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

J. Monuments.

As required by this Ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications described below. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the Town Council.

1. Location - Concrete. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long (deep), with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six (6) inches above the finished grade.
2. Same - Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long, and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

K. Water supply and sewage disposal.

No subdivision or development shall be approved without an acceptable water supply plan, which provides water service to each lot. Where public sewerage facilities are available, the service shall be extended by the subdivider or developer to all lots, and individual septic tanks shall not be permitted. No subdivision or development shall be approved without an acceptable sewage disposal plan, which provides sewage disposal service to each lot. Approval of any proposed subdivision in which sewage disposal will be on-site may be granted only when it is demonstrated that each lot is large enough to accommodate a primary and secondary drainfield. On-site sewage disposal systems must be approved on an individual lot basis by the county health official.

L. Stormwater management.

The subdivider shall provide all necessary information needed to determine what stormwater management practices and improvements are necessary to treat both the quantity and quality of stormwater runoff. Such information shall include, but may not be limited to, contour divides, drainage plans, percentages of impervious areas, runoff quantity and quality calculations, flood control devices, and surface water quality protection. The subdivider shall also provide plans for all such improvements together with a certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for the control of stormwater from the proposed development. The plans for stormwater management shall be approved by the Town's agent and the highway engineer. The subdivider shall also provide any other information required by the agent and/or highway engineer. The subdivider shall install the approved stormwater management practices and/or facilities.

All storm drain facilities shall be designed to convey the flow of surface water without damage to persons or property, and to minimize off-site impacts, which may require detention on-site. The system shall insure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with local and regional drainage plans, including those of the Virginia Department of Transportation and Chesapeake Bay Preservation Act water quality objectives.

M. Fire protection.

When fire hydrants are provided in a subdivision, their location must be approved by the agent. The agent shall consult with the Fire Marshall before approving such locations. The location and design of all fire hydrants shall meet the American Insurance Association specifications.

N. Utilities.

All utilities, poles, or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided, or in easements appropriately located, generally along the rear or side lot lines, whenever this is possible.

O. Easements.

When required by the agent, easements of not less than ten (10) feet in width shall be provided through adjoining property for drainage, water, sewer, power lines, other utilities, and waterfront access. Easements of greater width may be required along lots or access lots where necessary for the extension of trunk sewer or other primary utility lines.

P. Financial Surety.

The subdivider shall furnish financial surety in accordance with the provisions in § 15.1-466(f) of the Code of Virginia and as approved by the Town attorney, payable to the Town of Bloxom, in an amount equal to the total cost of all improvements required to be installed by the subdivider as estimated by the agent to guarantee the installation and completion of such improvements. The



bond aforesaid shall cover water, sewer, streets, and all stormwater management systems, installation and maintenance, which bond shall remain in full force and effect for a period of one (1) year after installation, except that, where streets are accepted into the state secondary road system, that part of said bond pertaining to streets, installation and maintenance shall be deleted from said bond or when the agent, in writing, accepts the facilities as complete. The bond referred to above shall accompany the final plat when it is submitted to the Town for its approval. No final plat shall be approved or issued until a proper bond has been given in conformity with this section.

#### **IV. PREPARATION AND RECORDATION OF PLATS**

##### **A. General requirements.**

1. Every subdivision plat shall be drawn by an individual qualified to prepare such a plat as established in the Code of Virginia, which may include a surveyor, landscape architect, or registered engineer, duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him or her setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon such plats, within the inset block, or by means of a dotted line upon the plat.
2. Every subdivision plat, or the deed of dedication to which such plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement to the effect that "the platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The plat shall then be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds and, when thus executed and approved as herein specified, shall be file and recorded in the office of the clerk of the appropriate court, and indexed under the names of the landowners signing such statement and under the name of the subdivision.

##### **B. Pre-submission conference.**

Prior to the subdivider formally submitting any proposed subdivision plat to the Town for review, the subdivider shall meet with the agent to discuss the preliminary plat in order to determine whether or not the preliminary plat is generally in accordance with the requirements of this document, the Town's comprehensive plan, and other applicable ordinance provisions.

##### **C. Preliminary plat.**

The subdivider shall submit to the Town agent six (6) prints of a preliminary layout at a scale of one hundred (100) feet to the inch (or other reasonable scale if approved by the agent) as a preliminary plat. The preliminary plat shall include the following information:

1. Name of subdivision, owner, subdivider, person preparing drawing, date of drawing, number of sheets, north point, and scale. If true north is used, the method of determination must be shown.



2. Location of proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions, other landmarks and, where appropriate, the existing zoning of the land and adjoining property.
3. The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred, with reference to a known, permanent monument, total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, and the names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
4. All existing, platted, and proposed streets, their names, numbers and width; existing utility or other easements; public areas and parking spaces; culverts, drains and watercourses and their names; flood profile, and other pertinent data.
5. The complete drainage layout showing all proposed stormwater and water quality protection facilities, including all pipe sizes, types, drainage easements, and means of transporting the drainage to a well-defined open stream which is considered natural drainage, or to another approved drainage control facility.
6. Proposed connections with existing sanitary sewers and existing water supply, or alternate means of sewage disposal and water supply. The location, type, profile, percentage of slope, pipe size, and location of manholes for all sewers shall be shown. The distance between manholes shall not exceed three hundred (300) feet. The location, type and sizes of all waterlines shall be shown as well as the location of necessary control valves and fire hydrants.
7. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
8. Topographic contours at intervals of two (2) feet for the entire property, showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections, and at points of major grade change along the center line of streets together with proposed connecting grade lines.
9. A location map tying the subdivision into the present road system, by using either aerial photographs or topographic maps of the United States Geological Survey.
10. All parcels of land to be dedicated for public use and the conditions of dedication.
11. Resource Protection Area boundaries, including differentiation between wetlands and buffer areas as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations.

12. Proposed building setback lines or building envelop lines.

D. Approval of preliminary plat.

The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the state department of transportation and the county health department, the requirements of this document and the Town's zoning ordinance, erosion and sediment control regulations, and any other applicable ordinance, rules, or regulations. Within sixty (60) days of the preliminary plat submission, the subdivider shall be advised in writing, by formal letter or by legible markings on the preliminary plat, of any additional data that may be required, the character and extent of public improvements that will have to be made, an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly certified engineer, who shall prepare this data for the agent, or may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

E. No guarantee.

Approval of the preliminary plat does not guarantee approval of the final plat.

F. Six month's limit.

Within six (6) months after receiving approval of the preliminary plat, the subdivider shall file with the agent a final subdivision plat in accordance with this document. Failure to do so shall make the preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

G. Final plat.

The subdivision plat submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon stable and reproducible plastic or linen material at a scale not smaller than one hundred (100) feet to the inch on sheets having a size of not more than twenty-four (24) inches by thirty-six (36) inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

1. A blank space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.
2. Certificate signed by a surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
3. A statement to the effect that the subdivision as it appears on this plat is with the



free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.

