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TOWN OF JARRATT, VIRGINIA

ZONING ORDINANCES

Whereas, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.1-486 through 15.1-498, Code of Virginia and amendments thereto, the governing body of any 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 articles, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

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

Therefore, be it ordained by the Town Council of Jarratt, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.1-486, that the following be adopted as the Zoning Ordinances of Jarratt, Virginia, together with the accompanying map. This ordinance has been designed (a) to provide for adequate light, air, convenience of access and safety from fire, flood, and other dangers; (b) to reduce or prevent congestion in the public streets; (c) to facilitate the creation of a convenient, attractive, and harmonious community; (d) to expedite the provision of adequate police and fire protection, disaster, evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (e) to protect against destruction of or encroachment upon historical areas; (f) 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; and (g) to encourage economic development activities that provide desirable employment and enlarge the tax base.

ARTICLE 1 – 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.

- 1-1 ACCESSORY USE OF STRUCTURE – A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. Any size over 100 sq ft will require a Zoning Permit and Building Permit.
- 1-2 ACREAGE – A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 1-3 ADMINSTRATOR - See ZONING ADMINSTRATOR
- 1-4 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 use.
- 1-5 ALTERATION – Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 1-6 BASEMENT – See STORY
- 1-7 BOARDING HOUSE – A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.
- 1-8 BUILDING – Any structures having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
- 1-9 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.
- 1-10 BUILDING, HEIGHT OF – The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof in 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.
- 1-11 BUILDING, MAIN – The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use of the lot.
- 1-12 CELLAR – A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 1-13 CERTIFICATE OF OCCUPANCY – A certificate issued by the Zoning Administrator providing he has determined the occupancy, use, erection or alteration of a building or land or part thereof is in conformity with this Ordinance and other Town Ordinances.
- 1-14 COMMISSION, THE – The planning commission of Jarratt, Virginia.

- 1-15 **CONDITIONAL USE** – A use that may be permitted in the appropriate district under certain conditions to be determined by the governing body.
- 1-16 **DISTRICT** – Districts as referred to in the Code of Virginia, as amended, Section 15.1-486.
- 1-17 **DWELLING** – Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, automobile trailers and mobile homes.
- 1-18 **DWELLING, SINGLE-FAMILY** – A structure or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- 1-19 **DWELLING, TWO-FAMILY** – A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- 1-20 **DWELLING, MULTIPLE-FAMILY** – A structure arranged or designed to be occupied by more than two (2) families.
- 1-21 **DWELLING UNIT** – One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 1-22 **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, a 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.
- 1-23 **FAMILY** – One 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.
- 1-24 **FRONTAGE** – The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.
- 1-25 **GARGAE, 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 ½) times as many automobiles as there are a dwelling units.
- 1-26 **GARAGE, COMMERCIAL** – A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
- 1-27 **GENERAL STORE** – A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a general store.
- 1-28 **GOVERNING BODY** – The Town Council of Jarratt, Virginia.
- 1-29 **HEALTH OFFICIAL** – The legally designated health authority of the State Board of Health for the Town of Jarratt, or his authorized representative.

- 1-30 HISTORICAL AREA – As defined on the zoning map in which the provisions of the ordinance apply for protection of an historical heritage.
- 1-31 HOG FARM – A farm where hogs are kept and fed primarily on garbage transported from other places
- 1-32 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.
- 1-33 HOME OCCUPATION – An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling by the occupant.
- 1-34 HOSPITAL, GENERAL – 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 mentally handicapped patients, epileptics, alcoholics or drug addicts. (certain nursing homes and homes for the aged may be “home occupations” if they comply with the definition here.
- 1-35 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.
- 1-36 JUNK YARD – The use of any area of land lying within one hundred (100) feet of a State highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping or abandonment of junk including scrap metals or other scrap materials. The term “junk yard” shall include the term “automobile graveyard.”
- 1-37 KENNEL – A place prepared to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.
- 1-38 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 on a plat of record or considered as a unit of property and described by metes and bounds.
- 1-39 LOT, CORNER – A lot abutting on two or more streets at their intersection. Of the two of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 1-40 LOT, DEPTH OF – The average horizontal distance between the front and rear lot lines
- 1-41 LOT, DOUBLE FRONTAGE – An interior lot having frontage on two (2) streets.
- 1-42 LOT, INTERIOR – Any lot other than a corner lot.
- 1-43 LOT, WIDTH OF – The average horizontal distance between side lot lines.
- 1-44 LOT OF RECORD – A lot which has been recorded in the clerk’s office of the Circuit Court.
- 1-45 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 the use for a different purpose.

- 1-46 MOBILE HOME (TRAILER) - The processing and/or converting to be towed on a highway and so constructed as to permit residential or sleeping occupancy. The term “mobile home” once widely used to describe transportable housing units, has been replaced in the Virginia Code by the term “Manufactured Housing.” See Code of Virginia, Section 36-85.2 et seq.
- 1-47 MANUFACTURED HOUSING PARK – Any site, lot, field, or tract of land upon which are located two (2) or more manufactured housing dwellings, DOUBLEWIDE only, with conditional use permit.
- 1-48 MOTEL, TOURIST COURT, AUTO COURT, CABINS, OR MOTOR LODGE – One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists, or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 1-49 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.
- 1-50 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.
- 1-51 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.
- 1-52 OFF-STREET PARKING AREA – Space provided for vehicular parking outside the dedicated street right-of-way. Parking spaces shall be no less than ten (10) feet by eighteen (18) feet.
- 1-53 PUBLIC WATER AND SEWER SYSTEMS – A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.
- 1-54 RECREATIONAL VEHICLE – A vehicle which is self-propelled or towed, can be operated independently of utility connections and is designed to be used principally as temporary living quarters for travel, recreation or vacation purposes.
- 1-55 RESTAURANT – Any building in which for compensation, food, or beverages are dispensed for consumption, including, among other establishments, cafes, tea rooms, confectionary shops or refreshment stands.
- 1-56 RETAIL STORES AND SHOPS – Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusively of coal, wood, and lumber yards), such as the following which will serve as illustration: drug stores, 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.
- 1-57 REZONE – To change from one zoning district to another.

- 1-58 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.
- 1-59 SETBACK – The minimum distance by which any building or structure must be separated from the front lot line.
- 1-60 SIGN - Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as 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 located.
- 1-61 SIGN STRUCTURE – Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.
- 1-62 SIGN, DIRECTIONAL – A sign (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called), giving the name and approximate location only of the farm, or business responsible for the erection of same.
- 1-63 SIGN, GENERAL ADVERTISING – A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.
- 1-64 SIGN, HOME OCCUPATION – A sign directing attention to a product, commodity, or service available on the premises, but which product commodity, or service is clearly a secondary use of the dwelling.
- 1-65 SIGN, TEMPORARY – A sign applying to a season or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of Land.
- 1-66 STORY – That portion of a building included between the surface of any floor and the surface of the next floor above it or the roof it if is directly above. A basement counts as a story if one-half (1/2) or more of its height is above ground.
- 1-67 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 (2/3) of the floor area is finished off for use.
- 1-68 STREET, ROAD – A public thoroughfare which affords principal means of access to abutting property.
- 1-69 STREET LINE – The dividing line between a street or road right-of-way and the contiguous property.
- 1-70 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.
- 1-71 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.
- 1-72 TRAVEL TRAILER – A mobile unit less than twenty-nine (29) feet in length and less than 4,500 pounds in weight which is designed for human habitation.

- 1-73 USE, ACCESSORY – A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 1-74 VARIANCE – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As unused in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion or a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.
- 1-75 WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET – Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise by the owner or his family on their farm.
- 1-76 YARD – An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- 1-76-1 FRONT – An open space on the same lot as the building between the front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.
- 1-76-2 REAR – An open, unoccupied space on the same lot as a building between the rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.
- 1-76-3 SIDE – An open, unoccupied space on the same lot as a building between the side line of the building (exclusive of steps) and the side line of the lot, and extending from the front yard line to the rear yard line.
- 1-77 ZONE – A district.
- 1-78 ZONING ADMINSTRATOR – The official charged with the enforcement of the zoning ordinance. He/she may be appointed or elected official who is by formal resolution designated to the position by the Town Council. He/she may serve with or without compensation as determined by Council.

