

**Zoning Ordinance
Town of Washington, Virginia**

Table of Contents

Preamble

Article 1 – Creation of Zoning Districts

Article 2 – Special Requirements

Article 3 – Non-conforming Uses

Article 4 – Mobile Homes

Article 5 – General Provisions

Article 6 – Special Use Permits

Article 7 – Appeals and Variances

Article 8 – Violation and Penalty

Article 9 – Amendments

Article 10 – Administration and Interpretation

Article 11 – Application

Article 12 – Flood Plain Ordinance

Article 13 - Historic District Ordinance

Article 14 - Definitions

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions
amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

THE TOWN OF WASHINGTON

Washington, Virginia

ZONING ORDINANCE

Date:

PREAMBLE

1. TITLE AND DEFINITIONS

The ordinances, rules, regulations, standards and all other things mentioned in or adopted pursuant to the following Articles 1-14, as may be amended from time to time, constitute the “Zoning Ordinance of Washington, Virginia”. For definitions of terms used within this ordinance, see Article 14 of the Zoning Ordinance of Washington, Virginia, except as to such terms as may be otherwise defined in the Historic District Ordinance, which definitions shall control for purposes of the Historic District Ordinance, Article 13.

2. PURPOSE AND INTENT

These regulations are promulgated for the specific and implied purposes as set forth in Chapter 22, of Title 15.2 of the 1950 Code of Virginia, as amended, including the implementation of the adopted Comprehensive Plan, and the goals contained therein. Further, the governing body of the Town of Washington, Virginia has found that the public necessity, convenience, general welfare, and good zoning practice have required that this amended zoning ordinance be approved.

3. MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not the intent of this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use and dimensions of buildings or premises, or requires larger open space than is required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this ordinance shall govern, except where expressly qualified in the Articles that follow.

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

ARTICLE 1

CREATION OF ZONING DISTRICTS

1-1 No uses, practices, and structures may be employed or constructed within the Town of Washington except those which are specifically permitted by this Ordinance within any of the Zoning Districts, either as non-conforming uses or structures, “by right”, or by Special Use Permit. There are hereby created five (5) zoning districts within the Town as follows:

VILLAGE RESIDENTIAL (VR)

VILLAGE MIXED USE (VM)

VILLAGE SERVICES (VS)

RURAL RESIDENTIAL (RR)

GOVERNMENTAL SERVICES (GS)

1-2 The areas of the Town which comprise each of the districts referred to in 1-1 above are as set forth on the map attached hereto and made a part hereof, or as shown on any properly amended map subsequent hereto

1-3 USES PERMITTED BY RIGHT, Subject to all other requirements of this ordinance.

1-3-1 The following uses are permitted by right in every zoning district (Commercial, Craft and Office uses shall submit a Development Plan in accordance with Article II):

- a. Single-family residences
- b. Non-commercial beekeeping
- c. Orchards, gardens & vineyards
- d. Making of cider and/or wine
- e. Keeping of no more than three dogs per dwelling unit

1-3-2 VILLAGE RESIDENTIAL

- a. Temporary signs and non-commercial signs no larger than six square feet

1-3-3 VILLAGE MIXED USE

- a. Temporary signs and non-commercial signs no larger than six square feet, and signs for permitted commercial use no larger than 15 square feet
- b. Retail uses of less than 1000 square feet in an existing retail space
- c. Craft occupations in an existing retail space

1-3-4 VILLAGE SERVICES

- a. Temporary signs and non-commercial signs no larger than six square feet, and signs for permitted commercial uses no larger than 15 square feet
- b. Retail uses of less than 1000 square feet in an existing retail space
- c. Craft occupations in an existing retail space
- d. Public buildings for offices, courtrooms, meeting rooms, jails
- e. Offices in buildings of not more than two stories above ground with not more than 1000 square feet on the ground floor

1-3-5 RURAL RESIDENTIAL

- a. Temporary signs and non-commercial signs no larger than six square feet, and signs for permitted commercial uses no larger than 15 square feet
- b. Agricultural and forestry uses and structures, including the keeping of farm animals, except swine, and except for structures exceeding 200 square feet for the commercial raising of poultry.

1-3-6 GOVERNMENTAL SERVICES

- a. Office, governmental
- b. Office, Professional, if incidental to other governmental uses, i.e. renting out incidental portions of governmental buildings to private parties
- c. Office, Business, if incidental to other governmental uses, i.e. renting out incidental portions of governmental buildings to private parties
- d. Public Library
- e. Public buildings for office, courtrooms and meeting rooms

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

- f. Emergency Communications Facilities, but excluding antennas or towers exceeding 35' above grade which may be permitted by Special Use Permit
- g. Public Safety Facilities, not including jails
- h. Parking Lots and Public Parking
- i. Equipment Storage in an enclosed building, such building or buildings collectively not to exceed 5,000 square feet within the Governmental Services Zoning District
- j. Public Parks
- k. Flood Control or stormwater management facilities.

1-4 USES BY SPECIAL PERMIT

The following uses shall be permitted subject to all the other requirements of this ordinance, including, among others, the General Standards of 6-1-1 and the Additional Standards of Section 6-1-2, only upon obtaining a Special Use Permit from the Town Governing Body as provided in Article 6.

All uses requiring a Special Use Permit shall be governed by the requirements of Article II and Article VI, and applicants shall prepare and submit a development plan.

1-4-1 The following uses may be permitted by Special Use Permit in every zoning district:

- a. Two family residences
- b. Public utilities
- c. Schools, parks and/or playgrounds
- d. Accessory apartment
- e. Setback exception
- f. Height exception
- g. Package sewage treatment plants
- h. Adaptive re-use of existing structures
- i. Sewage treatment facilities and accessory buildings
- j. Amplified external music or sound.

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

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1-4-2 VILLAGE RESIDENTIAL

- a. Bed and Breakfast establishments

1-4-3 VILLAGE MIXED USE

- a. Multi-family dwelling
- b. Museums
- c. A retail use in a structure converted from non-retail use(s), or in a new structure constructed with retail use of less than 1,000 square feet on an undeveloped lot.
- c. Retail uses greater than 1,000 square feet
- d. Bed and Breakfast establishments
- e. Hotels and restaurants
- f. Houses of Worship
- g. Commercial signs larger than 15 square feet
- h. Public libraries

1-4-4 VILLAGE SERVICES

- a. Retail uses of greater than 1000 square feet
- b. Bed and Breakfast establishments
- c. Clubs and lodges civic, fraternal, or patriotic, with bona fide membership
- d. Hotels
- e. Restaurants
- f. Museums
- g. Houses of Worship
- h. Offices in buildings of not more than two stories above ground and not more than 1600 square feet on the ground floor
- i. Commercial signs larger than 15 square feet

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

- j. Craft occupations in other than existing retail space
- k. Public libraries

1-4-5 RURAL RESIDENTIAL

- a. Home industries
- b. Utilities
- c. Agricultural production, packing, processing and storage
- d. Houses of worship
- e. Public libraries
- f. Bed and Breakfast establishments
- g. Commercial signs larger than 15 square feet
- h. Wayside markets
- i. Commercial beekeeping
- j. Residential cluster subdivision
- k. Reduction of Minimum Lot Widths
- l. Crop and livestock farming.

1-4-6 GOVERNMENTAL SERVICES

- a. Antennas exceeding 35 feet above grade
- b. Towers exceeding 35 feet above grade

1-5 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

1.5.1 Public fairs may be permitted for defined times with such conditions as the Town Governing Body may require or impose by resolution of the Town Governing Body, upon a determination by a majority of the members that:

- a. Adequate insurance or like surety is in place to handle any liability attaching to the Town's residents

- b. The fair/carnival/event is in the best interests of the Town of Washington residents and businesses
- c. No unreasonable imposition on business and residents of the area will result
- d. Adequate public services exist to serve the expected attendees, and
- e. Provisions are in place to handle clean up and replacement of any damaged Town property.

1-5-2 The Governing Body may renew, or alter the terms of, or cancel for good cause, a previously issued Special Use Permit, even if such use is not presently allowed in that district, but it may not expand such use unless the provisions of this ordinance, as amended, allow such expansion.

1-5-3 SIGNS

- a. No signs will be allowed with interior illumination of any sort whatsoever.
- b. For a single commercial enterprise, the total area of all signs, to exclude service or directional signs, daily signs, and political signs, shall not exceed twenty-five square feet.
- c. No sign shall be erected on the roof of any structure, nor may any sign protrude above the lower edge of a roof, except by Special Use Permit. Signs that are placed on, project onto, or are suspended over a public right-of-way may be subject to the regulations of the Virginia Department of Transportation, and may not impede the passage of vehicular and/or pedestrian traffic.
- d. All signs, other than political signs, and signs described in "e" below, shall be subject to the Town's Historic District Ordinance.
- e. All signs mandated by the Building Code or the American with Disabilities Act (ADA) or other Federal or State legislation, shall be exempt from these regulations to the extent mandated by law. Signs related to parking or traffic control shall comply, where possible, with standards in use by the Virginia Department of Transportation.

1-5-4 Properties currently and wholly owned by the Town of Washington shall be exempt from the provisions of this Ordinance for any use or purpose made of them by the Governing Body. Properties owned by the Town but let to any other governmental entity or private individual or group for a term of more than seven days shall comply with the provisions of this Ordinance.

1-5-5 No external amplified sound or music shall be allowed in any district except by Special Use Permit.