4. When the subdivision consists of land acquired from more than one (1) source of title, the outline of the various tracts shall be indicated by dashes and the identification of the respective tracts shall be placed on the plat.
5. The accurate location and dimensions by bearings and distances with all curve data on all lots and streets, boundaries of all proposed or existing easements; parks; school sites; all existing public and private streets, their names, numbers and widths; existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type; water courses and their names; and names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.
6. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).
7. The data of all curves along the street frontage shall be shown in detail at the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

H. Approval of final plat.

1. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this document and has made satisfactory arrangements for performance bond, cash or cash bond to cover the case of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat shall be written on the face of the plat by the agent, and no plat shall be recorded until approval has been made.
2. The completed plat shall be submitted to the agent for approval. Upon the approval by the agent, the plat shall be signed by the agent or his or her designated representative, marked approved, and returned to the subdivider, who will cause the plat to be recorded in the county clerk's office. If not approved, the agent shall return the plat to the subdivider with corrections to be made by the subdivider indicated thereon.
3. The subdivider must provide a copy of the final recorded plat, with the clerk's seal, to the agent, within one week of the recording date.

I. Recording of plat.

The subdivider shall record the plat within six (6) months after the final approval; otherwise the agent shall mark the plat "void" and return same to the subdivider.

J.      Recordation of developed unit addresses.

Final plat developed under provisions of this document shall include appropriate specific street addresses, to include multistoried dwelling units, such addresses to be obtained from the mayor in consultation with the local postmaster.

K.      No one exempt.

No person will subdivide any tract of land that is located within the Town, except in conformity with the provisions of this document.

L.      Private contracts.

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

M.      Changes.

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

N.      Fees.

There shall be a charge for the examination of every plat reviewed. At the time of filing the preliminary plat, the subdivider shall deposit with the town checks payable to the town in the amount specified by the schedule of fees as adopted by the town.

O.      Transfer of areas for public use.

The recording of a plat shall operate to transfer, in fee simple, to the respective counties and municipalities in which the land lies, all portions of the area platted which are set apart for streets, alleys, easements or other public use and to create a public right-of-passage over the same. Nothing contained in this section, however, shall prevent the subdivider from constructing and maintaining improvements as required by this document.



## **V. EFFECTUAL CLAUSES**

### **A. Exception.**

Where the subdivider can show that a provision of this document would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where in the opinion of the agent, a departure may be made with out destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized shall be stated in writing by the agent with the reasoning set forth upon which the departure was justified. No such exception to this document may be granted if it is opposed in writing by the highway engineer or health officer.

### **B. Amendments.**

This document may be amended in whole or in part by the Town Council, provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation. No such amendment shall be adopted without a public hearing having been held by the Council. Notice of the time and place of the hearing shall have been given in accordance with the provisions in § 15.1-433(l) of the Code of Virginia.

### **C. Effective date.**

This document shall be effective on and after 12:00 a.m. on May 23, 1996.

Saxis Subdivision Ordinance Draft

**SAXIS SUBDIVISION ORDINANCE**

**Draft**



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.



## I. GENERAL PROVISIONS

### A. Title

This document is known and may be cited as the "Subdivision Ordinance of the Town of Saxis, Virginia."

### B. Definitions

For the purpose of this document, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "plot" and "parcel"; the word "shall" is mandatory and not advisory; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this document includes all distances and areas refer to measurements in a horizontal plane.

Agent means the representative of the Town Council who has been designated to review and approve the subdivision of land and the plats of such subdivision when located wholly or partly within the Town.

Alley means a permanent service right-of-way providing secondary means of access to abutting properties.

Building means any structure having a roof, supported by columns or walls, for the housing or enclosure of persons, animals, vehicles, or other personal property.

Building permit means a document issued by the building inspector granting permission to another person to construct, extend, repair, remove or alter a structure.

Building setback means the minimum distance by which any structure must be separated from the front property line of a lot.

Commission means the planning commission of the Town of Saxis.

Cul-de-sac means a street with only one outlet and having an appropriate turnaround for safe and convenient reverse traffic movement.

Easement means a grant by a property owner for the use of land for one or more specific

Saxis Subdivision Ordinance Draft

purposes, which purposes are consistent with the general property rights of the owner.

Engineer means an engineer certified by the Commonwealth of Virginia.

Floodplain means an area subject to inundation by waters of the one hundred (100) year flood. The basis for delineation of the floodplain shall be the current approved Flood Insurance Study for the Town of Saxis prepared by the U.S. Department of Housing and Urban Development, or where the area is not covered by the Flood Insurance Studies, soil survey maps or approved engineering studies.

Health official means the health director or sanitarian serving the Town of Saxis.

Highway engineer means the Resident Engineer employed by the Virginia Department of Transportation serving the Town of Saxis.

Lot means a numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building.

Lot, corner means 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 means the mean horizontal distance between the front and rear lot lines.

Lot, double frontage means an interior lot having frontage on two streets.

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

Lot of record means a lot which has been recorded among the land records in the office of the Clerk of the Circuit Court of Accomack County.

Lot, width of means the mean horizontal distance between the side lot lines.

Plat means the map or plan of a tract or parcel of land which is to be or which has been subdivided. The word "plat" includes the words "map," "plan," "replat," "plot," and "replot." When used as a verb, "plat" is synonymous with "subdivide."

Right-of-way means land dedicated or reserved for a street, crosswalk, railroad, road, water main, sanitary or storm sewer main, public utilities, or other special uses. For land platting purposes, the term "right-of-way" shall mean that every right-of-way, established after October 20, 1981, and shown on a final plat, is to be separate and distinct from the lots or parcels adjoining such right-of-way and is not included within the dimensions or



**Saxis Subdivision Ordinance Draft**

areas of such lots or parcels. A right-of-way intended for a street, crosswalk, water main, sanitary sewer, storm drain, or any other use involving maintenance by a public agency shall be dedicated to public use.

Street means land, including the entire right-of-way intended to be dedicated, for use as a means of vehicular and pedestrian circulation by the public at large.

Street, major means any existing or future street designated as a major thoroughfare (a U.S. highway, state primary highway, or secondary highway) on the adopted comprehensive plan of the Town of Saxis.

Street, minor means a street that is used primarily as a means of providing low volume traffic access to abutting properties of a limited number.

Street, service means a public street, generally parallel and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Street width means the total right-of-way width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

Subdivide means the division of a parcel of land into two or more parts for the purpose of transfer of ownership or building development. For the purposes of this document, the term shall relate to the purpose of recordation of any single division of land into two or more lots or parcels. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in this section.

Subdivider means an individual, corporation, proprietor, trust, partnership, or other entity owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons or entities owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating for, representing, or executing the legal requirements of the subdivision of land.

Surveyor means a land surveyor certified by the Commonwealth.

Zoning ordinance means the adopted zoning ordinance for the Town of Saxis.