ARTICLE 2 – DISTRICTS

2-1 For the purpose of this ordinance, the incorporated area of Jarratt, Virginia, is hereby divided into the following zoning districts:

Residential R-1

Residential R-2

Residential R-3

Business B-1

Business B-2

Industrial I-1

Planned Unit Development

ARTICLE 3 – RESIDENTIAL DISTRICT R-1

Statement of Intent

This district is composed of certain low concentrations of residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. To be discouraged are uses of a character likely to develop general concentrations of traffic, crowds of customers, and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment or general commercial or industrial uses.

3-1 USE REGULATIONS

In Residential District R-1, structures to be erected or land to be used shall be for one or more of the following uses:

- 3-1-1 Single family dwellings. Modular homes must have a minimum 6/12 roof pitch and an underpinning of solid masonry.
- 3-1-2 Schools and churches
- 3-1-3 Funeral homes, with conditional use permit
- 3-1-4 Parks and playgrounds, with conditional use permit
- 3-1-5 Home occupations as defined
- 3-1-6 Accessory uses and structures as defined. However, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one (1) foot to any property line.
- 3-1-7 Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- 3-1-8 Home gardens

3-2 AREA REGULATIONS

- 3-2-1 For lots containing or intended to contain uses permanently inhabited by not more than one family and served by public water and sewerage systems, the minimum lot area shall be ten thousand (10,000) square feet. The administrator may require a greater area if considered necessary by the health official.
- 3-2-2 Area requirements for all permitted uses not utilizing both public water and sewerage systems shall be approved by the health official, but in no instance shall the permitted lot area be less than twenty thousand (20,000) square feet.

3-3 SETBACK REGULATIONS

Structures shall be located twenty-five (25) feet or more from any street right of way which is fifty (50) feet or greater in width, or forty-five (45) feet or more from the center of any street right of way less than fifty (50) feet in width.

3-4 FRONTAGE REGULATIONS

For permitted uses the minimum lot width at the setback line shall be seventy-five (75) feet or more.

3-5 YARD REGULATIONS

3-5-1 Side – The minimum side yard for each main structure shall be ten (10) feet for each side.

3-5-2 Rear – Each main structure shall have a rear yard of twenty-five (25) feet.

3-5-3 Projections permitted into yards – Steps or unenclosed porches not exceeding twenty-four (24) square feet in area, cornices, eaves, and window sills may project into any required yard, provided that such projection shall not be less than three (3) feet from any lot line. Open, unenclosed fire escapes may extend or project four (4) feet into any required side or rear yard.

3-6 HEIGHT REGULATIONS

3-6-1 A building may not be erected over thirty-five (35) feet in height without the prior approval of the Zoning and Planning Commission.

3-6-2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae 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.

3-7 SPECIAL PROVISIONS FOR CORNER LOTS

3-7-1 Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

3-7-2 The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

3-8 OFF-STREET PARKING REGULATIONS

3-8-1 There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking as provided in Article 11-6.

3-8-2 There shall be provided either in a private garage or on the lot, space for the parking of one (1) automobile for each new building.

ARTICLE 4 – RESIDENTIAL DISTRICT R-2

This district is composed of certain medium concentrations of residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. To be discouraged are uses of a character likely to develop general concentrations of traffic, crowds of customers, and general outdoor advertising. To these ends, retail activity sharply limited and this district is protected against encroachment of general commercial or industrial uses. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses.

4-1 USE REGULATIONS

In Residential District R-2, structures to be erected or land to be used shall be for one or more of the following uses:

- 4-1-1 All uses permitted in R-1 district
- 4-1-2 Two family dwellings, with conditional use permit
- 4-1-3 Cemeteries, with conditional permit
- 4-1-4 Rest homes, convalescent homes, or nursing homes, with conditional use permit
- 4-1-5 General hospitals, with conditional use permit
- 4-1-6 Clubs and lodges, with conditional use permit.
- 4-1-7 Professional offices, with conditional use permit.
- 4-1-8 Signs in accordance with Article 11, with conditional use permit.

4-2 AREA REGULATIONS

- 4-2-1 For lots containing or intended to contain dwellings for two or more families and served by public water and sewerage systems, the minimum lot area shall be ten thousand (10,000) square feet plus one thousand (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.
- 4-2-2 Area requirements for all permitted uses not utilizing both public water and sewerage systems shall be approved by the health official, but in no instance shall the permitted lot area be less than twenty (20,000) square feet.

4-3 SETBACKS REGULATIONS

Structures shall be located twenty-five (25) feet or more from any street right of way which is fifty (50) feet or greater in width, or forty-five (45) feet or more from the center of any street right of way less than fifty (50) feet in width.

4-4 FRONTAGE REGULATIONS

For permitted uses the minimum lot width at the setback line shall be seventy-five (75) feet or more, and for each additional permitted use there shall be at least ten (10) feet of additional lot width at the setback line.

4-5 YARD REGULATIONS

4-5-1 Side – The minimum side yard for each main structure shall be ten (10) feet for each side.

4-5-2 Rear – Each main structure shall have a rear yard of twenty-five (25) feet.

4-5-3 Projections permitted into yards – Steps or unenclosed porches not exceeding twenty-four (24) square feet in area, cornices, eaves and window sills may project into any required yard, provided that such projection shall not be less than three (3) feet from any lot line. Open, unenclosed fire escapes may extend or project four (4) feet into any required side or rear yard.

4-6 HEIGHT REGULATIONS

4-6-1 A building may not be erected over thirty-five (35) feet in height without the prior approval of the Zoning and Planning Commission.

4-6-2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae 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.

4-7 SPECIAL PROVISIONS FOR CORNER LOTS

4-7-1 Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

4-7-2 The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

4-8 OFF-STREET PARKING REGULATIONS

4-8-1 There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking as provided in Article 11-6.

ARTICLE 5 – RESIDENTIAL DISTRICT R-3

Statement of Intent

This district is composed of certain medium to high concentrations of residential uses ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children and to permit certain professional uses of a character unlikely to develop general concentrations of traffic and crowds of customers. To these ends, retail activity shall be limited and this district shall be protected against encroachment of commercial or industrial uses. All residential types of structures for permanent occupancy are permitted.

5-1 USE REGULATIONS

5-1-1 All uses permitted in R-1 and R-2 districts.

5-1-2 Multi-family dwellings, with conditional use permit.

5-1-3 Individual manufactured homes, double wide only, with conditional use permit. Must have masonry foundation.

5-1-4 Signs in accordance with Article 11, with conditional use permit.

5-2 AREA REGULATIONS

5-2-1 The minimum lot area for each multi-family dwelling shall be seven thousand, five hundred (7,500) square feet plus one thousand (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.

5-3 SETBACK REGULATIONS

Structures shall be located twenty-five (25) feet or more from any street right of way which is fifty (50) feet or greater in width, or forty-five (45) feet or more from the center of any street right of way less than fifty (50) feet in width.

5-4 FRONTAGE REGULATIONS

For permitted uses the minimum lot width at the setback line shall be seventy-five (75) feet or more, and for each additional permitted use there shall be at least ten (10) feet of additional lot width at the setback line.

5-5 YARD REGULATIONS

5-5-1 Side – The minimum side yard for each main structure shall be then (10) feet for each side.

5-5-2 Rear – Each main structure shall have a rear yard of twenty-five (25) feet.

5-5-3 Projections permitted into yards – Steps or unenclosed porches not exceeding twenty-four (24) square feet in area, cornices, eaves and window sills may project into any required yard, provided that such projection shall not be less than three (3) feet from any lot line. Open, unenclosed fire escapes may extend or project four (4) feet into any required side or rear yard.

5-6 HEIGHT REGULATIONS

- 5-6-1 A building may not be erected over thirty-five (35) feet in height without the prior approval of the Zoning and Planning Commission.
- 5-6-2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae 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.

5-7 SPECIAL PROVISIONS FOR CORNER LOTS

- 5-7-1 Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.
- 5-7-2 The side yard on the side facing the side street shall be twenty (2) feet or more for both main and accessory buildings.

5-8 OFF-STREET PARKING REGULATIONS

- 5-8-1 There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking as provided in Article 11-6.

5-9 MOBILE HOME AND TRAILER PARKING

The parking or storage of a travel trailer or recreational vehicle in any district except in a mobile home park is hereby prohibited, except that one travel trailer or recreational vehicle may be parked or stored on any lot, provided that no living quarters shall be maintained within such travel trailer or recreational vehicle while such vehicle is parked or stored. The parking of a single wide mobile home is prohibited except by conditional use permit under Article 5-1-3. It is further provided, however, that mobile vehicles may be placed on railroad right-of-way, subject to the approval of the Zoning Administrator and the health department, for a period not to exceed thirty (30) days.