ARTICLE 2

SPECIAL REQUIREMENTS FOR NON-RESIDENTIAL USES

- 2-1** Where uses are permitted under the terms of this ordinance by right, by special use permit or otherwise, the following requirements shall be observed unless waived by the Governing Body for good cause shown.
- 2-1-1** Public Utilities (other than existing overhead wires, poles, and guys, and other than those overhead wires and guys which are subsequently allowed by Special Use Permit), parking lots abutting residential uses, non-portable outside heating and air-conditioning equipment, fuel tanks, satellite dishes, and more than one inoperable motor vehicle on a lot must be planned to be screened, from view from any public highway or from adjoining property by natural vegetation or such other method. These plans shall be approved by the Architectural Review Board.
- 2-1-2** Prior to the issuance of any building permit for any non-residential facility, a detailed plan of development shall be submitted to the Administrator. Development plans shall be prepared to a scale of one-inch equals one hundred feet or larger, the sheet or sheets shall be no larger than 24 inches by 36 inches. Six clearly legible blue or black line copies of a development shall be submitted to the Administrator. The Administrator may require that such plans be prepared and certified by a licensed surveyor or by a licensed engineer.
- 2-1-3 REQUIRED INFORMATION:** Every such plan shall contain the following information:
- a. Location, type, and size of vehicular entrance to the site
 - b. All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle or stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with Article 5
 - c. Number of floors, floor area, height and location of each building and proposed general use for each building
 - d. All existing and proposed water and sewer and drainage facilities, indicating all pipe sizes, types and grades
 - e. In cases of new construction or exterior alteration of existing construction, proposed finished grading by contours supplemented where necessary by spot elevations
 - f. All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to 1/10 of a foot

2-1-4 PROCEDURE FOR PREPARATION, PROCESSING AND DECISION

- a. All development plans which are appropriately submitted and conform to standards and requirements set forth in this ordinance shall be approved by the Administrator after having been reviewed and recommended for approval, relative to:
 - 1. The location and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic
 - 2. The concurrence of the Virginia Department Of Transportation for the location and design of the vehicular entrances and exits to and from state maintained streets and highways
 - 3. Location and adequacy of automobile parking areas
 - 4. Adequate provision for traffic circulation and control within the site and providing access to adjoining property
 - 5. Compliance with the requirements of this ordinance and all other ordinances and requirements of the Town.
 - 6. Adequacy of drainage, water supply, fire protection and sanitary sewer facilities, and, when required, proper provision to minimize pollution of the streams, or air
 - 7. Compliance with any applicable established design criteria, construction standards and specifications for all improvements required by a duly adopted resolution by the Town governing body
- b. The Virginia Department of Health, or its agents, must approve the development plan for sewage disposal facilities.
- c. Any person aggrieved by any decision of the Administrator may, within 30 days of such decision appeal to and have a determination made by the Board of Zoning Appeals pursuant to Article 7 this ordinance. Any applicant or adjoining property owner who is aggrieved by a decision of the Town Governing Body may appeal to the Circuit Court of Rappahannock County in accordance with Article 7 of this ordinance.
- d. Approval of a development plan submitted under the provisions of this ordinance shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith. The applicant may be given a single one-year extension upon written request to the Administrator made within 90 days before the expiration of the approved development plan. The Administrator shall acknowledge the request and shall make a decision regarding

the requested extension within 35 days after receipt of the request. An extension may be given for good cause shown by the applicant.

- e. No permit shall be issued for any structure in any area covered by the development plan that is required under the provisions of this ordinance, except in conformity to such development plan that has been duly approved.
- f. Upon satisfactory completion of the installation of required improvements as shown on the approved development plan or a section thereof, the developer shall submit to the Administrator six certified copies of an "as built" development plan one week prior to anticipated occupancy of any building, for the review and approval for conformity with the approved development plan by the appropriate Town Officials as designated in this section.

2-1-5 REQUIRED IMPROVEMENTS - REVISIONS AND FEES

- a. Any development plan may be revised in the same manner as originally approved.
- b. Any requirement of this article may be waived by the Administrator or the Governing Body in specific cases where such requirement is found to be unreasonable and such waiver will not adversely affect the purposes of this article.
- c. The Town governing body, by resolution, may establish or change from time to time a schedule of fees for the examination and approval of development plans and the inspection of all required improvements included in such plans. Such fee shall be payable to the Treasurer of the Town of Washington and deposited to the credit of the general fund.

2-1-6 VIOLATIONS AND PENALTIES

Any person, whether as owner, lessee, principal, agent, employer or otherwise, who violates any of the provisions of this ordinance or permits any such violation or fails to comply with any of the requirements hereof or who erects any building or uses any building or any land prior to the approval of an "as built" development plan by the Administrator, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to reprove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$10 nor more than \$1,500 per Section 15.2-2286 A.5 of the 1950 Code of Virginia, as amended.

ARTICLE 3

NON-CONFORMING USES

3-1 CONTINUATION

3-1-1 If any change in title or possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

3-1-2 If any non-conforming use or activity is discontinued for a period exceeding two years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

3-2 PERMITS

3-1-2 The construction or use of a non-conforming building or land area for which a permit was issued illegally prior to the adoption of this ordinance may proceed.

3-3 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing provided that there will be no increase in the cubic content of the structure as it existed at the time of passage or amendment of this ordinance. 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; however, no structural alterations may be made to a non-conforming building that will in any way make the setback of such building less than that required by the provisions of this ordinance.

3-4 CHANGES IN ZONING DISTRICT BOUNDARIES

Whenever the boundaries of a zoning district are changed, any uses of land or buildings that become non-conforming as a result of such change shall become subject to the provisions of this Article.

3-5 EXPANSION OR ENLARGEMENT

3-5-1 A non-conforming structure to be extended or enlarged shall conform with the provisions of this ordinance except as qualified in 3-8, below.

3-5-2 A non-conforming use may be extended throughout any part of a structure that was arranged or designed for such activity at the time of enactment of this ordinance.

3-6 RESTORATION OR REPLACEMENT

3-6-1 A non-conforming building or a building in which a non-conforming use is conducted that is destroyed or damaged by any casualty may be restored, up to its original size, within two years after such destruction or damage, if approved by the appropriate Town authorities. In extenuating circumstances, the two-year period may be extended by Town Council.

3-7 NON-CONFORMING LOTS

The BZA may consider granting a variance to these requirements only if adjacent lots are under separate ownership on the effective date of this ordinance, or the lots have been legally approved and recorded prior to 1986.

3-8 NON-CONFORMING STRUCTURES

Structures which are non-conforming by reason of not meeting minimum yard requirements may be expanded in a minimum yard area where the addition encroaches on such yard a distance equal to or less than did the structure on the effective date of this ordinance.

ARTICLE 4

MOBILE HOMES/TRAVEL TRAILERS/RECREATIONAL VEHICLES/TEMPORARY STRUCTURES

- 4-1** It shall be unlawful for a mobile home to be stored, placed, or parked, on any property in the Town of Washington.

- 4-2** Travel trailers and recreational vehicles not being used as dwellings for habitation may be stored or kept within the Town, so long as no more than one such travel trailer or recreational vehicle is stored or kept on a lot; provided that this limitation shall not apply to a travel trailer or recreational vehicles not being used as dwellings or habitation stored in a wholly enclosed structure.

- 4.3** It shall be unlawful for mobile homes, travel trailers, recreational vehicles, or temporary structures to be used as a dwelling, living quarters, storage facility, or place of business in the Town of Washington.

ARTICLE 5

GENERAL PROVISIONS

5-1 AREA, SETBACK, HEIGHT AND DENSITY REGULATIONS

	VR	VMU	VS	RR	GS
Minimum Lot Area: (In acres):	0.5	0.5	0.5	5.0*	4.0

**The Lot area for parcels in areas zoned RR may be clustered and reduced to 0.5 acres upon the provision of public water and sewer services, and provided that such lots meet the requirements of Section 1-4-5 (j) and Section 5-9.*

Density: No more than one dwelling per lot in any district; not more than one lot per three (3) acres in the RR District under the provisions of Section 1-4-5 (j) and Section 5-9.

Front Yard: The setbacks shall be 35’ from the centerline of the road on Route 622, Route 626, Route 628, Route 522, and Route 211 unless reduced by Special Use Permit. On all other roads, the setback shall be 25’ from the centerline of the road unless reduced by Special Use Permit. In cases where a property is served by a private right-of-way, measurements shall be taken from the property line that constitutes the front property line. The front yard setback in the GS District shall be 75’ from the centerline of any roadway, unless reduced by Special Use Permit.

	VR	VMU	VS	RR	GS
Minimum Side Yard:	15'	15'	15'	15'	45’**
Minimum Rear Yard:	30'	30'	30'	30'	30’
Maximum Building Height:	35'	35'	35'	35'	35’

Minimum Lot Width at setback line on existing public road **

n/a

n/a

n/a

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300'

n/a

Minimum
Lot Width
at setback line on
new public road **

n/a

n/a

n/a

200'

n/a

**may be reduced by SUP in accord with Section 1-4-5 (k)

5-2 ADDITIONAL YARD REGULATIONS

- 5-2-1** On lots having double frontage, the building setback line shall apply to both frontages.
- 5-2-2** Structures and sewage disposal systems shall be set back at least 50' from any river, stream, or flood plain.
- 5-2-3** In all areas, setback for structures may be reduced to the setback line of structures on adjoining lots by the Governing Body, by the issuance of a Special Use Permit for a setback exception.

5-3 ADDITIONAL HEIGHT REGULATIONS

- 5-3-1** Structures may be erected up to 45' in height by special use permit for a height exception.
- 5-3-2** A governmental building, church, or library may be erected to a height of 45' from grade without recourse to a height exception, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35'.

5-4 ACCESSORY STRUCTURES

- 5-4-1** No accessory building of 100 square feet or more on the ground floor shall be within 15' of any side or rear lot line.

- 5-4-2 No accessory building of more than one story shall be within 30' of any property line.
- 5-4-3 All accessory buildings shall conform to the frontage setback set forth in this ordinance.

5-5 SPECIAL PROVISIONS FOR CORNER LOTS

- 5-5-1 Of the two street sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

5-6 BUILDING PERMITS

- 5-6-1 No structure that exceeds 150 square feet or more shall be located, constructed, reconstructed, altered, or enlarged without first having obtained a building permit from the Administrator.
- 5-6-2 Applications for permits approved or denied by the Administrator may be appealed to the Town Board of Zoning Appeals.
- 5-6-3 The Administrator may require that three copies of a scale drawing shall accompany each application for a Building Permit. 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 use of the proposed building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right of way or any street or highway adjoining said parcel of land. Any other information, which the Administrator may deem necessary for proper consideration of the application, may be required. If the proposed building or use is in conformity with the provisions of this ordinance, the Administrator shall issue a permit to the applicant.
- 5-6-4 In the event that the plans show that the proposed development of the property will violate any provisions of this ordinance, the Administrator shall require such revision of the plan as may be necessary to correct these conditions.
- 5-6-5 No Building Permit shall be approved by the Administrator where individual water supply and/or sewage disposal systems are to be used until the suitability of the soil, drainage, and contour of each lot has been properly determined by the county health official or by a qualified registered engineer provided by the applicant, who shall certify in writing to the Governing Body that each such lot is suitable for such systems. The Administrator may require percolation tests and/or other methods of soil evaluation at the expense of the applicant to determine the suitability of the soil for sub-surface disposal of sewage.