**C. Purpose**

The subdivision of land is a privilege conferred upon the subdivider by the Commonwealth of

## Saxis Subdivision Ordinance Draft

Virginia and the Town of Saxis through this Subdivision Ordinance. Subdivided land eventually becomes a public responsibility because roads and streets must be maintained and numerous public services customary to developed areas must be provided. The purpose of this document is to assist the Town in meeting these responsibilities by establishing subdivision standards and procedures to implement the comprehensive plan and as provided for by § § 15.1-465 through 15.1-485 of the Code of Virginia. More specifically, the purpose of this document is to:

1. Guide and facilitate the orderly, beneficial growth of the community by ensuring the orderly subdivision of land and its development in a way that protects sensitive environmental resources within and beyond the Town, and protects and enhances the public health, safety, and general welfare;
2. Protect the interests of subdividers and the public by prohibiting improperly located subdivisions on lands unsuitable for development because of high ground water, erosion, vulnerability to flood and storm damage, or other natural or manmade hazards;
3. Guide the conversion of land when developed for residential, business, or industrial purposes and to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and
4. Make possible the provision of public services in a safe, adequate, and efficient manner.

### D. Authority

This document is authorized by Code of Virginia, Title 15.1, Chapter II, Article 7, Land Subdivision and Development, § § 15.1-465 et seq.



## II. ADMINISTRATION

### A. Designation of Agent.

The agent, to whom responsibility for administration and enforcement of this document is delegated, shall be designated by resolution of the Town Council.

### B. Duties and authority of agent

The agent shall perform all duties regarding subdivisions and subdividing in accordance with this document and the Virginia Land Subdivision and Development Act (§ § 15.1-465 et seq., Code of Virginia). In addition to the regulations contained in this Ordinance for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the administration of this document.

### C. Consultations

In the performance of his or her duties, the agent may call for advice on written decisions or opinions from other departments and agencies when evaluating subdivision plats and plans. This authority shall have particular reference to the resident highway engineer, the county health officer, and the planning commission.

### D. Inspections

The agent shall periodically inspect every subdivision during development and may employ any legally permissible means to ensure that the subdivision is developed according to the approved plat and the provisions of this document.

### III. GENERAL REGULATIONS

#### A. Generally

The provisions of this article prescribe the minimum requirements for the subdivision of land in the Town. Such requirements may not be waived, except as specifically provided for in this article.

#### B. Mutual Responsibility

The Town and the subdivider share a mutual responsibility to divide land so as to improve the general use pattern of the land being subdivided.

#### C. Land suitability

1. No subdivision shall be approved if investigations by trained personnel determine that, due to soil, water table, topography, or other sensitive natural features, the site of the proposed subdivision is unsuitable for platting and development in the manner proposed.
2. Wetlands, as defined by the Zoning Ordinance of the Town of Saxis or as defined in § 62.1-13.2 of the Code of Virginia, any land designated as a Resource Protection Area (RPA), or any land subject to periodic flooding shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve a danger to health, life, or property, aggravate flood hazard, or be shown to impair water quality. Any such land within the proposed subdivision, whether it be within a lot or reserved for common use of subdivision occupants, shall be restricted against buildings or otherwise reserved for only those uses which will not impair water quality or be endangered by periodic or occasional inundation. To ensure sufficient buildable land which is flood-free and outside the RPA, the subdivider shall be required to map the extent of the 100-year floodplain and the RPA to demonstrate an adequate buildable area outside of the RPA and completely free of the danger of floodwaters.
3. A plat for the subdivision of land with poor drainage, excessive slope, or other adverse physical conditions will be considered for approval only if the subdivider adequately demonstrates that each lot has sufficient buildable area outside of the sensitive features to render the land safe and otherwise acceptable for development.



Saxis Subdivision Ordinance Draft

D. Compliance with document; prohibited acts; penalties

1. Any owner or developer of any tract of land situated within the Town, who subdivides the same shall prepare a plat of such subdivision, in accordance with the provisions of this document and shall record the plat in the office of the clerk of the appropriate court. No such subdivision plat shall be recorded unless it has been submitted, approved, and certified by the agent in accordance with the regulation set forth in this document.
2. No lot shall be sold in any proposed subdivision, nor shall any building permit be granted, until a final plat for the subdivision has been approved and recorded.
3. The clerk of court shall not file or record a plat of a subdivision of land required to be recorded until such plat has been approved, as required by this document, and the penalties provided for in § 17-59 of the Code of Virginia shall apply to any failure to comply with this provision.

E. Recordation not required

The recording of a subdivision plat under this document shall not be required in the following cases:

1. A partition of land by will or through actions of a court of competent jurisdiction unless or until development of the land is proposed.
2. When a property has been changed in size or shape by reason of the taking of a part of such property for public use by referring to a properly drawn and recorded plat, provided that the outlines and dimensions of such remainder may be clearly determined by reference to the previously recorded plats.
3. The sale or exchange of any parcels of land between owners of adjacent properties for the purpose of a small adjustment in boundaries, provided that additional lots are not created.
4. A bona fide division of a tract of land in order that one (1) or more of the resulting parcels may be used as a part of a public utility right-of-way, provided, that if a parcel resulting from such subdivision is ever to be used as a building site for other than right-of-way purposes, then before a building permit may be issued for such other use, a plat must be filed and recorded which satisfies the requirements of this document and the Town of Saxis Zoning Ordinance.

F. Improvements

## Saxis Subdivision Ordinance Draft

All required improvements shall be installed by the subdivider at his or her cost. Where specifications have been established either by the Virginia Department of Transportation for streets, curbs, drainage, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has inspected and approved by the appropriate engineer and the agent. All improvements shall be installed in accordance with the provisions in § § 10-41 through 10- 50. The Town's agent may approve partial release of bonds upon approved completion of major portions of the required improvements, consistent with and as provided for in § 15.1-466(l) of the Code of Virginia.

### G. Streets

1. Design and construction. All streets, service drives, and alleys for any proposed subdivision shall be designed and constructed in accordance with the standards of the Virginia Department of Transportation for acceptance into the state secondary road system, and at no cost to the locality, except as may otherwise be approved by the Town in conjunction with approval of a Planned Development District.
2. Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, a proposed street shall be extended to the boundary line of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles.
3. Access to major streets. Where a subdivision borders on or contains an existing or proposed major street, the planning commission may permit the subdivider to provide that the access to such streets be limited by one (1) or more of the following means:
  - (a) The subdivision of lots so that they will back onto the major street and front onto a parallel minor street. No access shall be provided from the major street, and screen planting shall be provided in a strip of land along the rear property line of such lots.
  - (b) The subdivision of lots along a series of cul-de-sac, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel minor street, with the rear lines of the terminal lots contiguous with the major street right-of-way.