ARTICLE 6 – BUSINESS DISTRICT B-1

Statement of Intent

Generally, this district covers that portion of the community intended for the conduct of general business to which the local public requires direct and frequent access. This includes such uses as retail stores, banks, laundries, business offices, restaurants and public buildings.

6-1 USE REGULATIONS

In Business District B-1, structures to be erected or land to be used shall be for one or more of the following uses:

- 6-1-1 Retail stores and shops, as defined
- 6-1-2 Retail food stores
- 6-1-3 Bakeries
- 6-1-4 Banks
- 6-1-5 Dry cleaners
- 6-1-6 Laundries
- 6-1-7 Wearing apparel stores
- 6-1-8 Drug stores
- 6-1-9 Post offices, County offices, Town offices, Fire departments, Police departments, and other similar public buildings
- 6-1-10 Barber and beauty shops
- 6-1-11 Auto and home appliance services
- 6-1-12 Theaters, assembly halls
- 6-1-13 Hotels, motels, and inn
- 6-1-14 Office buildings and business offices
- 6-1-15 Churches
- 6-1-16 Libraries
- 6-1-17 Hospitals, general
- 6-1-18 General stores
- 6-1-19 Funeral homes
- 6-1-20 Service stations (with major repair under cover)

- 6-1-21 Clubs and lodges
- 1-22 Machinery sales and service
- 6-1-23 Furniture stores
- 6-1-24 Restaurants
- 6-1-25 Boarding and rooming houses
- 6-1-26 Tourist homes
- 6-1-27 Accessory uses and structures, as defined
- 6-1-28 Public utilities
- 6-1-29 Signs in accordance with Article 9

6-2 AREA REGULATIONS

None for permitted uses utilizing public water and sewerage systems, for permitted uses not utilizing public water and sewerage systems, the required area shall be approved by the health official.

6-3 SETBACK REGULATIONS

Structures shall be located ten (10) feet or more from the edge of any street right-of-way.

6-4 FRONTAGE REGULATIONS

For permitted uses the minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five (25) feet.

6-5 HEIGHT REGULATIONS

6-5-1 Buildings may be erected up to forty-five (45) feet in height from grade.

6-5-2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae 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.

6-6 OFF-STREET PARKING REGULATIONS

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking as provided in Article 11-6.

ARTICLE 7 – BUSINESS DISTRICT B-2

Statement of Intent

Generally, this district covers certain portions of the community along major highways, with business affected to some degree by non-local highway traffic. This district is established to help assure proper safety and convenience for the general public and to protect the character of adjacent districts.

7-1 USE REGULATIONS

In Business District B-2, structures to be erected or land to be used shall for one or more of the following uses:

- 7-1-1 All uses permitted in B-1 district
- 7-1-2 Retail food stores
- 7-1-3 Automobile sales, service, and maintenance (with major repair under cover)
- 7-1-4 Hotels and motels, tourist courts
- 7-1-5 Restaurants
- 7-1-6 Service stations (with major repair under cover)
- 7-1-7 Agricultural supply stores
- 7-1-8 Lumber and building supply
- 7-1-9 Animal hospital or clinic, with conditional use permit
- 7-1-10 Plumbing and electrical supply
- 7-1-11 Clubs and lodges
- 7-1-12 Machinery sales and services
- 7-1-13 General stores
- 7-1-14 Wayside stand or market
- 7-1-15 Retail stores and shops, as defined
- 7-1-16 Kennels, with conditional use permit
- 7-1-17 Commercial garage
- 7-1-18 Accessory uses and structures, as defined
- 7-1-19 Wholesale and processing activities not objectionable because of dust, noise, or odors, with conditional use permit

7-1-20 Signs in accordance with Article 7

7-2 AREA REGULATIONS

None for permitted uses utilizing public water and sewerage systems, for permitted uses not utilizing public water and sewerage systems, the required area shall be approved by the health official.

7-3 SETBACK REGULATIONS

Structures shall be located fifty (50) feet or more from the edge of any street right-of-way.

7-4 FRONTAGE AND YARD REGULATIONS

For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five (25) feet.

7-5 HEIGHT REGULATIONS

7-5-1 Buildings may be erected up to forty-five (45) feet in height from grade.

7-5-2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae 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.

7-6 OFF-STREET PARKING REGULATIONS

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking as provided in Article 11-6.

ARTICLE 8 – INDUSTRIAL, LIMITED, DISTRICT I-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 an area adjacent to residential uses. Limitations relating to the operations and processes of industries within this district are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

8-1 USE REGULATIONS

In Industrial District I-1 any structure to be erected or land to be used shall be for one or more of the following uses:

- 8-1-1 Assembly of electrical appliances, electronics instruments and devices, radios and phonographs. Also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders.
- 8-1-2 Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.
- 8-1-3 Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40)-ton rated capacity and drop hammers.
- 8-1-4 Laboratories – pharmaceutical and/or medical
- 8-1-5 Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries and food products.
- 8-1-6 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 semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- 8-1-7 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- 8-1-8 Manufacture of musical instruments, toys, novelties, and rubber and metals stamps
- 8-1-9 Building materials sales yards, plumbing supplies storage
- 8-1-10 Coal and wood yards, lumber yards, feed and seed stores
- 8-1-11 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors
- 8-1-12 Cabinets, furniture and upholstery shops
- 8-1-13 Boat building
- 8-1-14 Monumental stone works
- 8-1-15 Storage warehouse

8-1-16 Accessory uses and structures, as defined

8-1-17 Wholesale businesses

8-1-18 Public utility generating, booster or relay stations, transformers 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.

8-1-19 General stores

8-1-20 Signs in accordance with Article 7

8-2 REQUIREMENTS FOR PERMITTED USES

8-2-1 Before a permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to also show the operations and processes, shall be submitted to the Zoning Administrator for study. Operations and processes to be considered may include, but need not be limited to, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/or noise, and the number of persons employed. The Administrator may refer these plans to the planning commission for recommendations. Modifications of the plans may be required in order to protect the health, safety, convenience, and general welfare of the public.

8-2-2 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 consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

8-2-3 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 intersection streets.

8-2-4 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.

8-2-5 The Administrator shall act on any application received within twenty (20) days after receiving the application. If formal notice in writing is given to the Applicant, the time for action may be extended for a twenty-(20) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

8-3 AREA REGULATIONS

None for permitted uses utilizing public water and sewerage systems. For permitted uses not utilizing public water and sewerage systems, the required area shall be approved by the health official.

8-4 SETBACK REGULATIONS

Structure shall be located fifty (50) feet or more from the edge of any street right-of-way.

8-5 FRONTAGE AND YARD REGULATIONS

For permitted uses the minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five (25) feet.

8-6 HEIGHT REGULATIONS

Buildings may be erected up to a height of forty-five (45) feet. For buildings over forty-five (45) 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 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.

8-7 COVERAGE REGULATIONS

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the lot not to conflict with other provision of this ordinance.

8-8 OFF-STREET PARKING REGULATIONS

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking as provided in Article 11-6.

ARTICLE 8-A – PLANNED UNIT DEVELOPMENTS

Statement of Intent

This district is intended to permit development in accordance with a master plan of cluster type communities under one ownership or control. Within such communities, the location of all improvements shall be controlled in such a manner as to permit a variety of housing accommodations in an orderly relationship to one another, with the greatest amount of open area and the least disturbance to natural features. A planned unit development may include light commercial facilities to the extent necessary to serve the needs of the particular planned unit development.

8-A-1 APPLICATION

Planned development districts shall be established by amendment to the official zoning map and in accordance with the provisions of Article 10-A, Site Plan Requirements.

8-A-1-2The concept plan shall contain the following data, together with supplementary data for a particular development, as reasonably deemed necessary by the Town Council:

(1) CONCEPT SITE INFORMATION:

- (a) Vicinity map at a scale of not less than one inch equals two thousand (2,000) feet.
- (b) Boundary survey including area of the tract related to true meridian or United States Geological Survey grid north.
- (c) Attorney's certificate showing the owner or owners of the subject property, marketable title to the subject property in such owner's or owner's name(s), the source of applicant's title or interest in the subject property, and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.
- (d) Total area of the tract.
- (e) Abutting street names, width, and route numbers.
- (f) Owners, zoning districts, and uses of each adjoining tract.
- (g) Topographic map with minimum contour intervals and scale acceptable to the Town Council.