5-7 CERTIFICATE OF OCCUPANCY

- 5-7-1 Buildings structurally altered or erected may be used or changed in use only after the Building Inspector has issued a Certificate of Occupancy.

5-7-2 No Certificate of Occupancy shall be issued for any building structurally altered or erected to be used as a dwelling, nor shall any Certificate of Occupancy be issued for any building erected on an undeveloped lot where human beings will be employed or will congregate, until such structure has been supplied or equipped with an approved sewage disposal system as will comply with the requirements of the Virginia Department of Health regulations and approved by the Rappahannock County Health Officer or the duly authorized representative.

5-8 MINIMUM OFF-STREET PARKING

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

5-8-1 There shall be provided either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building, or each dwelling unit added in case of the enlargement of an existing building.

5-8-2 Bed and Breakfasts and hotels shall provide on the lot parking space for one automobile for each room/unit of accommodation.

5-8-3 For places of assembly, at least one parking space for every five fixed seats shall be provided in said area.

5-8-4 Parking in connection with non-residential uses shall be located only on the lot where said non-residential use is located or on property not zoned Village Residential (VR) or Rural Residential (RR).

5-8-5 For medical and dental clinics, at least ten parking spaces; three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.

5-8-6 For retail stores selling direct to the public one parking space shall be provided for each 250 square feet (or fraction thereof) of retail floor space in the building.

5-8-7 Any other commercial building not listed above hereafter erected, converted, or structurally altered shall provide one parking space for each 250 square feet of business floor space in the building.

5.8.8 Parking requirements may be reduced or modified by Town Council by issuance of a special use permit.

5-9 REQUIREMENTS FOR LOCATING LOTS AND STRUCTURES IN THE RR DISTRICT

In the RR District, all new structures must:

a. Be located in areas below any existing hilltops or areas of highest elevation; and

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- b. Be located so that any existing hilltops or areas of highest elevation are between the new structure and the historic core area of the Town (Main Street and Gay Street) to the greatest extent possible; and
- c. Be screened to the greatest extent possible with new or existing vegetation from the historic core area of the Town (Main Street and Gay Street); and
- d. Be located so that any existing structures on the site are located between the new structures and the historic core area of the Town (Main Street and Gay Street) to the greatest extent possible; and
- e. Be located as far as possible from the points where existing public roads intersect the Town boundaries, and
- f. Meet the requirements of Section 6-1-2 (k) if the residential cluster subdivision provision is used.

ARTICLE 6

ISSUANCE OF SPECIAL USE PERMITS

6-1 POWERS OF THE GOVERNING BODY

The Town governing body reserves unto itself and shall have the following powers and duties in addition to its other powers granted in this ordinance, or elsewhere.

To hear and decide applications for such special use permits as may be authorized in this ordinance; the Governing Body may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No such special use permit may be granted except after notice and hearing provided by Section 15.2-2204 of the 1950 Code of Virginia, as amended.

6-1-1 GENERAL STANDARDS

The Town governing body may issue a Special Use Permit if it finds that the use for which the permit is sought:

- a. Will not be hazardous or injurious to, or in conflict with, the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved, the site layout and access roads
- b. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use
- c. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or to the quiet enjoyment of property or improvements in the neighborhood
- d. Will be in accord with the provisions of the ordinance and the plan of use and development embodied therein, as well as in accord with such comprehensive plans or parts thereof from time to time adopted by the governing body

The Town Governing Body may require, as a condition of the issuance of any special permit there under, that it shall be periodically renewed, or the Governing Body may grant a temporary special permit, subject to adequate guarantees that the use covered will be terminated at the end of the period specified or of such extension thereof as may be granted by the Governing Body; provided, that any such renewal or extension shall be subject to the same procedure as specified in this section for the original issuance of the permit.

6.1.2 ADDITIONAL STANDARDS

a. Two Family Residences

1. Two family residences shall comply with the density requirements as set forth in Section 5.1.
2. Two family residences, wherever practicable, shall share parking, entrance, sewerage disposal, and related facilities.

b. Accessory Apartments

1. Accessory apartments may be located in the main structure on a property.
2. Accessory apartments may not be occupied by more than three persons.
3. Adequate off-street parking shall be provided, and vehicular access shall be the same as that serving the main structure.
4. Accessory apartments shall not exceed approximately 1000 square feet in area.

c. More than One Dwelling on a Lot or Parcel

1. The property and its dwellings shall conform to the density requirements of the ordinance as set forth in Section 5.1.
2. All proposed dwellings should conform to the yard requirements for main structures as set forth in Section 5.1.
3. All proposed structures should be located so as to have minimum impact on adjacent properties.

d. Setback Exception

1. Any exception to the setback provision shall be in keeping with the character of construction in the area.
2. Any increased bulk resulting from the exception to the setback requirement will not act to the detriment of neighboring properties.

e. Height Exception

1. Any exception to the height provision shall be in keeping with the character of construction in the area.

2. Any increased bulk resulting from the exception to the height requirement shall not act to the detriment of neighboring properties.
- f. Multi-Family Dwelling
1. Cooperative parking, entrance and loading area shall be provided.
 2. Accessory parking for additional vehicles (RVs, boats and trailers, etc.) shall be provided.
 3. Multi-family housing shall have the exterior appearance, as far as is practicable, of a single-family dwelling.
- g. Retail Uses of Greater than 1000 square feet in Existing Retail Space
1. Any expansion in size of the commercial use shall be in keeping with the character of the surrounding properties.
- h. Bed and Breakfast Establishments
1. Use shall be limited to occupancy by no more than five rooms for let.
 2. Virginia Department of Health approvals shall be obtained and maintained throughout use.
 3. Such use shall have the exterior appearance of a single-family dwelling.
 4. Adequate vehicular parking shall be provided.
 5. Vehicular ingress and egress shall be reviewed and approved by the Virginia Department of Transportation.
 6. By a separate and distinct special use permit, a Bed and Breakfast establishment may serve meals to guests and non-guests, but in no greater number for each meal seating than the number of permitted rooms times two, and only upon such additional conditions as may be required by the Town Council which may include, but are not limited to, the nature and extent of on-site management, additional parking requirements, ingress/egress requirements, periodic review or issuance only for a defined period, to then be reapplied for by the applicant, issuance restricted only to the current owner or applicant, limitation of hours of serving meals to guests and non-guests, requirements for a minimum number of guests before any meals may be served to non-guests, noise standards, and/or lighting standards. Additional conditions may also be imposed upon Bed and Breakfast establishments serving meals only to

guests.

i. Wayside Stands

1. Wayside stands shall contain no more than 800 square feet of floor or display area.
2. Wayside stands shall not be open beyond the hours of daylight.
3. Wayside stands shall provide adequate area for the ingress, egress and parking of patrons.

j. Adaptive re-use of existing structures

1. Adaptive re-uses shall be limited to those uses listed under section 1-4-3, 1-4-4, and 1-4-5 of this ordinance.
2. No major addition is required to the structure, and the general exterior appearance of the structure shall be retained.
3. All parking areas shall be effectively screened.

k. Residential Cluster Subdivisions

New lots in the RR District which use the residential cluster subdivision provision must meet the following minimum requirements in order to be considered for approval of a special use permit:

1. The applicant must submit a site development plan that identifies the designated conservation areas on the site which are to be preserved, and the designated cluster areas on which new houses will be located. The development plan must show that the clustered housing will meet the standards set forth in Section 5-9 and in 6-1-2 (k).
2. All new lots must have a minimum area of 0.5 acres, and the gross density of lots in the subdivision shall not exceed an average of one dwelling per three (3) acres.
3. Cluster groupings must be clearly separated from each other on the site.
4. Clusters of houses on a given site must be arranged in a pattern that reflects a traditional grouping of farm buildings, with a variety of building sizes, configurations, and orientations. Elevations for each side of each new

structure shall be submitted as part of any application. Such applications shall be subject to approval by the ARB before or simultaneously with the application being acted on by Council.

6-1-3 APPLICATIONS

An application for a Special Use Permit may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, tenant, contract purchaser, or any official, department, board or bureau of any government. A contract purchaser, tenant, or owner of an easement must file with the application a copy of the contract or some form of written consent to the application by the property owner. Such application shall be made to the Zoning Administrator in accordance with rules as may be adopted by the Town Council from time to time. The application and accompanying maps, plans or other information, once complete and in a form which may be considered by the Council, shall be transmitted promptly to the secretary of the Town Council, who shall place the matter on the agenda, give notice and advertise a public hearing thereon as provided in Section 15.2-2204 of the 1950 Code of Virginia, as amended.

6-1-4 REVOCATIONS

Unless a time limit is specified for a permit, the same shall be valid for an indefinite period of time but shall be revocable on the order of the Governing Body at any time for good cause shown, or on the failure of the owner or operator of the use covered by the permit to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the Governing Body. Before revoking any permit, however, the Governing Body shall give the holder at least 21 days written notice of the violation, delivered to the holder's last known address, or delivered to him or her personally, and the Governing Body shall publish notice of intent to revoke said permit in accordance with the provisions of Section 15.2-2204 of the 1950 Code of Virginia, as amended. The holder may appear at the date set to consider revocation of the permit and present evidence on his/her behalf, after hearing the evidence supporting revocation. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this ordinance with respect to violations of the provisions of this ordinance.

6-1-5 DUE DILIGENCE

Whenever a Special Use Permit is granted, the activity authorized thereby shall be established and any construction authorized thereby shall be diligently executed and shall be completed within such time as specified. If not acted on within a period of one year, such special use permit shall automatically expire

without notice, unless the permit is extended by Town Council due to conditions unforeseen at the time of the authorization.