Saxis Subdivision Ordinance Draft

- (c) The subdivision of lots along a service street and physically separated for the major street by a planting or grass strip and having access thereto at approved points.
- 4. Approach angle of streets. Streets shall approach streets at an angle of not less than eighty (80) degrees, unless the agent, upon recommendation of the resident highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain, or compatibility with existing patterns.
- 5. Cul-de-sacs. Generally, permanent cul-de-sacs shall not exceed a length of four hundred (400) feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred (100) feet in diameter, except as may be provided for in Planned Development Districts.
- 6. Alleys. Alleys shall be platted and/or allowed within any subdivision on or after the effective date of this ordinance provided they are at least twelve (12) feet in width, or as specified by the Virginia Department of Transportation.
- 7. Private streets and reservation strips.
  - (a) No private street shall be permitted in a platted subdivision for detached single-family dwellings. All other subdivided property shall be served by a publicly dedicated street or have access to a public street by a common drive, parking bay, or accessway serving not more than forty (40) dwelling units.
  - (b) When a private access is platted or provided, the developer shall establish and record with the plat appropriate declarations and agreements, relieving the Town from all current and future maintenance responsibility. Furthermore, the developer shall establish a maintenance fund equal to ten (10) percent of the original construction costs of the private access for future repairs and snow removal by the established homeowners' association.
- 8. Names of streets. Proposed streets which are obviously in alignment with other existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names regardless of the use of the suffixes "street," "avenue," "boulevard," "road," "driveway," "place," "lane," or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Town Council.

Saxis Subdivision Ordinance Draft

9. Street identification sign. Street identification signs of a design approved by the Virginia Department of Transportation shall be installed by the subdivider at all intersections.

H. Lots

1. General design objectives. Lots shall be arranged, to the greatest extent feasible, to preserve and maintain existing fields, pastures, and woodlands. Scenic views or vistas should remain unblocked or uninterrupted, particularly as seen from public roads, special areas, or scenic ways. Buffers of natural vegetation of at least 100 feet in width shall be maintained adjacent to all surface waters and abutting wetlands, as defined in the Town's Chesapeake Bay Preservation Act regulations.
2. Lot Size. Lot sizes for residential lots shall conform to the Town of Saxis Zoning Ordinance in effect at the time of filing of the plat.
3. Lot Shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings by providing adequate area for structures, entrances, setbacks, and other features necessary for protecting the public health and safety. Lots shall be properly related to topography so as to provide adequate site drainage and prevent undue soil erosion and stormwater runoff, and shall conform to all requirements of this Ordinance and all other applicable regulations. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
4. Location. Each lot, except those occupied by attached single-family dwelling units (townhouse), shall abut on an existing or recorded public street or a street dedicated by the subdivision plat to be maintained by the Virginia Department of Transportation.
5. Corner lots. Corner lots shall be considered to have two front yards abutting the two streets and a side yard next to each side of the lot. Such lots shall have width sufficient for adequate site distance on both streets, as determined by the agent.
6. Sidelines. Sidelines of lots shall be approximately at right angles or radial to the street line.
7. Remnants. All remnants of lots below minimum size after subdividing of a tract must be added to adjacent lots or otherwise disposed of, rather than allowed to remain as unsaleable parcels. No such outlots are permitted except as to provide



## Saxis Subdivision Ordinance Draft

common open space, as approved by the agent.

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

### J. Blocks

Where created by the subdivision of land, all new blocks shall be designed to comply with the following general requirements:

1. Generally, the maximum length of blocks shall be twelve hundred (1200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
2. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth, except where fronting on an existing street, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier lots of minimum depth.
3. Where a proposed subdivision will adjoin a major road, the administrator may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

### K. Monuments

As required by this Ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications described below. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the Town Council.

1. Location - Concrete. Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long (deep), with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six (6) inches above the finished grade.

Saxis Subdivision Ordinance Draft

2. Same - Iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long, and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

L. Water supply and sewage disposal

No subdivision or development shall be approved without an acceptable water supply plan, which provides water service to each lot. Where public sewerage facilities are available, the service shall be extended by the subdivider or developer to all lots, and individual septic tanks shall not be permitted. No subdivision or development shall be approved without an acceptable sewage disposal plan, which provides sewage disposal service to each lot. Approval of any proposed subdivision in which sewage disposal will be on-site may be granted only when it is demonstrated that each lot is large enough to accommodate a primary and secondary drainfield. On-site sewage disposal systems must be approved on an individual lot basis by the county health official.

M. Stormwater management

The subdivider shall provide all necessary information needed to determine what stormwater management practices and improvements are necessary to treat both the quantity and quality of stormwater runoff. Such information shall include, but may not be limited to, contour divides, drainage plans, percentages of impervious areas, runoff quantity and quality calculations, flood control devices, and surface water quality protection. The subdivider shall also provide plans for all such improvements together with a certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for the control of stormwater from the proposed development. The plans for stormwater management shall be approved by the Town's agent and the highway engineer. The subdivider shall also provide any other information required by the agent and/or highway engineer. The subdivider shall install the approved stormwater management practices and/or facilities.

All storm drain facilities shall be designed to convey the flow of surface water without damage to persons or property, and to minimize off-site impacts, which may require detention on-site. The system shall insure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with local and regional drainage plans, including those of the Virginia Department of Transportation and Chesapeake Bay Preservation Act water quality objectives.

N. Fire protection

When fire hydrants are provided in a subdivision, their location must be approved by the agent. The agent shall consult with the Fire Marshall before approving such locations. The location and



Saxis Subdivision Ordinance Draft

design of all fire hydrants shall meet the American Insurance Association specifications.

O. Utilities

All utilities, poles, or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided, or in easements appropriately located, generally along the rear or side lot lines, whenever this is possible.

P. Easements

When required by the agent, easements of not less than ten (10) feet in width shall be provided through adjoining property for drainage, water, sewer, power lines, other utilities, and waterfront access. Easements of greater width may be required along lots or access lots where necessary for the extension of trunk sewer or other primary utility lines.

Q. Financial Surety

The subdivider shall furnish financial surety in accordance with the provisions in § 15.1-466(f) of the Code of Virginia and as approved by the Town attorney, payable to the Town of Saxis, in an amount equal to the total cost of all improvements required to be installed by the subdivider as estimated by the agent to guarantee the installation and completion of such improvements. The bond aforesaid shall cover water, sewer, streets, and all stormwater management systems, installation and maintenance, which bond shall remain in full force and effect for a period of one (1) year after installation, except that, where streets are accepted into the state secondary road system, that part of said bond pertaining to streets, installation and maintenance shall be deleted from said bond or when the agent, in writing, accepts the facilities as complete. The bond referred to above shall accompany the final plat when it is submitted to the Town for its approval. No final plat shall be approved or issued until a proper bond has been given in conformity with this section.

#### IV. PREPARATION AND RECORDATION OF PLATS

##### A. General Requirements

1. Every subdivision plat shall be drawn by an individual qualified to prepare such a plat as established in the Code of Virginia, which may include a surveyor, landscape architect, or registered engineer, duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him or her setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon such plats, within the inset block, or by means of a dotted line upon the plat.
2. Every subdivision plat, or the deed of dedication to which such plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement to the effect that "the platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The plat shall then be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds and, when thus executed and approved as herein specified, shall be file and recorded in the office of the clerk of the appropriate court, and indexed under the names of the landowners signing such statement and under the name of the subdivision.