(2) CONCEPT DESIGN INFORMATION:

- (a) A concept plan, illustrating the location and functional relationship between all proposed land uses.
- (b) Land use plan or plans showing the location and arrangement of all proposed land uses, including the height and number of floors of all buildings (other than one-family and two-family dwellings) both above and below finished grade; the building setbacks from the development boundaries and adjacent streets, roads, alleys, and ways; the proposed traffic circulation pattern including the location and width of all streets, driveways, walkways, and entrances to parking areas; all off-street parking and loading areas; all proposed open space areas including common open space, dedicated open space, and developed recreational open space; the approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, telephone, and gas lines.

- (c) A plan or statement showing the location and design of all screening, and indicating the type and height of such screening.
- (d) A plan or statement detailing the exact number of improved developed recreational open spaces, and all covenants, restrictions, and conditions pertaining to the use, maintenance, and operation of common spaces, and the percentage of the tract to be used as open spaces.
- (e) For a PUD district a statement in tabular form of the anticipated residential density and the total number of dwelling units, the percentage of the tract which is to be occupied by structures, and the total floor area (commercial) of all a commercial uses.
- (f) Architectural sketches of typical proposed structures, including lighting fixtures and signs, and landscaping.
- (g) When the development is to be constructed in stages or units, a sequence of the development schedule showing the order of construction of each principal functional element of such stages or units, the approximate completion date for each stage or unit, and a cost estimate of all improvements within each stage or unit.
- (h) A plan or report indicating the extent, timing, and estimated cost of all off-site improvements, such as road, sewer, and drainage facilities, necessary to construct the proposed development, which plan or report shall relate to the sequence of development schedule if the development is to be constructed in stages or units.
- (i) A statement showing the relationship of the planned development to the comprehensive plan of the Town.
- (j) Where required by the Zoning and Planning Commission, a traffic analysis and economic and other such impact analysis, showing the effect of traffic generated by the project on surrounding roads, such analysis to be performed by the Virginia Department of Transportation.

8-A-2 REZONING TO PLANNED UNIT DEVELOPMENT DISTRICT

- (1) All terms, conditions, safeguards, and stipulations made at the time of the rezoning to planned unit development status, including the approval of the concept plan, with or without specified modifications, shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of these zoning regulations.
- (2) The granting of the planned unit development rezoning, and the approval of the concept plan, with or without specified modifications, shall not constitute the recording of a plat nor shall it authorize the issuance of building permits. Such action shall be undertaken only after the approval of the site plan and the recording of a plat.

8-A-3 SITE PLANS

- (1) Approval of the concept plan and the application for rezoning shall constitute authority for the applicant to prepare site plans in accordance with Article 10-A of this ordinance, and in conformity with the approved development plan.

- (2) A site plan for a particular development stage, other than the first, shall not be approved until construction has been initiated on the immediately preceding stage or unit.
- (3) Minor deviations from the concept plan shall be permitted in the site plan when the Town Council determines that such are necessary due to requirements of topography, drainage, structural safety, or vehicular circulation; and such deviations will not materially alter the character of the approved concept plan, including the proposed development sequence. In no case shall such deviations include the addition or elimination of any building shown on the approved concept plan, increase the density of a PUD development or increase the floor area. Any changes not authorized by this paragraph shall require resubmission of the concept plan in accordance with the procedures contained in this article.
- (4) The first site plan shall be submitted within one year after the date of approval of the concept plan. If a site plan is not submitted within said period, approval of the concept plan, and subsequent authority to submit a site plan, shall terminate and development by the applicant in accordance with the PUD regulations, and shall require a resubmission of a concept plan in accordance with the procedures set forth in this section. Within thirty (30) days prior to the expirations of said one-year period, the applicant may apply to the Town Council for the extension of time within which to submit a site plan in conformity with the approved concept plan. The Town Council may grant such extension, upon good cause shown by the applicant, but such extension shall not under any circumstances exceed an additional one-year period; and no more than two (2) such extensions may be granted. If such application is denied, approval of the concept plan, and subsequent authority to submit a site plan, shall terminate at the end of said one-year period. Upon termination of authority to develop as herein provided, the Town Council may initiate a reclassification of the subject property to an appropriate zoning district other than PUD.
- (5) No building permit shall be issued for any building or structure not indicated on the approved site plan.

8-A-4 WHERE PERMITTED

Planned unit developments (PUD's) shall be permitted in districts R-1, R-2, and R-3.

8-A-4-1 USE REGULATIONS

Structures to be erected or land to be used shall be for the following uses:

- (1) Single-family detached dwellings.
- (2) Two-family detached dwellings.
- (3) Multi-family detached dwellings.
- (4) Townhouses.
- (5) Child care center.
- (6) Neighborhood commercial uses intended to serve the needs of the residents of the planned unit development. Not more than five (5) percent of the gross area of the PUD project shall be devoted to commercial uses.
- (7) Recreational uses, including clubhouses, golf courses, pools, tennis courts, and similar recreational improvements and facilities.

- (8) Accessory uses as defined in this ordinance, except no accessory use shall be located any closer than fifty (50) feet to the project property lines.
- (9) Public utilities, such as poles, lines, distributions transformers, meters, water and sewer lines.
- (10) Off-street parking as required in Sections 3-8, 4-8 and 5-8 of this ordinance.
- (11) Signs in accordance with Article 9 of this ordinance.

8-A-4-2 AREA REGULATIONS

- (1) The minimum permitted size of any PUD district shall be five (5) contiguous acres. Additional land area may be added to an existing PUD if it is adjacent (except for public roads) thereto and forms a logical addition to the existing PUD and is under the same ownership.
- (2) The procedure for an addition shall be the same as if an original application were filed.

8-A-4-3 DENSITY

The permitted density in dwelling units per gross acre shall not be more than the following:

District	Dwelling units per gross acre
R-1	8
R-2	12
R-3	16

8-A-4-4 REQUIRED OPEN SPACE

- (1) The required open space shall not be less than fifty (50) percent of the total gross area of the planned unit development.
- (2) The required development recreational space shall not be less than ten (10) percent of the total gross area of the planned unit development.
- (3) Open space shall be defined for the purpose of this section as the total land or water within the boundaries of a planned unit development, designed and intended for use and enjoyment as open areas, and not improved with a building, structure, street, road parking area, or any type of sidewalk except for recreational structures. The open space includes developed recreational space, and shall be accessible and available to all occupants of dwelling units for whose use the space is intended.
- (4) Developed recreational space shall be defined for the purpose of this article as that portion of the open space within the boundaries of the PUD which is improved for recreational purposes. Such improvements may include, but shall not be limited to, pedestrian ways, bicycle paths, play lots and playgrounds, tennis courts, and swimming and boating areas.
- (5) All open space, including developed open space, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

8-A-4-5 MANAGEMENT OF OPEN SPACE

- (1) There shall be established a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the planned development to ensure the maintenance of open spaces.
- (2) When the open space is to be maintained through a nonprofit association, corporation, trust, or foundation, said organization shall conform to the following requirements:
 - a. The developer must establish the organization prior to the sale of any lots.
 - b. The membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.
 - c. The organization shall manage all open spaces and recreational and cultural facilities; shall provide for the maintenance, administrations, and operation of said land and improvements and any other land within the planned community, and shall secure adequate liability insurance on the land.
 - d. The organization shall conform to the Condominium Act, Sections 55-79.39, through 55-79.103, Code of Virginia (1950), as amended.

8-A-4-6 MAXIMUM HEIGHT OF BUILDINGS

The maximum height of any building or structure in a PUD district shall be forty-five (45) feet or three (3) stories from grade.

8-A-4-7 STREETS

Private streets may be permitted in a PUD upon the approval of the governing body, provided that their construction standards are equal to the subdivision standards of the county, and upon the approval of the county engineer, and provided that there are adequate provisions made for the maintenance of said private streets.

- 8-A-4-8 Within a PUD, all utilities, including telephone, television cable, and electrical systems, shall be installed underground. Appurtenances to these systems which require above-ground installations must be effectively screened.

ARTICLE 9 – SIGN REGULATIONS

9-1 PURPOSE

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the community, to protect the public investment in the streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display of outdoor advertising.

9-2 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, outdoor and advertising sign, 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.