ARTICLE 7

APPEALS AND VARIANCES

7-1 BOARD OF ZONING APPEALS CREATED; MEMBERSHIP, ORGANIZATION, ETC.

Board of zoning appeals to be created; membership, organization, etc. -

7.1.1 The Town hereby establishes a board of zoning appeals, which shall consist of five residents of the Town, appointed by the circuit court. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

7-1-2 The board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

7-2 POWERS AND DUTIES OF BOARD OF ZONING APPEALS

Powers and duties of board of zoning appeals. - Boards of zoning appeals shall have the following powers and duties:

7.2.1 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. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

7-2-2 To authorize upon appeal or original application in specific cases such variance as defined in Section 15.2-2201 of the 1950 Code of Virginia, as Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013
Article 6.1.2.h.6 adopted Aug.12, 2013

amended, 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 the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the 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 the hardship is not shared generally by other properties in the zoning district and the same vicinity; and
- c. That the authorization of the 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 variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the 1950 Code of Virginia, as amended. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

- 7-2-3 To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Section 15.2-2204 of the 1950 Code of Virginia, as amended. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
- 7.2.4 To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Section 15.2-2204 of the 1950 Code of Virginia, as amended, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
- 7.2.5 No provision of this section shall be construed as granting the board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.
- 7.2.6 To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- 7.2.7 No special exception may be granted except after notice and hearing as provided by Section 15.2-2204 of the 1950 Code of Virginia, as amended. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. (Code 1950, Sections 15-831, 15-850, 15-968.9; 1950, p. 176; 1962, c. 407, Section 15.1-495; 1964, c. 535; 1972, c. 695; 1975, cc. 521, 641; 1987, c. 8; 1991, c. 513; 1996, c. 555; 1997, c. 587; 2000, c. 1050.)

7-3 APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES

Applications for special exceptions and variances. - Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau. Applications shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

board. No special exceptions or variances shall be authorized except after notice and hearing as required by Section 15.2-2204 of the 1950 Code of Virginia, as amended. The applicant must be present at this hearing. The zoning administrator shall also transmit a copy of the application to the local planning commission, which may send a recommendation to the board or appear as a party at the hearing. Substantially the same application will not be considered by the board within one year. (Code 1950, Sections 15-828 through 15-830, 15-832, 15-833, 15-850, 15-968.10; 1950, p.176; 1962, c.407, Section 15.1-496; 1966, c. 256; 1975, cc. 521, 641; 1989, c. 407; 1997, c. 587.)

7-4 APPEALS TO THE BOARD

7.4.1 Appeals to the board. - An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article or any ordinance adopted pursuant thereto. Notwithstanding any charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty days. The appeal period shall not commence until the statement is given. The 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 from was taken.

7.4.2 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.

7-4-3 In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after sixty days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The sixty-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to

correct clerical or other nondiscretionary errors. (1975, c.521, Section 15.1-496.1; 1983, c.12; 1993, c.780; 1995, c.424; 1997, c.587.)

7-5 PROCEDURE ON APPEAL

Procedure on appeal. - The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions, which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.(1975, c.521, Section 15.1-496.2; 1983, c.444; 1986, c.483; 1997, c.587.)

7-6 PROCEEDINGS TO PREVENT CONSTRUCTION OF BUILDING IN VIOLATION OF ZONING ORDINANCE

Where a building permit has been issued and the construction of the building for which the permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the board of zoning appeals. (1975, c.521, Section 15.1-496.3; 1997, c.587.)

7-7 CERTIORARI TO REVIEW DECISION OF BOARD

7-7-1 Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the Town, may present to the circuit court of the county or city a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the Board.

7-7-2 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 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.

7-7-3 The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

7-7-4 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.

7-7-5 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. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

7-8 DUE DILIGENCES TO PURSUE VARIANCE

Whenever a variance is authorized the board, as the activity authorized thereby shall be established, and any construction authorized thereby shall be diligently executed and shall be completed, within such time as the Board may have specified unless an extension shall be granted by the Board, because of the occurrence of conditions unforeseen at the time of the authorizing of such variance. If not so acted on and completed within a period of two years, unless the same is extended as aforesaid, such variance shall automatically expire without notice.

ARTICLE 8

VIOLATION AND PENALTY

8-1 All departments, officials, and public employees of the Town of Washington, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this ordinance. They shall only issue permits that comply with the provisions of this ordinance and have been found to be in compliance with the Comprehensive Plan.

8-2 Any violation or attempted violation of this ordinance or any provision thereof may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding. The Zoning Administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance, including a written order for remediation of any condition found in violation of the ordinance, and the bringing of legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding.

8-3 There is hereby established a schedule of civil penalties for violation of the provisions of this ordinance. No penalty imposed here under shall preclude action by the Zoning Administrator under the authority given in Section 15.2 - 2286 or Section 15.2 - 2208 of the 1950 Code of Virginia, as amended.

8-3-1 The penalty for any one violation of the zoning ordinance shall be \$150, and each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor.

8-3-2 Any person summoned for a violation of the Zoning Ordinance may make an appearance in person or in writing by mail to the Treasurer of the town prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of the court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the town to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions
amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

ARTICLE 9

AMENDMENTS

9-1 The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes from the governing body, provided:

9-1-1 Any such amendments are initiated:

- a. By resolution of the governing body
- b. By motion of the planning commission
- c. By petition of the owner; contract owner with the owner's written consent; or the owner's agent of the property, which is the subject of the proposed Zoning amendment, addressed to the governing body or the planning commission, who shall forward such petition to the governing body

9.1.2 Applications for change of zoning district boundaries shall be made by the owner, contract owner or option holder of the property on forms prescribed by the Zoning Administrator. They shall be accompanied by a certified surveyor's plat and a certified or cashier's check in the amount set in a fee schedule adopted by the Town Governing Body. When the applications are deemed to be complete by the Zoning Administrator, the application shall be referred to the planning commission and heard by it in a legally advertised public hearing, not less than five days no more than 21 days after final publication of notice. The proposed rezoning shall be advertised by publication once a week for two successive weeks in a newspaper published in or having general circulation in Rappahannock County. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their views.

9-1-3 Advertisement under this article need not be in full but may be by reference. Every such advertisement shall contain a reference to the place within the Town where copies of the proposed amendments, plans or ordinances may be examined.

9-2 After the public hearing before the Planning Commission, the Commission shall submit its recommendation to the governing body within 90 days.

9-3 In cases where an applicant has requested an amendment to the zoning ordinance and/or the zoning map, such request shall be acted upon by the governing body and any decision made within 12 months unless the applicant requests or consents to action beyond this period or unless the applicant withdraws his request. In the event of and upon such withdrawal, processing of the request shall cease without further action required by this ordinance.

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

- 9-4** Before approving any Zoning Ordinance or Amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by the Code of Virginia, as amended, after which the governing body may make appropriate changes or corrections in the ordinance or amendment. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by the Code of Virginia, as amended.
- 9-5** The requirements for advertising set out in this article shall be construed and interpreted to conform to the requirements of Section 15.2 - 2204 *or any successor statute* of the 1950 Code of Virginia, as amended.
- 9-6** A petition for amendment which is substantially similar to another petition for amendment shall not be reconsidered within one year of the vote on or the withdrawal of the earlier petition.

ARTICLE 10

ADMINISTRATION AND INTERPRETATION

10-1 This ordinance shall be enforced by the Zoning Administrator who shall be appointed by the Governing Body. The Zoning Administrator shall serve at the pleasure of the Governing Body. Compensation for such shall be fixed by resolution of the governing body. The Zoning Administrator of Rappahannock County may also serve as Zoning Administrator for the Town of Washington, Virginia.

10-2 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 30 days after this ordinance becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the construction is located.

ARTICLE 11
APPLICATION

11-1 EFFECTIVE DATE

The effective date of this ordinance shall be May 14, 2008 and application of its provisions shall be in force thereafter until repealed.

11.2 SEVERABILITY

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid or unenforceable for any reason, such decision shall not affect the validity of the ordinance as a whole, or any other part thereof other than the part so held to be unconstitutional or invalid or unenforceable.

11.3 CONFLICTING ORDINANCES

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

11-4 FLOOD PLAIN ORDINANCE

The Town of Washington Flood Plain Ordinance, heretofore adopted shall remain in full force and effect.

11-5 ZONING CATEGORIES

The map of the applicable zoning categories and boundaries appended hereto shall be in full force and effect with the passage of this Ordinance.

11-6 CERTIFIED COPY

A certified copy of the foregoing zoning ordinance of the Town of Washington, Virginia, shall be filed in the office of the Zoning Administrator, in the office of the Clerk of the Circuit Court of Rappahannock County, Virginia, and recorded in the minute book of the Town Governing Body. A recorded vote taken on the foregoing ordinance was as follows:

Town Council members: Ms. Goodine, Ms. Mitchell, Mr. Goebel, Mr. Benson, and Mr. Sullivan all voted yes.
Ms. Butler was absent.

Mayor: Eugene Leggett voted yes. _____

11.7 AMENDMENTS AND RECODIFICATION

Amendments to this Zoning Ordinance have been approved by the Town Council to become effective on **Approval date** and said amendments have been incorporated into this ordinance and this ordinance recodified by resolution of the Town Council on September 8, 1993.

The Historic District Ordinance for the Town of Washington, Virginia, in effect on November 14, 2007, and the Subdivision Ordinance for the Town of Washington, Virginia, in effect on August 25, 2003 are incorporated by reference into this recodification, and shall remain in effect, as amended, from time to time by the Town Council of Washington, Virginia.

MAYOR: _____
The Honorable Eugene Leggett

DATE: May 14, 2008

ATTEST: _____
Clerk of the Town Council

ARTICLE 12

AN ORDINANCE AMENDING THE FLOOD PLAIN ORDINANCE PART OF THE THE ZONING ORDINANCE OF THE TOWN OF WASHINGTON, VIRGINIA, BY RE-ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE TOWN OF WASHINGTON Virginia, as follows:

Amend the Zoning Ordinance of the Town of Washington by deleting the existing Flood Plain ordinance and replace with the following:

Floodplain District (FD).

12.A.General Provisions.