##### B. Pre-submission conference

Prior to the subdivider formally submitting any proposed subdivision plat to the Town for review, the subdivider shall meet with the agent to discuss the preliminary plat in order to determine whether or not the preliminary plat is generally in accordance with the requirements of this document, the Town's comprehensive plan, and other applicable ordinance provisions.

##### C. Preliminary plat

The subdivider shall submit to the Town agent six (6) prints of a preliminary layout at a scale of one hundred (100) feet to the inch (or other reasonable scale if approved by the agent) as a preliminary plat. The preliminary plat shall include the following information:



Saxis Subdivision Ordinance Draft

1. Name of subdivision, owner, subdivider, person preparing drawing, date of drawing, number of sheets, north point, and scale. If true north is used, the method of determination must be shown.
2. Location of proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions, other landmarks and, where appropriate, the existing zoning of the land and adjoining property.
3. The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred, with reference to a known, permanent monument, total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, and the names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
4. All existing, platted, and proposed streets, their names, numbers and width; existing utility or other easements; public areas and parking spaces; culverts, drains and watercourses and their names; flood profile, and other pertinent data.
5. The complete drainage layout showing all proposed stormwater and water quality protection facilities, including all pipe sizes, types, drainage easements, and means of transporting the drainage to a well-defined open stream which is considered natural drainage, or to another approved drainage control facility.
6. Proposed connections with existing sanitary sewers and existing water supply, or alternate means of sewage disposal and water supply. The location, type, profile, percentage of slope, pipe size, and location of manholes for all sewers shall be shown. The distance between manholes shall not exceed three hundred (300) feet. The location, type and sizes of all waterlines shall be shown as well as the location of necessary control valves and fire hydrants.
7. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
8. Topographic contours at intervals of two (2) feet for the entire property, showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections, and at points of major grade change along the center line of streets together with proposed connecting grade lines.
9. A location map tying the subdivision into the present road system, by using either

Saxis Subdivision Ordinance Draft

aerial photographs or topographic maps of the United States Geological Survey.

10. All parcels of land to be dedicated for public use and the conditions of dedication.
11. Resource Protection Area boundaries, including differentiation between wetlands and buffer areas as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations.
12. Proposed building setback lines or building envelop lines.

D. Approval of preliminary plat

The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the state department of transportation and the county health department, the requirements of this document and the Town's zoning ordinance, erosion and sediment control regulations, and any other applicable ordinance, rules, or regulations. Within sixty (60) days of the preliminary plat submission, the subdivider shall be advised in writing, by formal letter or by legible markings on the preliminary plat, of any additional data that may be required, the character and extent of public improvements that will have to be made, an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly certified engineer, who shall prepare this data for the agent, or may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

E. No guarantee

Approval of the preliminary plat does not guarantee approval of the final plat.

F. Six month's limit

Within six (6) months after receiving approval of the preliminary plat, the subdivider shall file with the agent a final subdivision plat in accordance with this document. Failure to do so shall make the preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

G. Final plat



#### Saxis Subdivision Ordinance Draft

The subdivision plat submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon stable and reproducible plastic or linen material at a scale not smaller than one hundred (100) feet to the inch on sheets having a size of not more than twenty-four (24) inches by thirty-six (36) inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

1. A blank space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.
2. Certificate signed by a surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
3. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.
4. When the subdivision consists of land acquired from more than one (1) source of title, the outline of the various tracts shall be indicated by dashes and the identification of the respective tracts shall be placed on the plat.
5. The accurate location and dimensions by bearings and distances with all curve data on all lots and streets, boundaries of all proposed or existing easements; parks; school sites; all existing public and private streets, their names, numbers and widths; existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type; water courses and their names; and names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.
6. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).
7. The data of all curves along the street frontage shall be shown in detail at the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

#### H. Approval of final plat

1. The plat shall not be approved until the subdivider has complied with the general

Saxis Subdivision Ordinance Draft

requirements and minimum standards of design in accordance with this document and has made satisfactory arrangements for performance bond, cash or cash bond to cover the case of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat shall be written on the face of the plat by the agent, and no plat shall be recorded until approval has been made.

2. The completed plat shall be submitted to the agent for approval. Upon the approval by the agent, the plat shall be signed by the agent or his or her designated representative, marked approved, and returned to the subdivider, who will cause the plat to be recorded in the county clerk's office. If not approved, the agent shall return the plat to the subdivider with corrections to be made by the subdivider indicated thereon.

J. Recording of plat

The subdivider shall record the plat within six (6) months after the final approval; otherwise the agent shall mark the plat "void" and return same to the subdivider.

K. Recordation of Developed Unit Addresses

Final plat developed under provisions of this document shall include appropriate specific street addresses, to include multistoried dwelling units, such addresses to be obtained from the mayor in consultation with the local postmaster.

L. No one exempt

No person will subdivide any tract of land that is located within the Town, except in conformity with the provisions of this document.

M. Private contracts

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

N. Changes

No change, erasure, or revision shall be made on any subdivision plat intended for recording, nor



**Saxis Subdivision Ordinance Draft**

on accompanying data sheets after the approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

**O. Fees**

There shall be a charge for the examination of every plat reviewed. At the time of filing the preliminary plat, the subdivider shall deposit with the town checks payable to the town in the amount specified by the schedule of fees as adopted by the town.

**P. Transfer of areas for public use**

The recording of a plat shall operate to transfer, in fee simple, to the respective counties and municipalities in which the land lies, all portions of the area platted which are set apart for streets, alleys, easements or other public use and to create a public right-of-passage over the same. Nothing contained in this section, however, shall prevent the subdivider from constructing and maintaining improvements as required by this document.

## V. EFFECTUAL CLAUSES

### A. Exception

Where the subdivider can show that a provision of this document would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where in the opinion of the agent, a departure may be made with out destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized shall be stated in writing by the agent with the reasoning set forth upon which the departure was justified. No such exception to this document may be granted if it is opposed in writing by the highway engineer or health officer.

### B. Amendments

This document may be amended in whole or in part by the Town Council, provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation. No such amendment shall be adopted without a public hearing having been held by the Council. Notice of the time and place of the hearing shall have been given in accordance with the provisions in § 15.1-433(l) of the Code of Virginia.

### C. Effective date

This document shall be effective on and after 12:00 a.m., [date of adoption].



## HALLWOOD SUBDIVISION ORDINANCE



Preparation of this ordinance was funded, in part, by the Department of Environmental Quality's Virginia Coastal Resources Management Program through Grant No. NA37OZ0360-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Technical Assistance was provided by the Accomack-Northampton Planning District Commission. This position received \$30,000 (50%) of its funding from the Virginia Coastal Resources Management Program of the Department of Environmental quality through a grant from the National Oceanic and Atmospheric Administration; \$25,000 (42%) of its funding from the Chesapeake Bay Local Assistance Department, and \$5,000 (8%) of its funding from the Accomack-Northampton Planning District Commission.