9-3 EXCLUDED SIGNS

The following shall not be deemed to be included within the definition of “sign”:

9-3-1 Signs of a duly-constituted Governmental body, including traffic or similar regulatory devices, legal devices, or warnings at railroad crossings.

9-3-2 Memorial tablets or signs

9-3-3 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.

9-3-4 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.

9-3-5 Flags or emblems of a civic, philanthropic, educational or religious organizations, temporary in nature.

9-3-6 Signs displayed for the direction or convenience of the public, including signs which identify restrooms, locations of public telephones, freight entrances, no trespassing and posted signs, or the like.

9-3-7 Signs directing traffic on private property but bearing no advertising matter, with a total surface area not exceeding eight(8) square feet per sign on any lot or parcel and provided that no parts of such signs other than columns and supports shall be located between three and one-half (3 ½) and seven (7) feet above grade.

9-3-8 Signs placed by a public utility showing the location of underground facilities.

9-3-9 Real estate For Sale signs

9-4 SIGNS PERMITTED

Signs will be permitted in various districts as follows:

9-4-1 RESIDENTIAL R-2 AND R-3

The following permitted signs shall be located fifteen (15) feet or more any street right-of-way:

- a. Business signs, with a total surface area not exceeding sixteen (16) square feet per sign.
- b. Church bulletin boards and identification signs, with a total surface area not exceeding forty (40) square feet per sign.
- c. Directional signs, with a total surface area not exceeding four (4) square feet per sign.
- d. Home occupation signs with a total surface area not exceeding eight (8) square feet per sign.
- e. Temporary signs with special permission from the Zoning Administrator.

9-4-2 BUSINESS B-1

The following permitted signs shall be located ten (10) feet or more from any street right-of-way:

- a. Business signs
- b. Church bulletin boards and identification signs
- c. Directional signs
- d. Home occupation signs
- e. Temporary signs

9-4-3 BUSINESS B-2

The following permitted signs shall be located according to Virginia Highway Department regulations:

- a. Business signs
- b. Church bulletin boards and identification signs
- c. Directional signs
- d. Home occupation signs
- e. Temporary signs

9-4-4 INDUSTRIAL I-1

The following permitted signs shall be located thirty-five (35) feet or more from any street right-of-way:

- a. Business signs
- b. Church bulletin and identification signs
- c. Directional signs
- d. Home occupation signs
- e. Temporary signs

9-5 HEIGHT REGULATIONS

Signs shall not exceed a height of twenty (20) feet above ground level or the street to which it is oriented, whichever is higher, without special permission from the Zoning Administrator.

9-6 GENERAL REGULATIONS

No signs shall be erected, maintained or operated:

- 9-6-1 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 ½) 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.
- 9-6-2 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.
- 9-6-3 Which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a street or highway and which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.
- 9-6-4 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.
- 9-6-5 Which is obsolete or inconsistent with State law or the provisions of this ordinance.

9-7 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 to the provisions of this ordinance. Such non-conforming sign shall comply in all respects with the requirements of Article 8 relating to nonconforming uses.

ARTICLE 10 – NONCONFORMING USES

10-1 CONTINUATION

- 10-1-1 If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have twenty-four (24) months within which to relocate in a permitted area.
- 10-1-2 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.
- 10-1-3 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.
- 10-1-4 Whenever a nonconforming structure, lot, or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- 10-1-5 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.

10-2 PERMITS

- 10-2-1 All nonconforming uses shall be catalogued and issued a zoning permit and a certificate of occupancy by the Administrator within one (1) year after the adoption of this ordinance.
- 10-2-2 The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

10-3 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 nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

10-4 CHANGES IN DISTRICT BOUNDARIES

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

10-5 EXPANSION OR ENLARGEMENT

10-5-1 A nonconforming structure shall be extended or enlarged only when the proposed extensions or enlargements conform to the provisions of this ordinance.

10-5-2 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.

10-6 NONCONFORMING LOTS

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the Board of Zoning Appeals regarding setbacks, side and rear yards are met.

10-7 RESTORATION OR REPLACEMENT

10-7-1 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 structure, it shall be restored only if such use complies with the requirements of this ordinance.

10-7-2 If a nonconforming is destroyed damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75%) of the cost of reconstructing the entire structure, it shall be restored only if such use complies with the requirements of this ordinance.

10-7-3 Where a nonconforming structure devoted to a nonconforming activity is damaged less than fifty percent (50%) of the cost or 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.

10-7-4 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 10 A -SITE PLAN REQUIREMENTS

Statement of Intent

The purpose of these requirements is to promote the orderly development of certain activities in the town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the project's compatibility with its environment; to review the ability of the projects 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 the project's required community facilities; and to review the location and adequacy of the project's provision for drainage and utilities.

10-A-1 WHEN REQUIRED

For the following uses, a site plan shall be submitted to and approved by the Town Council:

- (1) Multiple-family dwellings.
- (2) Townhouses
- (3) Churches, schools, hospitals, nursing homes and public buildings, parks, and playgrounds.
- (4) Business and industrial buildings and developments.
- (5) Planned Unit Developments (PUD's).
- (6) Mobile home parks, campgrounds, and recreational vehicle park.

10-A-2 WAIVER OF REQUIREMENTS

Any requirements of this article may be waived by the Town Council 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. The Town Council shall permit such waiver only after a written request by the developer and after making a determination that the waiver will not be adverse. The request and determination shall become a part of the site plan record.

10-A-3 SITE PLAN SPECIFICATIONS

Every site plan shall be prepared in accordance with the following specifications:

- (1) The scale shall not be less than one hundred (100) feet to one (1) inch.
- (2) All site plans shall be twenty-four (24) by thirty-six (36) inch sheets.
- (3) If the site plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- (4) Horizontal dimensions shall be in feet and decimals of feet to the closest one-hundredth (1/100) of a foot.

10-A-4 SITE PLAN CONTENTS

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying, general contractor or subcontractor, 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:

- (1) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the Town Council's approval.
- (2) The north point, scale, data, vicinity map, and numbers of streets.
- (3) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- (4) The present use of all contiguous or abutting property.
- (5) The boundaries of the property involved by bearings and distances.
- (6) All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project.
- (7) Topography of the project area with contour intervals of five (5) feet or less.

ARTICLE 11 – GENERAL PROVISIONS

11-1 ZONING PERMITS

- 11-1-1 Buildings or structures shall be started, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the Administrator. The governing body shall establish fees for such zoning permits.
- 11-1-2 The commission may request a review of the zoning permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- 11-1-3 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 of 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.

11-2 CERTIFICATE OF OCCUPANCY

Land or buildings may be used or occupied only after a certificate of occupancy has been issued by the Administrator. Such a certificate shall state that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The certificate shall be issued within ten (10) days after the erection or structure alteration of such building or part has conformed to the provisions of this ordinance.

11-3 CONDITIONAL USE PERMIT

In addition to the zoning permit and the certificate of occupancy, a conditional use permit shall be issued by the governing body for all structures and land to be used requiring such a permit. The governing body shall establish, in addition to all other regulations, any conditions it feels necessary to assure the health, safety, convenience, and welfare of the general public within the district. Conditions may include, but need not be limited to, additional requirements for area, setback, screening, off-street parking, frontage, side yard, hours of operation, illumination, noise level, pollution control, control of odors, and location of ingress and egress routes. Prior to consideration of a conditional use permit application, the governing body shall notify all property owners within six hundred (600) feet of the proposed use, and will hold a public hearing to receive comments from all citizens.

11-4 USES NOT PROVIDED FOR

If in any district established under this ordinance a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the planning commission which shall make its recommendations to the governing body within thirty (30) days. If the recommendation of the planning commission is approved by the governing body, the ordinance shall be amended to list the use in that district, henceforth.

11-5 WIDENING OF HIGHWAYS AND STREETS

Whenever there shall be plans in existence approved by either the State Department of Transportation or by the governing body for the widening of any street or highway the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future right-of-way, in order to preserve and protect the right-of-way for such proposed street or highway widening.

11-6 MINIMUM OFF-STREET PARKING

There shall be provided at the time of erection of any building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles as follows:

- 11-6-1 In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.
- 11-6-2 Tourist homes and motels shall provide on the lot, parking space for one (1) automobile for each accommodation.
- 11-6-3 For church, high school, 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.
- 11-6-4 For hospitals, at least one (1) parking space for each two (2) beds capacity, including infant's cribs and children's bed.
- 11-6-5 For medical and dental clinics, at least five (5) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- 11-6-6 For tourist courts, apartment, 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).
- 11-6-7 For mortuaries and liquor stores, at least twenty (20) parking spaces.
- 11-6-8 For retail stores selling direct to the public, one (1) parking space for each hundred (100) square feet of retail floor space in the building.
- 11-6-9 Any other commercial building not listed above hereafter erected, converted, or structurally altered shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building.
- 11-6-10 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 as away as six hundred (600) feet. Every parcel of land hereafter used as a public parking area 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 so arranged as to reflect the light away from adjoining premises in a residential district.