- 1) Purpose. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by
 - (a) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
 - (b) restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
 - (c) requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
 - (d) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- (2) Applicability. These provisions shall apply to all lands within the jurisdiction of Town of Washington and identified as being in the 100-year floodplain by the Federal Flood Insurance Administration.
- (3) Compliance and Liability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
 - (b) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
 - (c) Records of actions associated with administering this ordinance will be kept on file and maintained by the Zoning Administrator.
 - (d) This ordinance shall not create liability on the part of Town of Washington or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- (4) **Abrogation and Greater Restrictions.** This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.
- (5) **Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

12. B. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- (1) Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- (2) Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- (3) Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- (4) Board of Zoning Appeals - The board appointed to review appeals made by

individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

- (5) Breakaway wall -A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- (6) Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (7) Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- (8) Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- (9) Flood or flooding -
 - (a) A general or temporary condition of partial or complete inundation of normally dry land areas from
 - [1] the overflow of inland or tidal waters; or,
 - [2] the unusual and rapid accumulation or runoff of surface waters from any source.
 - (b) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- (10) Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- (11) Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

- (12) Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- (13) Historic structure - Any structure that is
- (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (c) individually listed on the Virginia Historic Landmarks Registry of historic places.
- (14) Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- (15) Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- (16) New construction - For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (17) Recreational vehicle - A vehicle which is
- (a) built on a single chassis;

- (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light duty truck; and,
 - (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- (18) Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Subsection C.(2) of this ordinance.
- (19) Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. -
- (20) Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (21) Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:
- (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - (b) any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
- (22) Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically

designated areas in which substantial flood damage may occur.

12.C. Establishment Of Zoning Districts.

(1) Description of Districts.

(a) Basis of Districts. The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100)-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Town of Washington prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 2006, as amended.

[1] The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

[2] The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In this zone, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.

[3] The Shallow Flooding District shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.

(b) Overlay Concept.

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

[2] Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

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

(2) Official Zoning Map. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway

Map and/or Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Town of Washington offices.

- (3) District Boundary Changes. The delineation of any of the Floodplain Districts may be revised by the Town of Washington where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.**
- (4) Interpretation of District Boundaries. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

12.D.District Provisions

(1) Permit and Application Requirements.

- (a) Permit Requirement. All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, as amended and the Town of Washington Subdivision Regulations contained in Chapter 147 of the Rappahannock County Code. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws.
- (b) Site Plans and Permit Applications. All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
- [1] For structures to be elevated, the elevation of the lowest floor (including basement).
 - [2] For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
 - [3] The elevation of the one hundred (100)-year flood.
 - [4] Topographic information showing existing and proposed ground elevations.

- (2) General Standards. In all special flood hazard areas the following provisions shall apply:
- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
 - (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
 - (k) In riverine situations, adjacent communities and the Department of Conservation and Recreation (Department of Floodplain Management) shall be notified prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
 - (l) The flood carrying capacity within the altered or relocated portion of any

watercourse shall be maintained.

- (3) Specific Standards. In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Subsection D.(5) (a), the following provisions shall apply:

(a) Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation.

(b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

(c) Elevated Buildings. Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall

[1] not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

[2] be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

[3] include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(d) Standards for Manufactured Homes and Recreational Vehicles.

- [1] All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- [2] All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that
 - a. the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation; or,
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade;
 - c. the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

- d. in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage,” any manufactured home placed or substantially improved must meet the standards of Subsection D.(3)(d)[2]a., b., and c. above.
- [3] All recreational vehicles placed on sites must either
- a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. meet all the requirements for new construction, including anchoring and elevation requirements of Subsection D(3)(d)[1] or [2]a. and c., above.
- (4) Standards for the Floodway District. The following provisions shall apply within the Floodway District:
- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - (b) If Subsection D.(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection D.
 - (c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (5) Standards for Approximated Floodplain. In addition to the standards outlined in Subsection D.(2) and (3), the following provisions shall apply within the Approximate Floodplain District:
- (a) When base flood elevation data or floodway data have not been provided, the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Subsection D. When such base flood elevation data is utilized, the Zoning Administrator shall obtain

- [1] the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,
 - [2] if the structure has been floodproofed in accordance with the requirements of Subsection D.(3)(b) of this ordinance, the elevation in relation to the mean sea level to which the structure has been floodproofed.
- (b) When the data is not available from any source as in Subsection D.(5)(a), the lowest floor of the structure shall be elevated to no lower than one (1) foot above the highest adjacent grade.
- (6) Standards for Subdivision Proposals.
- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
 - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

12.E. Variances: Factors To Be Considered. In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (1) The showing of good and sufficient cause.
- (2) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- (3) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (4) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

- (5) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (6) The importance of the services provided by the proposed facility to the community.
- (7) The requirements of the facility for a waterfront location.
- (8) The availability of alternative locations not subject to flooding for the proposed use.
- (9) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (10) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (11) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (12) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- (13) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (14) Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

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

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

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

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

12.F. Enactment

ENACTED AND ORDAINED THIS 13th DAY OF December, 2006. This ordinance shall become effective upon passage.

Signed

Attested

ARTICLE 13

HISTORIC DISTRICT ORDINANCE

Approved 11/14/2007

13.1 Statement of Intent

The intent of this section is to implement the Comprehensive Plan goal of protecting our natural, scenic and historic resources and provide a means to recognize and protect the historic, architectural, archaeological, cultural, and artistic heritage of the community, and to promote and protect the health, safety, recreational, educational, economical and general welfare of the community through the identification, preservation and enhancement of buildings, structures, sites, districts, objects, neighborhoods, landscapes, places and areas which have special historical, cultural, artistic, architectural or archaeological significance as provided by Section 15.2-2306 of the Code of Virginia, as amended, hereinafter the “Virginia Code”.

It is hereby recognized that the deterioration, destruction or alteration of said buildings, structures, sites, districts, objects, landscapes, places and areas may cause the permanent loss of unique resources which are of great value to current and future generations of our community, the Commonwealth of Virginia, and the

nation, and that the special controls and incentives are warranted to ensure that such losses are avoided.

The purposes for establishing historic district zoning are:

1. To protect the historic significance and integrity of the properties within the Historic District which are or may be recognized for having association with historic events that have made a significant contribution to the broad patterns of our history; *or* have association with significant persons; *or* possess distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; *or* have the potential to yield information important to prehistory or history.

2. To preserve and improve the quality of life and sense of place and community for residents by protecting familiar and treasured tangible, visual elements in the area.

3. To promote tourism and other economic benefits by protecting historical, architectural, artistic, archaeological and cultural resources, including historic landscapes, attractive to visitors and thereby supporting local business and industry.

4. To stabilize and improve property values by providing incentives for the upkeep and rehabilitation of significant older buildings and structures and

encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district while maintaining a viable community.

5. To educate residents, students and tourists about the local cultural and historic heritage as embodied in the Historic District through the preservation of our architectural and archaeological past that demonstrates the social and artistic development pattern of our predecessors.

6. To promote local historic preservation efforts and to encourage the identification and nomination by their owners of eligible individual historic properties to the National Register of Historic Places and the Virginia Landmarks Register.

7. The promotion of harmony of style, geographical context, form, color, proportion, scale, height, width, spacing, setback, orientation, rhythm, traditional quality, appearance, texture, finish and material among buildings of historic design and those of more modern design.

8. To develop the historic areas, not in a vacuum, but as a vital area in which each succeeding generation may build with the quality and sensitivity of past generations.

9. To encourage sound stewardship and foster a sense of pride in heritage resources.

13.2 Definitions Related to Historic Zoning

Aggrieved Person – A person who resides, owns or leases property within the Historic District with an immediate, pecuniary or substantial interest in an action taken by the Zoning Administrator or the ARB under this Ordinance, as opposed to a remote or indirect interest.

Alteration – Any change, modification or addition to the form, materials, workmanship, design, appearance, texture or details of all or a part of the exterior of any building, structure, site or object other than normal repair, maintenance and landscaping.

Architectural Significance – Importance of a property based on physical aspects of its design, materials, form, style, workmanship, or that represents the work of a master or possesses high artistic value as recognized by National Register Criterion No. 3.

Area of Significance – The aspect of historic development in which a property made contributions for which it meets the National Register Criteria, such as architecture, agriculture, commerce, community planning and development, politics, government, industry, education and religion.

Association – Link of a historic property with a historic event, activity or person. Also, the quality of integrity through which a historic property is linked to a particular past time and place.

Building – A resource created principally to shelter any form of human activity, including, but not limited to, a house, barn, meat house, bank, store, church, town hall, courthouse, jail, library, garage or hotel.

Building Official – The person designated by the Town to administer and enforce the Virginia Statewide Building Code.

Certificate of Appropriateness (COA) – The approval statement signed by the Chairman of the Architectural Review Board or designated staff member which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, rehabilitation and restoration of all or part of any building, structure, site or object ; and the demolition or relocation of any building, structure, site or object; or any alteration, addition, relocation or demolition of any historic landmark located anywhere within the Historic District, subject to the issuance of all other regional permits needed for the matter sought to be accomplished.

Contributing Building – A building, which has historic significance by reason of type, period, design, style, workmanship, form, materials, architectural details, or historic association to a significant event, or person, or has or may yield information important to prehistory or history.

Contributing Properties – Those parcels of land containing a contributing building, structure, site or object adding to its historic significance and so designated on the inventory map and inventory of contributing properties and non-

contributing properties which are adopted as a part of this Ordinance. The designated contributing properties, which may or may not be individually listed in the Virginia Landmarks Register or National Register of Historic Places, are those properties which by reason of type, period, design, style, workmanship, form, materials, architectural details, or have historic association to a significant event or person, or have or may yield information important to prehistory or history and relation to surrounding properties contribute favorably to the general character of the part of the Historic District in which they are located.

Contributing Resource – A building, site, structure, district or object adding to the historic associations, historic architectural qualities or archaeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property and possesses historic integrity or is capable of yielding important information about the period; or it independently meets the National Register Criteria.

Corridor District – A geographical area contiguous to arterial streets or highways on a significant route of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality determined by the Town Council to be a historic district.

Cultural Landscape – A geographic area, including both cultural and natural features, associated with an event, person, activity, or design style that is

significant in the history of the locality, state or the nation. Historic sites, landscapes designed by a landscape architect, master gardener, architect or horticulturalist and vernacular landscapes developed by human use and activities are types of cultural landscapes.