## HALLWOOD SUBDIVISION ORDINANCE

### 1. GENERAL PROVISIONS

**1-1. Title.** This document is known and may be cited as the "Subdivision Ordinance of the Town of Hallwood, Virginia."

**1-2. Authority.** This document is authorized by Code of Virginia, Title 15.1, Chapter 2, Article 7, Sections 15.1-465 through Section 15.1-485.

**1-3. Purpose.** The subdivision of land is a privilege conferred upon the subdivider by the Commonwealth of Virginia and the Town of Hallwood through this Subdivision Ordinance. Subdivided land eventually becomes a public responsibility because roads and streets must be maintained and numerous public services customary to developed areas must be provided. The purpose of this document is to assist the Town in meeting these responsibilities by establishing subdivision standards and procedures to implement the comprehensive plan and as provided for by § 15.1-465 through 15.1-485 of the Code of Virginia. More specifically, the purpose of this document is to:

- A. Guide and facilitate the orderly, beneficial growth of the community by ensuring the orderly subdivision of land and its development in a way that protects sensitive environmental resources within and beyond the Town, and protects and enhances the public health, safety, and general welfare;
- B. Protect the interests of subdividers and the public by prohibiting improperly located subdivisions on lands unsuitable for development because of high ground water, erosion, vulnerability to flood and storm damage, or other natural or manmade hazards;
- C. Guide the conversion of land when developed for residential, business, or industrial purposes and to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and
- D. Make possible the provision of public services in a safe, adequate, and efficient manner.

### 2. ADMINISTRATION

**2-1. Designation of Administrator.** The agent, to whom responsibility for administration and enforcement of this document is delegated, shall be designated by resolution of the Town Council.



**2-2. Duties and authority of agent.** The agent shall perform all duties regarding subdivisions and subdividing in accordance with this document and the Virginia Land Subdivision and Development Act (§ § 15.1-465 et seq., Code of Virginia). In addition to the regulations contained in this Ordinance for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the administration of this document.

**2-3. Consultations.** In the performance of his or her duties, the agent may call for advice on written decisions or opinions from other departments and agencies when evaluating subdivision plats and plans. This authority shall have particular reference to the resident highway engineer, the county health officer, and the planning commission.

**2-4. Inspections.** The agent shall periodically inspect every subdivision during development and may employ any legally permissible means to ensure that the subdivision is developed according to the approved plat and the provisions of this document.

### **3. GENERAL REGULATIONS**

**3-1. Generally.** The provisions of this article prescribe the minimum requirements for the subdivision of land in the Town. Such requirements may not be waived, except as specifically provided for in this article.

**3-2. Mutual Responsibility.** The Town and the subdivider share a mutual responsibility to divide land so as to improve the general use pattern of the land being subdivided.

#### **3-3. Land suitability.**

- A. No subdivision shall be approved if investigations by trained personnel determine that, due to soil, water table, topography, or other sensitive natural features, the site of the proposed subdivision is unsuitable for platting and development in the manner proposed.
- B. Wetlands, as defined by the Zoning Ordinance of the Town of Hallwood or as defined in § 62.1-13.2 of the Code of Virginia, any land designated as a Resource Protection Area (RPA), or any land subject to periodic flooding shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve a danger to health, life, or property, aggravate flood hazard, or be shown to impair water quality. Any such land within the proposed subdivision, whether it be within a lot or reserved for common use of subdivision occupants, shall be restricted against buildings or otherwise reserved for only those uses which will not impair water quality or be endangered by periodic or occasional inundation. To ensure sufficient buildable land which is flood-free and outside the RPA, the subdivider shall be required to map the extent of the 100-year floodplain and the RPA to demonstrate an adequate buildable area



outside of the RPA and completely free of the danger of floodwaters.

- C. A plat for the subdivision of land with poor drainage, excessive slope, or other adverse physical conditions will be considered for approval only if the subdivider adequately demonstrates that each lot has sufficient buildable area outside of the sensitive features to render the land safe and otherwise acceptable for development.

**3-4. Compliance with document; prohibited acts; penalties.**

- A. Any owner or developer of any tract of land situated within the Town, who subdivides the same shall prepare a plat of such subdivision, in accordance with the provisions of this document and shall record the plat in the office of the clerk of the appropriate court. No such subdivision plat shall be recorded unless it has been submitted, approved, and certified by the agent in accordance with the regulation set forth in this document.
- B. No lot shall be sold in any proposed subdivision, nor shall any building permit be granted, until a final plat for the subdivision has been approved and recorded.
- C. The clerk of court shall not file or record a plat of a subdivision of land required to be recorded until such plat has been approved, as required by this document, and the penalties provided for in § 17-59 of the Code of Virginia shall apply to any failure to comply with this provision.

**3-5. Improvements.** All required improvements shall be installed by the subdivider at his or her cost. Where specifications have been established either by the Virginia Department of Transportation for streets, curbs, drainage, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has inspected and approved by the appropriate engineer and the agent. All improvements shall be installed in accordance with the provisions in § § 10-41 through 10- 50. The Town's agent may approve partial release of bonds upon approved completion of major portions of the required improvements, consistent with and as provided for in § 15.1-466(l) of the Code of Virginia.

**3-6. Streets.**

- A. Design and Construction. All streets, service drives, and alleys for any proposed subdivision shall be designed and constructed in accordance with the standards of the Virginia Department of Transportation for acceptance into the state secondary road system, and at no cost to the locality, except as may otherwise be approved by the Town.
- B. Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, a proposed street shall be extended to the boundary line of such property. Half



streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles.

- C. Private streets. Private roads may not be platted within a subdivision.
- D. Names of streets. Proposed streets which are obviously in alignment with other existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names regardless of the use of the suffixes "street," "avenue," "boulevard," "road," "driveway," "place," "lane," or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Town Council.
- E. Street identification sign. Street identification signs of a design approved by the Virginia Department of Transportation shall be installed by the subdivider at all intersections.

### 3-7. Lots.

- A. General design objectives. Lots shall be arranged, to the greatest extent feasible, to preserve and maintain existing fields, pastures, and woodlands. Scenic views or vistas should remain unblocked or uninterrupted, particularly as seen from public roads, special areas, or scenic ways. Buffers of natural vegetation of at least 100 feet in width shall be maintained adjacent to all surface waters and abutting wetlands, as defined in the Town's Chesapeake Bay Preservation Act regulations.
- B. Lot Size. Lot sizes for residential lots shall conform to the Town of Hallwood Zoning Ordinance in effect at the time of filing of the plat.
- C. Lot Shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings by providing adequate area for structures, entrances, setbacks, and other features necessary for protecting the public health and safety. Lots shall be properly related to topography so as to provide adequate site drainage and prevent undue soil erosion and stormwater runoff, and shall conform to all requirements of this Ordinance and all other applicable regulations. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- D. Location. Each lot shall abut on an existing or recorded public street or a street dedicated by the subdivision plat to be maintained by the Virginia Department of Transportation.
- E. Corner lots. Corner lots shall be considered to have two front yards abutting the two streets and a side yard next to each side of the lot. Such lots shall have width sufficient for adequate site distance on both streets, as determined by the agent.
- F. Sidelines. Sidelines of lots shall be approximately at right angles or radial to the street



line.