ARTICLE 12 – PROVISIONS FOR APPEAL

12-1 BOARD OF ZONING APPEALS

- 12-1-1 A board consisting of five (5) members shall be appointed by the Circuit Court(s) of Greenville and Sussex counties. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after a public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 12-1-2 The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years, and one for one year. One of the five appointed members shall be an active member of the planning commission.
- 12-1-3 Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
- 12-1-4 Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
- 12-1-5 The board shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman.

12-2 POWERS OF THE BOARD OF ZONING APPEALS

Board of Zoning Appeals shall have the following powers and duties:

- 12-2-1 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.
- 12-2-2 To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done as follows:

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 a specific piece of property at the time of the effective date of this 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; (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia 1950, as amended.

No 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 reasonable practicable the formulation of 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, any may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

12-3 RULES AND REGULATIONS

12-3-1 The Board of Zoning Appeals shall adopt rules and regulations as it may consider necessary.

12-3-2 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.

12-3-3 The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

12-3-4 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 examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

12-3-5 All meetings of the board shall be open to the public.

12-3-6 A quorum shall be at least three (3) members.

12-3-7 A favorable vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

12-4 APPEAL TO THE BOARD OF ZONING APPEALS

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty 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.

12-5 APPEAL PROCEDURE

12-5-1 Appeal shall be mailed to the Board of Zoning Appeals, c/o 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 in any.

12-5-2 Appeals requiring an advertised public hearing shall be accompanied by a certified check for twenty dollars (\$20.00) payable to the Town Treasurer.

12-6 PUBLIC HEARING

12-7 DECISION OF BOARD OF ZONING APPEALS

- 12-7-1 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 may present to the circuit court of County a petition specifying the grounds on which aggrieved within thirty (30) days after filing of the decision in the office of the board.
- 12-7-2 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.
- 12-7-3 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 forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- 12-7-4 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.
- 12-7-5 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 appealed from.

ARTICLE 13 – VIOLATION AND PENALTY

- 13-1 All department, officials, and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.
- 13-2 Any person, firm, or corporation, whether principal, agent, employed or otherwise, violating causing, or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof may be fined up to two hundred and fifty dollars (\$250.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offence for each and every day during which any portion of any violations of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

ARTICLE 14 – AMENDMENTS

- 14-1 The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplement, changed, modified, or repealed by a favorable majority of votes of the governing body; provided:
- 14-1-1 The planning commission shall hold at least one public hearing on such proposed amendment after notice as required by Section 15.1-431, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials.
- 14-1-2 Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.1-431, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Section 15.1-431. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance.
- 14-1-3 Individual property owners may petition the governing body in writing to amend this ordinance, including rezoning of property. The petitioner shall pay for the cost of advertisement and administration.

ARTICLE 15 – ADMINISTRATION AND INTERPRETATION

- 15-1 This ordinance shall be enforced by the Zoning Administrator who shall be appointed by the governing body. The Administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.
- 15-2 Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.
- 15-3 INTERPRETATION
- Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
- 15-3-1 Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main track, such center lines or lines at right angles to such center lines shall be construed to be such boundaries as the case may be.
- 15-3-2 Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit to the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- 15-3-3 If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.
- 15-4 EFFECTIVE DATE
- The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.
- 15-5 SEVERABILITY
- Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.
- 15-6 CONFLICTING ORDINANCES
- All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.
- 15-7 This Zoning Ordinance of Jarratt, Virginia, shall be effective on and after 12:01 a.m., July 17, 1989.
- 15-8 A certified copy of the foregoing Zoning Ordinance of Jarratt, Virginia shall be filed in the office of the Zoning Administrator of Jarratt, Virginia and in the office of the clerk of the Circuit Court (s) of Greensville and Sussex Counties, Virginia.

AMENDMENTS

Amendment 10-A was duly voted on and passed at a special session of the Town Council of Jarratt, Virginia on January 22, 1990 and shall be effective immediately.

Amendment 8-A was duly voted on and passed at a regular session of the Town Council of Jarratt, Virginia on February 19, 1990 and shall be effective immediately.

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TOWN OF JARRATT, VIRGINIA
SUBDIVISION ORDINANCE

An ordinance to regulate the subdivision of property into lots, streets, alleys, and other public areas, to provide for the making and recording of plats of such subdivision and the certification of same and provide for the approval of plats.

Whereas, Article 7 of the Virginia Planning Act found in the Code of Virginia 1950, as amended, Section 15.1-465, et. Seq., the governing body of Jarratt, Virginia, is authorized to adopt regulations to provide:

- (a) For size, scale and other plat details;
- (b) For the orderly development of the general area;
- (c) For the coordination of streets within the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage;
- (d) For adequate provisions for drainage and flood control and other public purposes, and for light and air;
- (e) For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewers and other utilities or other facilities installed;
- (f) For the acceptance of dedication for public use of any right of way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, drainage or sewerage system or other improvement, financed or to be financed in whole or in part by private funds only if the owner or developer (1) certifies to the governing body that the construction costs have been paid to the person constructing such facilities, or (2) furnishes to the governing body a certified check in the amount of the estimated costs of construction of such facilities and the contractor's bond, with like surety, in like amount and so continued;
- (g) For monuments of specific types to be installed establishing street and property lines;
- (h) That unless a plat be filed for recordation within a reasonable time after final approval thereof; such approval shall be withdrawn and the plat marked void and returned to the approving official; and
- (i) For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this act.

Therefore, be it ordained by the Town Council of Jarratt, Virginia, that the following regulations are hereby adopted for the subdivision of land within the corporate limits in Greensville County and Sussex County from and after the effective date of this ordinance. Every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivision developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

ARTICLE 1 – PURPOSE AND TITLE

1-1 PURPOSE

The purpose of this ordinance is to establish a certain subdivision standards and procedures for Jarratt, Virginia, and such of its environs has come under the jurisdiction of the governing body as provided for by the 1950 Code of Virginia, as amended.

These are part of a long-range plan to guide and facilitate the orderly beneficially growth of the community, and to promote the public health, safety convenience, comfort prosperity and general welfare. More specifically, the purpose of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provisions of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities.

1-2 TITLE

This ordinance is known and may be cited as the “Subdivision Ordinance of Jarratt, Virginia.”

ARTICLE 2 – DEFINITIONS

WORDS AND TERMS

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word “lot” includes the word “parcel”; the word “shall” is mandatory and not discretionary the word “approve” shall be considered to be followed by the words “or disapproved”; and reference to this ordinance includes all ordinances amending or supplementing the same; all distances and area refer to measurement in a horizontal plane.

- 2-1 ADMINISTRATOR: The representative of the governing body who has been appointed to serve as the agent of the governing body in approving the subdivision plats.
- 2-2 ALLEY: A permanent service way providing a secondary means of access to abutting properties.
- 2-3 BUILDING LINE: The distance which a building is from the front lot line or front boundary line.
- 2-4 BLOCK: An area enclosed by adjacent and usually intersecting streets.
- 2-5 COMMISSION: The Zoning and Planning Commission of Jarratt, Virginia.
- 2-6 CUL-DE-SAC: A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

- 2-7 DEVELOPER: An owner of property being subdivided, whether or not represented by an agent.
- 2-8 EASEMENT: A grant by a property owner of the use of land for a specific purpose or purposes.
- 2-9 ENGINEER: An engineer licensed by the Commonwealth of Virginia.
- 2-10 GOVERNING BODY: The Town Council of Jarratt, Virginia.
- 2-11 HEALTH OFFICIAL: The health director or sanitarian serving the Town of Jarratt, Virginia.
- 2-12 HIGHWAY ENGINEER: The resident engineer employed by the Virginia Department of Transportation.
- 2-13 JURSDICTION: The area or territory subject to the legislative control of the governing body.
- 2-14 LOT: A numbered and recorded portion of a subdivision or intended for transfer of ownership or for building development for a single building and its accessory building.
- 2-15 LOT, CORNER: A lot abutting upon two (2) 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.
- 2-16 LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.
- 2-17 LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 2-18 LOT, INTERIOR: A lot other than a corner lot.
- 2-19 LOT OF RECORD: A lot which has been recorded in the office of the clerk of the appropriate court.
- 2-20 LOT, WIDTH OF: The mean horizontal distance between the side lot lines.
- 2-21 PLAT: Includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide."
- 2-22 PROPERTY: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.
- 2-23 STREET: The principal means of access to abutting properties.
- 2-24 STREET OR ALLEY, PUBLIC USE OF: The unrestricted use of a specified area or right of way for ingress and egress to two or more abutting properties.