Design – A quality of integrity applying to the elements that create the physical form, plan, space, structure and style of a property.

District – One of the five resource types, being a concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

Eligibility – The ability of a property to meet the National Register Criteria.

Feeling – A quality of integrity through which a historic property evokes the aesthetic or historic sense of past time and place.

Historic Area – An area designated by the Town Council containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Historic Context – The process for interpreting history that groups information about historic properties which share a common theme, common geographical location and common time period. The development of historic

contexts is a foundation for decisions about the planning, identification, evaluation, registration and treatment of historic properties, based upon comparative significance.

Historic District –The geographical area delineated by the Town Council, from time to time, containing a significant concentration, linkage or continuity of buildings, structures, objects or places in which historic events occurred or having special public value because of notable architectural, archaeological, historical or other features relating to the cultural or artistic heritage of the Town. The area contains the Town’s contributing and non-contributing buildings, structures, sites or objects that are united historically or aesthetically by plan or physical development and are of such interest and significance as to warrant conservation and preservation. At the adoption of this Ordinance, the Town Council has designated the municipal boundaries of the Town as the boundaries of the Historic District.

Historic Landmark – A building, structure, district, site or object determined to have historical, architectural or archaeological statewide or national significance through listing on the Virginia Landmarks Register.

Historic Property – Any prehistoric or historic building, district, site, structure or object.

Historic Significance – Importance for which a property has been evaluated and found to meet the National Register Criteria.

Integrity – The authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic or prehistoric period.

Level of Significance – The geographical level – local, state or national – at which a historic property has been evaluated and found to be significant.

Local Significance – The importance of a property to the history of its community, this Town, general vicinity or area.

Location – A quality of integrity retained by a historic property existing in the same place as it did during the period of significance.

Materials – A quality of integrity applying to the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.

National Historic Landmark (NHL) – A historic property evaluated and found to have significance at the national level and designated as such by the Secretary of the Interior.

National Register Criteria – The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places (which is the same criteria used for inclusion in the Virginia Landmarks Register).

Specifically, the quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; *or*
2. That are associated with the lives of persons significant in our past; *or*
3. That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; *or*
4. That have yielded, or may be likely to yield, information important in prehistory or history.

National Register of Historic Places – The official federal list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering or culture.

National Significance – The importance of a property to the history of the United States as a nation.

Non-contributing Building – A building that does not add to the historic architectural qualities, historic associations or archaeological values for which a

property is significant because it was not present during the period of significance or does not relate to the documented significance of the district; or due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period; or it does not independently meet the National Register Criteria.

Non-contributing Property – A property that does not add to the historic architectural qualities, historic associations or archaeological values for which a resource is significant because it was not present during the period of significance or does not relate to the documented significance of the district; or due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period; or it does not independently meet the National Register Criteria.

Non-contributing Resource – A building, site, structure, district or object that does not add to the historic architectural qualities, historic associations or archaeological values for which a resource is significant because it was not present during the period of significance or does not relate to the documented significance of the district; or due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period; or it does not independently meet the National Register Criteria.

Normal Repair and Routine Maintenance – For the purpose of maintaining the existing condition of the building, structure, site or object, normal repair and routine maintenance involves the repair of existing materials and features with equivalent material through stabilization, consolidation and conservation of historic materials, features and workmanship when the physical condition of these character-defining features has deteriorated. Routine maintenance includes repainting the same or different color, but does not include the initial painting of masonry surfaces on any contributing resource.

Object – The resource term used to distinguish from buildings and structures those constructions, which are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, i.e., sculpture, statuary, monuments, boundary markers, fountains and artifacts.

Period of Significance – The span of time in which a property attained the significance for which it meets the National Register Criteria.

Preservation – The process of determining what to keep from the present for the future and applying measures to sustain the existing form, integrity, type, style, design, details, workmanship and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon

the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Rehabilitation – The act or process of making possible a compatible use for a property through repair, alterations and additions while preserving those portions or features, which convey its historical, cultural or architectural values.

Resource – Any building, structure, site, district or object that is part of or constitutes a historic property.

Restoration – The act or process of accurately recovering the form, features, character, materials and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Setting – A quality of integrity applying to the physical environment of a historic property.

Site – One of the five resource types, being the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing or non-existing structure.

Site Improvements – Structural changes to the grounds of a property including the installation or alteration of walls, fences, or structures, paving, regrading and the installation or removal of major plantings.

State Significance – The importance of a property to the history of the Commonwealth of Virginia.

Structure – One of the five resource types distinguished from a building, being a functional construction made usually for purposes other than creating shelter, including but not limited to, a gazebo, windmill, communication tower, bridge, canal, roadway, power plant, fence or silo.

Town – The Town of Washington, Virginia.

Virginia Landmarks Register (VLR) – The official Commonwealth of Virginia list of districts, sites, buildings and structures of historical, architectural *or* archaeological statewide or national significance.

Workmanship – A quality of integrity applying to the physical evidence of the crafts of a particular culture, people or artisan.

13.3 CREATION OF AN ARCHITECTURAL REVIEW BOARD

13.3.1 Creation of the ARB And Membership

For the general purposes of this article and specifically to preserve and protect historic places and areas in the Historic District through the control of

demolition and relocation of such places and through the regulation of architectural design and uses of buildings, structures, sites and objects in such areas, there is hereby created a board to be known as the “Architectural Review Board” (the “ARB”) to be composed of five (5) voting members. The members of the Architectural Review Board shall be appointed by the Town Council. Members shall be residents of the Town of Washington, Virginia, except that the Town Council may appoint one (1) non-resident member.

13.3.2 Terms

Members of the ARB shall be appointed for terms of four (4) years and shall serve at the pleasure of the Town Council. Initial appointments shall be on a staggered basis as determined by the Town Council. Members shall serve until their successors are appointed.

13.3.3 Removal of Members

Any member of the ARB may be removed from office by the Town Council for neglect of duty, malfeasance, the continued absence from the regular or called meetings of the ARB or ongoing disregard for the positive mission of the Historic District and ARB, as determined by the Town Council.

13.3.4 Compensation

Members of the ARB shall receive such compensation as may be authorized by the Town Council, from time to time.

13.3.5 Interests and Qualifications of Members

Members of the Architectural Review Board shall have demonstrated a positive interest in preserving the architectural integrity of the buildings, structures, sites and objects within the designated Historic District. One (1) member may be selected among the membership of the planning commission. To the extent practicable, at least one (1) member shall be a licensed architect or have experience in the field of architecture, and one (1) shall be an architectural historian or have some background in local, state, or national history or in historic preservation, architecture, archaeology or cultural preservation or in landscape architecture, or shall be a licensed contractor or be employed in the building materials industry.

13.3.6 Training Sessions

Members shall make every effort to attend training sessions periodically sponsored or approved by the Virginia Department of Historic Resources, the APVA-Preservation Virginia or other organizations, including those arranged by the staff of the Town, that are involved with historic preservation issues, design and review standards or other work of the ARB.

13.3.7 Selection of the Board's Officers

The ARB shall elect from its own membership a chairman, vice-chairman and secretary who shall serve annual terms and may succeed themselves. The local

zoning administrator shall serve as administrative staff to the ARB and maintain all records, minutes and files relating to the ARB meetings.

13.3.8 Powers and Duties of the Review Board

1. The ARB shall administer the provisions of this Ordinance in accordance with duties as set forth in each section.

2. The ARB shall implement measures to develop and recommend to the Town Council, as well as periodically review, appropriate design guidelines that are consistent with guidelines established herein and *The Secretary of the Interior's Standards and Guidelines for Rehabilitation*, for the Historic District and which have been approved by the Town Council;

3. The ARB may, from time to time, recommend areas for designation as Historic Districts, and additions or deletions to districts;

4. The ARB shall review and approve or deny all applications for Certificates of Appropriateness in the Historic District. Decisions of the board are binding upon applicants, unless and until said decisions are overturned on appeal;

5. The ARB shall act in an advisory role to other officials and departments of the Town regarding protection of local historic resources;

6. The ARB may periodically conduct, or cause to be conducted, a survey of historic resources in the community according to guidelines established by the State Historic Preservation Office;

7. The ARB may disseminate information within the Town on historic preservation issues and concerns;

8. The ARB may coordinate local preservation efforts with those of local historic and preservation organizations, the Virginia Department of Historic Resources, and other parties, both public and private;

9. The ARB shall receive and act on public comment;

10. The ARB shall advise owners of historic properties on issues of preservation;

11. The ARB may make recommendations to the Town Council regarding authorization of plaques to commemorate historic resources;

12. The ARB may seek out funds to forward the purposes of this Ordinance, and to make recommendations to the Town Council regarding the use of the funds;

13. The ARB may investigate and support incentive programs including heritage tourism events and activities;

14. The ARB may investigate and support heritage education activities.

13.3.9 Power to Adopt Rules of Procedure

The ARB shall be authorized to adopt rules of procedure for the transaction of its business and implementation of the purposes of this Ordinance. The rules of procedure shall not conflict with the provisions of this Ordinance.

13.3.10 Authority to Employ Staff and Consultants

With the authority of the Town Council, The ARB may employ or contract for such secretaries, clerks, legal counsel, consultants and other technical and clerical services as the ARB may deem necessary for the transaction of its business. The ARB shall have the authority to request the opinion, advice or other aid of any officer, employee, board, bureau or commission of the locality or state.

13.3.11 Annual Report by Board

The ARB shall submit an annual report which summarizes applications received, approved, and denied to be prepared and submitted to the Town Council by June 30th of each year. _

13.4 CREATION OF HISTORIC DISTRICTS

13.4.1 Inventory of Historic Resources

In accordance with the Virginia Department of Historic Resource's criteria and guidelines, the ARB at the request of the Town Council shall conduct, or cause

to be conducted, a survey of buildings, structures, objects and sites for the purpose
Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions
amended Aug. 12, 2013
Article 6.1.2.h.6 adopted Aug.12, 2013

of identifying those resources which have historical, architectural, archaeological or cultural significance, and for the purpose of compiling appropriate descriptions and documentation. Upon completion or updating of the inventory, the ARB shall use the survey results to recommend to the Town Council the designation of Historic Districts or revisions to the existing Historic District. In accomplishing the survey and study, the ARB shall place particular emphasis upon evaluating and incorporating the findings of historic, architectural, and archaeological surveys and studies already completed. The resulting new or updated inventory shall be adopted by the ARB and recommended to the Town Council by the Planning Commission for adoption, as a part of this Ordinance.