- G. Remnants. All remnants of lots below minimum size after subdividing of a tract must be added to adjacent lots or otherwise disposed of, rather than allowed to remain as unsalable parcels. No such outlots are permitted except as to provide common open space, as approved by the agent.

**3-8. Monuments.** All lot corners shall be marked with concrete markers 4" by 4" by 30" or by an iron pipe or iron bar not less than 1/2 inch in diameter and 30' long and driven so as to be flush with the finished grade.

**3-9. Water supply and sewage disposal.** No subdivision or development shall be approved without an acceptable water supply plan, which provides water service to each lot. Where public sewerage facilities are available, the service shall be extended by the subdivider or developer to all lots, and individual septic tanks shall not be permitted. No subdivision or development shall be approved without an acceptable sewage disposal plan, which provides sewage disposal service to each lot. Approval of any proposed subdivision in which sewage disposal will be on-site may be granted only when it is demonstrated that each lot is large enough to accommodate a primary and secondary drainfield. On-site sewage disposal systems must be approved on an individual lot basis by the county health official.

**3-10. Stormwater management.** The subdivider shall provide all necessary information needed to determine what stormwater management practices and improvements are necessary to treat both the quantity and quality of stormwater runoff. Such information shall include, but may not be limited to, contour divides, drainage plans, percentages of impervious areas, runoff quantity and quality calculations, flood control devices, and surface water quality protection. The subdivider shall also provide plans for all such improvements together with a certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for the control of stormwater from the proposed development. The plans for stormwater management shall be approved by the Town's agent and the highway engineer. The subdivider shall also provide any other information required by the agent and/or highway engineer. The subdivider shall install the approved stormwater management practices and/or facilities.

All storm drain facilities shall be designed to convey the flow of surface water without damage to persons or property, and to minimize off-site impacts, which may require detention on-site. The system shall insure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with local and regional drainage plans, including those of the Virginia Department of Transportation and Chesapeake Bay Preservation Act water quality objectives.

**3-11. Fire protection** When fire hydrants are provided in a subdivision, their location must be approved by the agent. The agent shall consult with the Fire Marshall before approving such locations. The location and design of all fire hydrants shall meet the American Insurance Association specifications.

**3-12. Utilities.** All utilities, poles, or underground conduits for electric power lines or telephone



lines shall be placed in alleys if such are provided, or in easements appropriately located, generally along the rear or side lot lines, whenever this is possible.

**3-13. Easements.** When required by the agent, easements of not less than ten (10) feet in width shall be provided through adjoining property for drainage, water, sewer, power lines, other utilities, and waterfront access. Easements of greater width may be required along lots or access lots where necessary for the extension of trunk sewer or other primary utility lines.

**3-14. Financial Surety.** The subdivider shall furnish financial surety in accordance with the provisions in § 15.1-466(f) of the Code of Virginia and as approved by the Town attorney, payable to the Town of Hallwood, in an amount equal to the total cost of all improvements required to be installed by the subdivider as estimated by the agent to guarantee the installation and completion of such improvements. The bond aforesaid shall cover water, sewer, streets, and all stormwater management systems, installation and maintenance, which bond shall remain in full force and effect for a period of one (1) year after installation, except that, where streets are accepted into the state secondary road system, that part of said bond pertaining to streets, installation and maintenance shall be deleted from said bond or when the agent, in writing, accepts the facilities as complete. The bond referred to above shall accompany the final plat when it is submitted to the Town for its approval. No final plat shall be approved or issued until a proper bond has been given in conformity with this section.

#### **4. PREPARATION AND RECORDATION OF PLATS**

##### **4-1. General Requirements.**

- A. Every subdivision plat shall be drawn by an individual qualified to prepare such a plat as established in the Code of Virginia, which may include a surveyor, landscape architect, or registered engineer, duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him or her setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon such plats, within the inset block, or by means of a dotted line upon the plat.
- B. Every subdivision plat, or the deed of dedication to which such plat is attached, shall contain, in addition to the surveyor's or engineer's certificate, a statement to the effect that "the platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The plat shall then be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds and, when thus executed and approved as herein specified, shall be file and recorded in the office of the



clerk of the appropriate court, and indexed under the names of the landowners signing such statement and under the name of the subdivision.

**4-2. Pre-submission conference.** Prior to the subdivider formally submitting any proposed subdivision plat to the Town for review, the subdivider shall meet with the agent to discuss the preliminary plat in order to determine whether or not the preliminary plat is generally in accordance with the requirements of this document, the Town's comprehensive plan, and other applicable ordinance provisions.

**4-3. Preliminary plat.** The subdivider shall submit to the Town agent six (6) prints of a preliminary layout at a scale of one hundred (100) feet to the inch (or other reasonable scale if approved by the agent) as a preliminary plat. The preliminary plat shall include the following information:

- A. Name of subdivision, owner, subdivider, person preparing drawing, date of drawing, number of sheets, north point, and scale. If true north is used, the method of determination must be shown.
- B. Location of proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions, other landmarks and, where appropriate, the existing zoning of the land and adjoining property.
- C. The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred, with reference to a known, permanent monument, total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, and the names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- D. All existing, platted, and proposed streets, their names, numbers and width; existing utility or other easements; public areas and parking spaces; culverts, drains and watercourses and their names; flood profile, and other pertinent data.
- E. The complete drainage layout showing all proposed stormwater and water quality protection facilities, including all pipe sizes, types, drainage easements, and means of transporting the drainage to a well-defined open stream which is considered natural drainage, or to another approved drainage control facility.
- F. Proposed connections with existing sanitary sewers and existing water supply, or alternate means of sewage disposal and water supply. The location, type, profile, percentage of slope, pipe size, and location of manholes for all sewers shall be shown. The distance between manholes shall not exceed three hundred (300) feet. The location, type and sizes of all waterlines shall be shown as well as the location of necessary control valves and fire hydrants.



- G. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- H. Topographic contours at intervals of two (2) feet for the entire property, showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections, and at points of major grade change along the center line of streets together with proposed connecting grade lines.
- I. A location map tying the subdivision into the present road system, by using either aerial photographs or topographic maps of the United States Geological Survey.
- J. All parcels of land to be dedicated for public use and the conditions of dedication.
- K. Resource Protection Area boundaries, including differentiation between wetlands and buffer areas as defined in the Chesapeake Bay Preservation Area Designation and Management Regulations.
- L. Proposed building setback lines or building envelop lines.