- 2-25 STREET, MAJOR: Any existing or future street designated as a major street on the adopted Plan of Land Use and Major Thoroughfares, or heavily traveled thoroughfare or highway that carries a large column of through traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.
- 2-26 STREET, MINOR: A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
- 2-27 STREET, SERVICE DRIVE: A public right of way generally parallel and contiguous to a major highway primarily designated to promote safety by eliminating promiscuous ingress and egress to the right of way by providing safe and orderly points of access to the highway.
- 2-28 STREET WIDTH: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and plating strips.
- 2-29 SUBDIVIDE: To divide any tract, parcel or lot of land into two or more parts, except,
 - 2-29-1 The administrator may, however, permit the separation of one parcel from a tract of land without complying with all requirements of this ordinance if it is (1) not in conflict with the general meaning and purpose of this ordinance, (2) no new streets are required to serve the parcel, (3) at least one acre in area, and (4) not less than one hundred fifty (150) foot frontage.
 - 2-29-2 The word “subdivide” and any derivative thereof shall have reference to the term “subdivider” as defined in Article 2-30.
- 2-30 SUBDIVIDER: An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons 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 to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

ARTICLE 3 – ADMINISTRATION

3-1 ADMINISTRATOR

The administrator appointed by the governing body is hereby delegated to administer this ordinance. In so doing, the administrator shall be considered the administrator of the governing body, and approval or disapproval by the administrator shall constitute approval or disapproval as though it were given by the governing body. The administrator shall also consult with the Zoning and Planning Commission on matters contained herein.

3-2 DUTIES

The administrator shall perform his duties regarding subdivisions and subdividing in accordance with this ordinance and the Land Subdivision and Development Act.

3-3 TO CONSULT

In the performance of his duties, the administrator shall call for opinions or decisions in writing from the Virginia Department of Transportation and the State Health Department and any other agencies deemed necessary in considering details or any submitted plat.

3-4 ADDITIONAL AUTHORITY

In addition to the regulations herein contained for the platting or subdivision, the administrator may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance.

ARTICLE 4 – PROCEDURE FOR MAKING AND RECORDING PLATS

4-1 PLATTING REQUIRED

Any owner or developer of any tract of land situated within the Town of Jarratt or within two miles of the corporate limits who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the administrator in accordance with regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall been recorded.

In event a plan for subdivision is disapproved by the administrator, the subdivider may appeal to the governing body which may then override the recommendation of the administrator and approve such plat.

4-2 DRAW AND CERTIFY

Every such plat shall be prepared by a surveyor or engineer duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.

4-3 OWNER'S STATEMENT

Every such plat, or the deed of dedication to which plat is attached, shall contain in addition to the surveyor's or engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat is the free consent and in accordance with the desire of the undersigned 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 acknowledgments of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the clerk of the appropriate court, and indexed under the names of the land owners signing such statement and under the name of the subdivision.

4-4 NO ONE EXEMPT

No person shall subdivide any tract of land that is located within the Town or within two miles of the corporate limits defined in Article 7 of the Virginia Planning Act except in conformity with the provisions of this ordinance.

4-5 PRIVATE CONTRACTS

This ordinance 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 ordinance calls for more restrictive standards than are required by private contracts, the provisions of this ordinance shall control.

4-6 NECESSARY CHANGES

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

4-7 FEES

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the administrator. At the time of filing the preliminary plat, the subdivider shall deposit with the Town of Jarratt a check payable to the Town Treasurer in the amount of seventy-five dollars (\$75).

ARTICLE 5 – GENERAL REGULATIONS

5-1 MUTUAL RESPONSIBILITIES

There is a mutual responsibility between the subdivider and the Town of Jarratt to divide the land so as to improve the general use pattern of the land being subdivided.

5-2 LAND MUST BE SUITABLE

The administrator shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

5-3 FLOODING

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

5-4 IMPROVEMENTS

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Transportation for streets, curbs, etc., or local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements:

5-4-1 Streets. All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality.

5-4-1-1 Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas and proposed streets as shown on the adopted Plan of Land Use. 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 administrator, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than sixty (60) unless approved by the administrator upon recommendation of the highway engineer.

5-4-1-2 Service Drives. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel and the proposed subdivisions. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right of way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

5-4-1-3 Approach Angle. Major streets shall approach major or minor streets at an angle of not less than eighty (80) degrees, unless the administrator, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

5-4-1-4 Minimum widths. The minimum width of proposed streets, measured from lot line to lot line, shall be shown on the major street plan, or if not shown on such plan shall be:

Major streets – not less than eight (80) feet

Minor streets – not less than fifty (50) feet

Local service or other minor streets which cannot be extended in the future – not less than fifty (50) feet; and

Alleys – not less than twenty (20) feet.

5-4-15 Construction Requirements. In all cases will be in compliance with the Virginia Department of Transportation.

- 5-4-1-6 Cul-de-sacs. Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be no longer than four hundred (400) feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter.
- 5-4-1-7 Alleys. Alleys will be provided wherever possible. Dead-end alleys, if unavailable, shall be provided with adequate turn-around facilities as determined by the administrator. There shall be no reserve strip controlling access to alleys.
- 5-4-1-8 Private Streets and Reserve Strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets.
- 5-4-1-9 Names. Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no cases shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane, or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the administrator. Names of existing streets shall not be changed except by approval of the governing body.
- 5-4-1-10 Identification Signs. Street identification signs of a design approved by the administrator shall be installed at all intersections, readable from either side.
- 5-4-2 Monuments. As required by this ordinance all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all such monuments required by the administrator are clearly visible for inspection and use. Such monuments shall be inspected and approved by the administrator before any improvements are accepted by the governing body.
- 5-4-2-1 Location – Street Signs. Signs to coordinate with existing street signs shall be set at all street corners, at all point where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street.
- 5-4-2-2 Location – 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 street rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade.
- 5-4-3 Water Facilities. Where public water is available the service shall be extended to all lots within a subdivision, including fire hydrants by the subdivider in accordance with the design standards and specifications for water, construction, and improvements in Jarratt, Virginia, and meeting the approval of the administrator. Every subdivision containing twenty-five (25) or more lots to which public water cannot or will not be provided shall be supplied by the subdivider with a complete central water supply and distribution system to serve each and every lot containing less than twenty thousand (20,000) square feet per lot. Such installations must meet all the requirements of the State Water Control Board, the State Health Department, and any other State or local regulation having authority over such installations.

- 5-4-4 Sewerage Facilities. Where public sewerage facilities are available the service shall be extended to all lots within a subdivision and septic tanks will not be permitted. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design and specifications for sewerage construction and improvements in Jarratt, Virginia, and meeting the approval of the administrator, provided the average prevailing lot size is less than twenty thousand (20,000) square feet or more in area, an individual sewage disposal system for each lot may be provided by the subdivider subject to the approval by the health official.
- 5-4-5 Private Water and/or Sewer. Nothing in this regulation shall prevent the installation of privately owned water and/or sewerage facilities in areas where public water and/or sewerage facilities are not available, provided, however, that such installations must meet all the requirements of the State Water Control Board, the State Health Department, Division of Engineering, and any other State or local regulation having authority over such installations.
- 5-4-6 Lot Size. The minimum lot size in any area shall be in accordance with the zoning ordinance for those subdivisions within the corporate limits.
- 5-4-6-1 Lot Size - Public Water and Sewer. Residential lots served by both public water and sewer systems shall have a frontage of not less than seventy-five (75) feet on an existing or recorded public street and shall contain an area of not less than ten thousand (10,000) square feet.
- 5-4-6-2 Lot Size - Public Water or Sewer. Residential lots served by only one of public water or public sewer systems shall have a frontage of not less than one hundred (100) feet on an existing or recorded public street and shall contain an area of not less than sixteen thousand (16,000) square feet.
- 5-4-6-3 Lot Size – Neither Public Water nor Sewer. Residential lots served by neither public water nor public sewer systems shall have a frontage of not less than one hundred (100) feet on an existing or recorded public street and shall contain an area of not less than twenty-four thousand (24,000) square feet. NOTE: Where soil percolation is proven to be adequate the minimum area of said lots may be twenty thousand (20,000) square feet providing written permission of the Health Department and administrator is obtained.
- 5-4-7 Exceptions. Greater lot areas may be required where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The administrator shall require that data from soil evaluation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.
- 5-4-8 Storm Drainage Facilities. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements together with a properly qualified certified engineers or surveyor's statement that such improvements, when properly installed will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer. The subdivider shall install the approved storm drainage facilities.