13.4.2 Inventory Map of Historic Resources

Based upon the inventory, or any amendment thereto, the ARB shall prepare and recommend for adoption by the Town Council, as a part of this Ordinance, an inventory map, hereinafter called the "Inventory Map". When adopted by the Town Council, following the recommendation of the Planning Commission, the Inventory Map, and any amendments thereto, shall be a part of this Ordinance and shall be filed with this Ordinance and with the Zoning Map.

13.4.3 Designation of Contributing and Non-Contributing Properties

Buildings, structures, objects or sites designated as properties which contribute to the historic character of the district shall be shown as contributing properties for

the purpose of this Ordinance. Contributing properties that are further distinguished with individual listing on the Virginia Landmarks Register and National Register of Historic Places will also be noted. Buildings, structures, sites or objects that do not contribute to the Historic District shall be shown as non-contributing properties.

13.4.4 Establishment of, and Amendments to, Historic District Boundaries

The ARB shall propose to the Town Council for its consideration and referral to the Planning Commission for a review and recommendation to the Town Council, one or more historic districts based upon the inventory and the Inventory Map, or any amendments thereto. Historic Districts so proposed or later modified shall be established as amendments to the Zoning Ordinance. Upon receipt of a proposed historic district, or any changes to a historic district, the Town Council may initiate a zoning map amendment in compliance with the provisions of this Zoning Ordinance and shall refer such amendments to the Planning Commission for its recommendation.

13.4.5 Preparation of Report on Proposed Designation

The ARB shall prepare and submit a report to the Town Council evaluating the proposal to establish or amend a Historic District. Such report shall identify the Historic District boundaries as well as the historic, architectural, archaeological or cultural significance of buildings, structures, objects or sites to be protected and

describe present trends, conditions and desirable public objectives for preservation.

In addition, such report shall include the following specific information:

1. An analysis of existing structures by period of construction, architectural style, type, form, materials, design, integrity, condition and matters relating to site conditions, such as building location, location of yards and other open spaces, access to the interior of lots and any off-street parking.

2. A description of individual buildings, structures, sites and objects that add historic significance to a property and premises of substantial public interest, with maps, photographs and other data indicating the public importance of their preservation and the particular features to be preserved. These shall be identified as contributing properties and noted as such in the report.

3. An analysis of the extent and historic significance of identified archaeological sites including general location maps, photographs and other data indicating the public importance of a particular site.

4. The boundaries of the proposed Historic District, or expansion area, and the location of the district core and all contributing properties, including those individually listed on the state and national registers, and non-contributing properties shall be shown on a proposed Map.

5. Recommendations concerning detailed regulations to be applied within the district, to supplement or modify general regulations set forth in this Ordinance and any Guidelines adopted pursuant thereto.

6. The Town Council may take into consideration the report and refer it to the Planning Commission for review and recommendation to the Town Council.

13.4.6 Criteria for Establishing Historic Districts

Criteria for evaluating the merits of a given building, structure, site or object shall be based on architectural features as well as historic associative factors. Certain buildings, structures, objects or areas, although not associated with a historic personage or event, may be valuable examples of the community's physical and cultural heritage. Buildings, structures, objects and sites of local significance shall be evaluated as well as those of state and national significance, and any structures individually listed upon the National Register of Historic Places or the Virginia Landmarks Register shall be designated upon the Town's register as contributing VLR and NRHP properties. In addition, such evaluation shall be based on the following specific matters:

1. The evaluation shall respect the qualities of each architectural and landscape style or type and its geographical context and shall judge a resource's merit on how well it exemplifies the distinguishing characteristics of said style or type. Consideration will be given to:

- A. Significance of architectural design, period, form, method of construction, character-defining details or representation of a significant distinguishable entity whose components may lack individual distinction.
 - B. Scale, size and/or interrelationships of resources and/or environmental features.
 - C. Significant patterns of development.
 - D. Quality of workmanship.
 - E. Amount of surviving original fabric.
 - F. Original location and/or use.
 - G. Remaining outbuildings or dependencies.
 - H. Surrounding environment, including gardens, landscaping and walks.
 - I. Aesthetic or artistic quality.
 - J. Original integrity of the resource and its details.
2. It is related to a park, street configuration, open space, hill, body of water or landscaped grounds of significance in the areas of urban planning or landscape architecture.
3. It is contiguous with a neighborhood, district, building, structure, object or site that meets one or more of the foregoing criteria, and changes to it

could impact the neighborhood, district, building, structure, object or site that meet the foregoing criteria.

4. It fosters civic pride in the Town's past and enhances the community's attractiveness to visitors.

5. Historical and/or cultural significance.

Buildings, structures, objects, districts or sites relating to one or more of the following National Register Criteria will be considered historically or culturally valuable:

- A. Association with a historic personage.
- B. Association with a historic event.
- C. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a leading architect or master craftsman, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction.
- D. A site of cultural significance that has or may be likely to yield archaeological information important in prehistory or history.

In addition, sole or infrequent surviving building types and structures not historic in themselves but adding to the character of a historic district need to be looked at as potentially deserving preservation.

13.4.7 Boundaries of Historic Districts

1. The boundaries of a Historic District shall, in general, be drawn to include areas containing historic landmarks as established by the Virginia Board of Historic Resources, and any other concentration, linkage or continuity of buildings, structures or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance and integrity as to warrant conservation and preservation. The district may include either individual buildings or places of such character and a reasonable distance beyond to incorporate the contributing setting, or it may include areas or groupings of resources which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some in the defined area might not possess significant merit when considered alone.

2. Historic District boundaries may also be drawn to include any area of unique architectural value located within designated conservation, rehabilitation or redevelopment districts and land contiguous to arterial streets or highways, as designated under Title 33.1 of the Code of Virginia, 1950, as amended, found by the Town Council to be significant routes of tourist access to the Town or to designated historic districts, landmarks, buildings or structures.

3. The boundaries of a Historic District shall conform to the boundaries of individual lots of record to the extent possible. Where a street is proposed as a Historic District boundary, the edge right-of-way adjoining the district shall be deemed the district boundary.

13.4.8 Existing Zoning Not Affected

The regulation of the Historic District shall be in addition to the regulations of the underlying zoning, and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by the provisions of this Zoning Ordinance and shown on the official zoning map. Any property lying within the Historic District shall also lie within one or more of such other zoning districts, which shall be known as underlying districts. The regulations of the Historic District Zoning Article shall be in addition to the regulations of the underlying zoning district.

13.4.9 Zoning Map Amendment

The Historic District, and amendments thereto, shall be designated on the Town's Zoning Map and approved in compliance with the requirements of this Zoning Ordinance for zoning map amendments.

13.5 CERTIFICATE OF APPROPRIATENESS

13.5.1 Power to Approve Alterations and New Construction

No building, fence, structure or sign, in the Town of Washington Historic District shall be erected, reconstructed or substantially altered unless, and until, an application for a Certificate of Appropriateness as to all exterior architectural features, has been approved as being architecturally compatible with the historic landmarks, buildings or structures in the Historic District. Evidence of such required approval shall be a Certificate of Appropriateness, issued by the ARB, or upon appeal, the Town Council.

13.5.2 Exemptions

Notwithstanding the foregoing, any work under Normal Repair and Routine Maintenance to stabilize, consolidate and conserve historic materials, features and workmanship by strengthening fragile fabric through consolidation, patching, limited splicing in kind or otherwise reinforcing using recognized preservation methods to prevent further deterioration or to partially replace too-decayed parts with in-kind materials in order to correct any deterioration, decay or damage, or to restore as nearly as practicable to its condition prior to any decay, deterioration or damage shall be exempt from the requirements of a Certificate of Appropriateness.

13.5.3 Limitations on Board Power to Review

The ARB shall not consider the interior of buildings.

13.5.4 Pre-application Conference

Prior to the submission of an application for a Certificate of Appropriateness and for the purpose of determining applicable sections of this Ordinance, the Historic District Design Guidelines, the Secretary's Guidelines and documentation in the Historic District Inventory, an owner may hold a conference with the chairman of the ARB and the Town's staff or the Zoning Administrator to discuss and review any proposal for a change in a protected property. The principal objective of this conference shall be to simplify and expedite the formal review process.

13.5.5. Pre-application Review

Any person may request the ARB to review conceptual design proposals for exterior work before submitting a formal application for a Certificate of Appropriateness. The ARB may review and discuss the proposal, this Ordinance, the Historic District Design Guidelines, the Secretary's Guidelines and documentation in the Historic District Inventory with the applicant and make any necessary recommendations toward bringing the application into compliance with applicable sections to achieve architectural compatibility within the Historic District. Such conceptual review shall be advisory only and shall not be binding on the ARB upon review of a formal application.

13.5.6 Information Required

In consideration of a complete application, the ARB may require any or all of the following information and any other materials as may be deemed necessary for its review:

1. Statement of proposed use and user.
2. Statement of estimated construction time.
3. Photographs and maps showing the existing condition, design, details, characteristics, function and location of any existing buildings, structures, objects or sites and their relationship to the site, surrounding property and/or the corridor on which it is located.

4. Site plan drawings, showing the location of the existing and proposed building and site improvements, including:

- A. Existing property boundaries, buildings, structures and/or objects placement and site configuration, location of parking, access, signage, light fixtures, fencing, accessory buildings, wells and any other identified features.

- B. Existing topography and proposed grading.

- C. Relationship to adjacent land uses and any buildings or structures thereupon.

5. Scaled architectural drawings showing plan view and elevations of new planned construction or alterations, including drawings of the existing building.

6. Proposed building materials including their composition, texture, finish, quality and appearance, including product brochures, specifications and samples

7. Designs for exterior signage and graphics, to include description of materials, colors, finish, placement, means of physical support, lettering style and message to be placed on signs. The size, shape, materials, finish, placement location and attachment method of sign lighting shades should be provided.