**4-4. Approval of preliminary plat.** The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the state department of transportation and the county health department, the requirements of this document and the Town's zoning ordinance, erosion and sediment control regulations, and any other applicable ordinance, rules, or regulations. Within sixty (60) days of the preliminary plat submission, the subdivider shall be advised in writing, by formal letter or by legible markings on the preliminary plat, of any additional data that may be required, the character and extent of public improvements that will have to be made, an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly certified engineer, who shall prepare this data for the agent, or may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

**4-5. No guarantee.** Approval of the preliminary plat does not guarantee approval of the final plat.

**4-6. Six month's limit.** Within six (6) months after receiving approval of the preliminary plat, the subdivider shall file with the agent a final subdivision plat in accordance with this document. Failure to do so shall make the preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

**4-7. Final plat.** The subdivision plat submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon stable and reproducible plastic or linen material at a scale not smaller than one hundred (100) feet to the inch on sheets having a size of not more than twenty-four (24) inches by thirty-six (36) inches. In addition to the requirements of the

preliminary plat, the final plat shall include the following:

- A. A blank space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.
- B. Certificate signed by a surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- C. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.
- D. When the subdivision consists of land acquired from more than one (1) source of title, the outline of the various tracts shall be indicated by dashes and the identification of the respective tracts shall be placed on the plat.
- E. The accurate location and dimensions by bearings and distances with all curve data on all lots and streets, boundaries of all proposed or existing easements; parks; school sites; all existing public and private streets, their names, numbers and widths; existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type; water courses and their names; and names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.
- F. Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).
- G. The data of all curves along the street frontage shall be shown in detail at the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

#### **4-8. Approval of final plat.**

- A. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this document and has made satisfactory arrangements for performance bond, cash or cash bond to cover the case of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat shall be written on the face of the plat by the agent, and no plat shall be recorded until approval has been made.
- B. The completed plat shall be submitted to the agent for approval. Upon the approval by the agent, the plat shall be signed by the agent or his or her designated representative, marked approved, and returned to the subdivider, who will cause the plat to be recorded in the county clerk's office. If not approved, the agent shall return the plat to the subdivider with corrections to be made by the subdivider indicated thereon.



**4-9. Recording of plat.** The subdivider shall record the plat within six (6) months after the final approval; otherwise the agent shall mark the plat "void" and return same to the subdivider.

**4-10. No one exempt.** No person will subdivide any tract of land that is located within the Town, except in conformity with the provisions of this document.

**4-11. Private contracts.** This document bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement, or restriction implied herein to any public official. When this document calls for more restrictive standards than are required by private contracts, the provisions of this document shall control.

**4-12. Changes.** No change, erasure, or revision shall be made on any subdivision plat intended for recording, nor on accompanying data sheets after the approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

**4-13. Fees.** There shall be a charge for the examination of every plat reviewed. At the time of filing the preliminary plat, the subdivider shall deposit with the town checks payable to the town in the amount specified by the schedule of fees as adopted by the town.

**4-14. Transfer of areas for public use.** The recording of a plat shall operate to transfer, in fee simple, to the respective counties and municipalities in which the land lies, all portions of the area platted which are set apart for streets, alleys, easements or other public use and to create a public right-of-passage over the same. Nothing contained in this section, however, shall prevent the subdivider from constructing and maintaining improvements as required by this document.

## 5. EFFECTUAL CLAUSES

**5-1. Exception.** Where the subdivider can show that a provision of this document would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where in the opinion of the agent, a departure may be made with out destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized shall be stated in writing by the agent with the reasoning set forth upon which the departure was justified. No such exception to this document may be granted if it is opposed in writing by the highway engineer or health officer.

**5-2. Amendments.** This document may be amended in whole or in part by the Town Council, provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation. No such amendment shall be adopted without a public hearing having been held by the Council. Notice of the time and place of the hearing shall have been given in accordance with the provisions in § 15.1-433(l) of the Code of Virginia.

**5-3. Effective date.** This document shall be effective on and after 12:00 a.m., [date of adoption].

## 6. DEFINITIONS

**6-1. Definitions.** For the purpose of this document, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "plot" and "parcel"; the word "shall" is mandatory and not advisory; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this document includes all distances and areas refer to measurements in a horizontal plane.

Agent means the representative of the Town Council who has been designated to review and approve the subdivision of land and the plats of such subdivision when located wholly or partly within the Town.

Alley means a permanent service right-of-way providing secondary means of access to abutting properties.

Building means any structure having a roof, supported by columns or walls, for the housing or enclosure of persons, animals, vehicles, or other personal property.

Building permit means a document issued by the building inspector granting permission to another person to construct, extend, repair, remove or alter a structure.

Building setback means the minimum distance by which any structure must be separated from the front property line of a lot.

Easement means a grant by a property owner for the use of land for one or more specific purposes, which purposes are consistent with the general property rights of the owner.

Engineer means an engineer certified by the Commonwealth of Virginia.

Floodplain means an area subject to inundation by waters of the one hundred (100) year flood. The basis for delineation of the floodplain shall be the current approved Flood Insurance Study for the Town of Hallwood prepared by the U.S. Department of Housing and Urban Development, or where the area is not covered by the Flood Insurance Studies, soil survey maps or approved engineering studies.

Health official means the health director or sanitarian serving the Town of Hallwood.

Highway engineer means the Resident Engineer employed by the Virginia Department of Transportation serving the Town of Hallwood.



Lot means a numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building.

Lot, corner means 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 of record means a lot which has been recorded among the land records in the office of the Clerk of the Circuit Court of Accomack County.

Plat means the map or plan of a tract or parcel of land which is to be or which has been subdivided. The word "plat" includes the words "map," "plan," "replat," "plot," and "replot." When used as a verb, "plat" is synonymous with "subdivide."

Right-of-way means land dedicated or reserved for a street, crosswalk, railroad, road, water main, sanitary or storm sewer main, public utilities, or other special uses. For land platting purposes, the term "right-of-way" shall mean that every right-of-way, established after October 20, 1981, and shown on a final plat, is to be separate and distinct from the lots or parcels adjoining such right-of-way and is not included within the dimensions or areas of such lots or parcels. A right-of-way intended for a street, crosswalk, water main, sanitary sewer, storm drain, or any other use involving maintenance by a public agency shall be dedicated to public use.

Street means land, including the entire right-of-way intended to be dedicated, for use as a means of vehicular and pedestrian circulation by the public at large.

Street width means the total right-of-way width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

Subdivide means the division of a parcel of land into two or more parts for the purpose of transfer of ownership or building development. For the purposes of this document, the term shall relate to the purpose of recordation of any single division of land into two or more lots or parcels. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in this section.

Subdivider means an individual, corporation, proprietor, trust, partnership, or other entity owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons or entities owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating for, representing, or executing the legal requirements of the subdivision of land.

Surveyor means a land surveyor certified by the Commonwealth.

Zoning ordinance means the adopted zoning ordinance for the Town of Hallwood.