- 5-4-9 Fire Protection. Adequate fire hydrants in a subdivision at locations approved by the administrator shall be installed by the subdivision, provided necessary public water is available. The location of the fire hydrants shall meet the National Board of Fire Underwriters specifications.
- 5-4-10 Easements. The administrator may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than twenty (20) feet in width shall be provided for drainage, water, sewer, power lines and other utilities in the subdivision when required by the administrator.
- 5-4-11 Bond. Before any subdivision plat will be finally approved the subdivider shall, in lieu of construction, furnish bond in an amount calculated by the administrator to secure the required improvements in accordance with specifications and construction schedules established, which bond shall be payable to and held by the governing body.
- 5-4-12 Plans and Specifications. Two (2) blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer and shall be submitted to the administrator for approval or disapproval within sixty (60) days. If approved on (1) copy bearing certifications of such approval shall be returned to the subdivider with the reason for disapproval in writing.
- 5-5 LOTS
In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied.
- 5-5-1 Shape. The lot arrangements, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- 5-5-2 Location. Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedications of such roads or streets to a width of fifty (50) feet.
- 5-5-3 Corner Lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as determined by the administrator.
- 5-5-4 Side Lots. Side lines of lots shall be approximately at right angles, or radial to the street lines.
- 5-5-5 Remnants. All remnants of lots shall be approximately at right angles, or radial to the street lines.
- 5-5-6 Separate Ownership. Where land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said deed 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 they both shall be recorded together.

- 5-5-7 Off-Street Parking and Delivery Facilities. All parcels of land, including those intended for business and industrial uses, shall be designed specifically for such purposes with spaces set aside for off-street parking and /or delivery facilities as required by the Town of Jarratt Zoning Ordinance.
- 5-6 BLOCKS
Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following general requirements:
- 5-6-1 Length. Generally, the maximum length of blocks shall be twelve hundred (1,200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
- 5-6-2 Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, consistent with the Town of Jarratt Zoning Ordinance and section 5-4-6 of this subdivision ordinance, unless prevented by topographical conditions or size of the property, in which case the administrator may approve a single tier of lots of minimum depth.
- 5-6-3 Orientation. Where proposed subdivisions 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.

ARTICLE 6 – APPROVAL OF PLATS

6-1 APPROVAL REQUIRED BEFORE SALE

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his representative shall apply in writing to the administrator for the approval of the subdivision plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the following manner:

6-2 PRELIMINARY SKETCH

The subdivider may, if he so chooses submits to the administrator two copies of a preliminary sketch of the proposed subdivision prior to his preparation of engineered preliminary and final parts. The purpose of such preliminary sketch is to permit the administrator to advise the subdivider whether his plans in general are in accordance with the requirements of this ordinance. The Zoning and Planning Commission, upon submission of any preliminary sketch, by the administrator shall study it, and advise the subdivider where in it appears that changes would be necessary. The administrator may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the subdivider. The preliminary sketch shall be as follows:

- 6-2-1 It shall be drawn on white paper, or on a print of a topographical map of the property. It shall be drawn to a scale of one hundred (100) feet to the inch. It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

6-2-2 Part of Tract. Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the governing body.

6-3 PRELIMINARY PLAT

The subdivider shall present to the Zoning and Planning Commission three (3) prints of a preliminary layout at a scale of one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information.

6-3-1 Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of streets north point and scale. If true north is used, method of determination must be shown.

6-3-2 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 and other landmarks.

6-3-3 The boundary survey or existing survey of record such survey shows a closure with an accuracy of not less than one in twenty-five hundred; total acreage, acreage of subdivided area, number, and approximate area and frontage of all buildings sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

6-3-4 All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas and parking areas, culverts, drains and water courses, their names and other pertinent data.

6-3-5 The complete storm drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage.

6-3-6 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 water lines shall be shown as well as the location of valves and fire hydrants. Necessary control valves shall be installed in each water line.

6-3-7 A cross section showing the proposed street construction, depth and type of base, type of surface, etc.

6-3-8 A profile or contour map is 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 grade lines connections therewith.

6-3-9 A location map tying the subdivision into the present road system, either by aerial photographs or typographic maps of the U.S. Department of Interior.

6-3-10 All parcels of land to be dedicated for public use and the condition of such dedication.

6-4 PROCEDURE

The administrator or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the Subdivision Ordinance and the Zoning Ordinance. The subdivider shall then be advised in writing within forty-five (45) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and an estimate of the cost of construction or improvements and the amount of 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 administrator may consult with a duly licensed engineer who shall prepare this data for the administrator, or preferably may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

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6-5 NO GUARANTEE

Approval by the administrator of the preliminary plat does not constitute a guarantee of approval of the final plat.

6-6 SIX MONTHS LIMIT

The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the administrator a final subdivision plat in accordance with this ordinance. Failure to do so shall make preliminary approval null and void. The administrator may, on written request by the subdivider, grant an extension of this time limit.

6-7 FINAL PLAT

The subdivision plats submitted for final approval by the governing body and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of 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 plan shall include the following:

6-7-1 A blank oblong space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.

6-7-2 Certificates signed by surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instruments in the chain of the title.

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- 6-7-3 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, and shall be duly acknowledged before some officer authorized to take acknowledgements of deeds.
- 6-7-4 When the subdivision consist of land acquired form more than one source of title the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.
- 6-7-5 The accurate location and dimensions by bearing and distances with all curve data on all lots and street lines and center lines of 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, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- 6-7-6 Distances and bearings must balance and close with an accuracy of not less than one in ten thousand.
- 6-7-7 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, and chord bearings.

6-8 CONDITIONS

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the administrator. Approval of final plat shall be written on the face of the plat by the administrator. Approval of final plat shall be written on the face of the plat by the administrator. The completed plat shall be submitted to the Town Council, Jarratt, Virginia for approval. Upon the approval by the Council, the plat will be signed by the president of the Council, marked approved, and returned to the property owner, who will cause the plat to be recorded in the Clerk's Office, Greensville County, Virginia or Clerk's Office, Sussex County, Virginia, wherein the land lies. If not approved, the Council will return the plat to the owner, with corrections to be made indicated thereon. No plat will be recorded until such Council approval has been made. Owners of property lying outside the corporate limits but within the territorial limits of these regulations will first have the plat approved the Town Council, Jarratt, Virginia, and then by the Board of Supervisors, Greensville County or Sussex County, depending upon which County said land is located within before recordation. Any plat not recorded within sixty (60) days after final approval shall be considered void and such approval withdrawn, and plat shall be returned to the approving officer.

ARTICLE 7 – EFFECTUAL CLAUSES

7-1 EXCEPTION

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the administrator a departure may be made without destroying the intent of such provisions, the administrator may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the administrator with the reasoning, on which the departure was justified, set forth. No such variance may be granted by this ordinance which is opposed in writing by the highway engineer or health official.

7-2 PENALTIES

Any person violating the foregoing provisions of this section shall be subject to a fine of not more than one hundred (\$100) dollars for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

7-3 VALIDITY

Should any article, section, subsection or provision of this Subdivision Ordinance be declared by a court of competent jurisdiction to be valid or unconstitutional, such decision shall not affect the validity or constitutionality of this Subdivision Ordinance as a whole any part thereof other than the part so declared to be invalid or unconstitutional.

7-4 REPEAL

All ordinance or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

7-5 AMENDMENTS

This ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the Zoning and Planning Commission for recommendations; and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five (5) days prior to the hearing.

7-6 EFFECTIVE DATE

This ordinance was duly considered following a required public hearing held on January 22, 1990 and was voted on and passed by the Town Council of Jarratt, Virginia, at a special session held on January 22, 1990. This ordinance shall be effective on and after 12:01 a.m., January 23, 1990.