8. Comprehensive design and material details of doors, windows and ornamentation, including any product specifications.

9. A written statement concerning construction methods to be employed.

10. In the case of a demolition request where structural integrity is at issue, the applicant shall also provide a structural evaluation prepared by a qualified structural engineer, methodology and cost estimates for rehabilitation. The ARB may waive the requirement for a structural evaluation and cost estimates (i) in the case of an emergency, or (ii) if it determines that the structure proposed for demolition is not historically significant.

13.5.7 Other Approvals Required

No application for a Certificate of Appropriateness shall be complete until the Zoning Administrator can determine that the use of the property, building or structure is permitted under the current zoning for such property.

13.5.8 Certain Minor Actions Exempted from Review

Certain minor actions, which are deemed not to permanently affect the character of the Historic District are exempted from review for architectural compatibility. Such actions shall include the following and any similar actions, which, in the opinion of the Zoning Administrator, will have no more effect on the character of the district than those listed:

1. Repainting resulting in the same or like color. (First-time painting of masonry surfaces, including those that were formerly red washed with red-tinted lime, is not exempted from review.) -
2. Addition or deletion of storm windows and storm doors. Addition or deletion of window air conditioners. Considered character-defining features, alteration, addition or deletion of windows and doors or alteration to their frames, shall be reviewed by the ARB. The replacement of broken window panes is exempted from review.
3. Addition or deletion of satellite dishes not to exceed twenty inches in diameter.
4. Erection of window boxes or window gardens, planting of grass, trees and shrubs, but not including landscape treatment which alters the contour of a landmark site to a degree exceeding a 10% overall grade change.

Notwithstanding the above, the Zoning Administrator shall have the authority to order that work be stopped and that an appropriate application be filed for review in any case wherein he determines the action is inconsistent with the character of the present buildings and structures or with the prevailing character of the surroundings and the Historic District.

13.5.9 Consideration of Application for Certificate of Appropriateness

1. The ARB shall be guided in its decisions by the standards and guidelines established in this article and in the Historic District Design Guidelines. The ARB shall have authority to request modification of proposed actions in order to comply with said standards and guidelines.

2. The ARB shall not approve or disapprove an application except with respect to the standards and guidelines in this article or the Historic District Design Guidelines. The ARB shall give reasons for its decisions, shall act promptly on applications before it and shall coordinate its procedures with those of other agencies and individuals charged with the administration of this Ordinance.

3. Meetings of the ARB shall be open to the public except for those matters lawfully considered in closed session in accordance with the provisions of the Virginia Freedom of Information Act.

4. Where the exterior appearance of any building or structure is involved, no building permit shall be issued for erection, alterations or

improvement, and no certificate of occupancy shall be issued, by the Building Official, unless a Certificate of Appropriateness has first been issued.

5. Exterior alterations, which do not require a building permit but which can change the exterior appearance and character-defining features of the building or structure, such as alteration or replacement of doors, window sash, casement windows, or window frames, porch railings and brackets, replacing porch flooring with a synthetic, artificial, composite or laminated material, alteration of roof areas, or the installation, removal or replacement of trim detail, cornices, shutters, sign face changes and sign lamps, and the like shall not be constructed or installed unless a Certificate of Appropriateness has first been obtained.

6. No site features or structures, such as walls or fences above one (1) foot in height, arbors, trellises or pergolas, patios, decks, garages, tool sheds, other accessory structures, and the like, shall be constructed or installed unless a Certificate of Appropriateness has first been obtained.

7. During construction or installation, the Certificate of Appropriateness shall be posted on the property in a location that is visible from the public right-of-way, and a complete set of the approved plans shall be retained on the premises and shall be made available to the Town.

13.5.10 Criteria for ARB

The ARB shall consider, among other things, the following in determining the appropriateness of any erection, exterior alteration or restoration:

1. The compatibility with the design, development standards and criteria as included in this ordinance and the adopted Historic District Design Guidelines, entitled “The Town of Washington, Virginia Historic District Design Guidelines”, with additions and amendments as may be adopted from time to time.

2. The appropriateness of the type, form, style, general overall design geometry, size, scale, massing, height, width, spacing, rhythm and proportions, structural arrangement, decorative and design details, materials, texture, finish, quality, appearance of the proposed building, structure or individual components in relation to such factors as the architectural compatibility with similar features of buildings or structures within the area of the Historic District.

3. The historical or architectural value and significance of the building, structure or components thereof and the relationship to the historic or architectural value of the area in which it is proposed to be located.

4. The extent to which the building, structure or components thereof will be harmonious with or architecturally incompatible with the historic buildings within the Historic District.

5. The overall proportions of a building, or addition, and its predominant vertical or horizontal appearance, the type of roof, the nature of projections,

including porches, the type and design of architectural details, existing or to be added, and the nature and location of the openings (windows and doors) in the facade and on other elevations.

6. The nature of open spaces around buildings, including the extent of setbacks, the existence of any side yards and the continuity of such spaces along the street.

7. The nature of building materials, including texture, finish and appearance, and how they blend with, and complement, the overall schemes that exist in the entire Historic District.

8. The compatibility of planned improvements and alterations with the architectural and historic quality, character, size, scale, massing, spacing, proportions, rhythm, decorative and design details, materials, texture, finish and appearance of the historic buildings, structures and objects in the Historic District and to the components on the subject building or structure.

9. The affect of the building, structure or components thereof on the Comprehensive Plan's goals for tourism, economic development and residential land uses in and around the historic areas.

10. The compatibility of the proposed building, structure or components thereof with the Comprehensive Plan's goals for historic preservation and architectural design review.

11. The impact of the proposed alteration, new construction or restoration upon the historic setting, streetscape or area.

12. The probable affect of proposed construction on historic sites and other cultural landscapes.

13. Signage –

1. Consideration shall be given to the type, form, overall design and dimensions of signs, including their scale in relation to the building or site, the materials, texture, finish, lettering dimensions and style, the design and method of physical support or erection, the form and details of any exterior sign lighting fixtures, and the orientation of the building, lot and sign to the streetscape. (Signs under 1-foot by 2-foot are exempted from review.)

2. A non-lighted, single sign less than 1 foot by 2 feet on a residential parcel is exempted from ARB review, except in the opinion of the Administrator in the cases of a sign that is part of a series of signs, or signs that are similar or related, or any two or more signs such that their cumulative impact on the Historic District may be greater than a single, unique sign, whether such signs be on a single residential parcel or interspersed on more than one parcel.

14. Awnings and Canopies – Consideration shall be given to the type, form, design, materials, texture, finish, overall dimensions and scale in relation to the

building or site. The dimensions and style of any commercial sign lettering. The shape and design of the opening to be covered, the method of physical support and attachment to the building will also be considered.

15. Fencing – The location, setting, orientation, type, form, design, overall dimensions, scale, materials, texture, finish and color of fencing, along with the impact on adjacent property owners and any additional screening, shall be considered.

16. Mechanical Equipment (HVAC Systems, Exhaust Fans, Satellite dishes and Skylights). The location, setting, visibility, screening, method of installation into the building, orientation, type, form, overall dimensions, scale, design, materials, texture, finish and appearance shall be considered.

17. The ARB shall also be guided by the purposes for which historic landmarks and historic districts with contributing and non-contributing properties are designated and by the particular standards and considerations contained in *The Secretary of the Interior's Standards for Rehabilitation* and guidelines for applying the Standards.

18. For new construction, the ARB shall consider all of the criteria established in the previous subsections of this section and compare them to similar features of buildings and structures in the immediate area of the proposed new

construction and the extent to which the building or structure would be harmonious with, or incompatible with, the old and historic aspects of its surroundings.

13.5.11 Design Guidelines

The ARB shall develop design guidelines and criteria that are substantially consistent with *The Secretary of the Interior's Standards for Rehabilitation* to guide the ARB in its determinations of the appropriateness of applications. These guidelines shall be approved as amendments to the Zoning Ordinance by the Town Council upon the recommendation of the Planning Commission. Approval of the Guidelines, and any amendments thereto, shall be subject to the notice and hearing requirement of Section 15.2-2204 of the Virginia Code at the Planning Commission and the Town Council.

13.5.12 Public Meetings on Applications for Certificate of Appropriateness

The ARB shall hold a public meeting on all applications for a Certificate of Appropriateness and on the designation of, or amendment to, the Historic District, and on any guidelines or amendments thereto in compliance with the notice and hearing requirements of Section 15.2-2204 of the Virginia Code.

13.5.13 Form of Decision

Evidence of the approval required under the terms of this Ordinance shall be a Certificate of Appropriateness issued by the ARB, or the Zoning Administrator, as the case may require, stating that the demolition, moving or change in the

exterior architectural appearance of the proposed construction, reconstruction, alteration or restoration is approved by the ARB or the Zoning Administrator. A Certificate of Appropriateness shall be in addition to any other permits required. Any action of applicants following issuance of a Certificate of Appropriateness shall be in accord with the application and material approved.

13.5.14 Reasons for Action

The ARB shall state clearly its reasons for approval, denial, modification, or deferral of an application in the records of the ARB proceedings.

13.5.15 Failure of Board to Review Plans in Timely Fashion

The ARB shall render a decision upon any request or application for a Certificate of Appropriateness within ninety (90) days after such application is deemed complete by the Zoning Administrator; failure of the ARB to render such a decision within said ninety (90) day period, unless such period is extended with the concurrence of the applicant, shall be deemed an approval of the application.

13.5.16 Authority to Inspect

When a Certificate of Appropriateness has been issued, the Zoning Administrator shall, from time to time, inspect the alteration or construction approved by such Certificate and shall give prompt notice to the applicant of any work not in accordance with such Certificate or in violation of the Zoning

Ordinance. The Zoning Administrator may revoke the Certificate or the building permit if violations are not corrected by the applicant in a timely manner.

13.5.17 Certificate of Appropriateness Void if Construction Not Commenced or Halted

A Certificate shall become null and void if no significant improvement or alteration is made in accordance with the approved application within twelve (12) months from the date of approval. On written request from an applicant, the ARB may grant a single extension for a period of up to one year if, based upon submissions from the applicant, the ARB finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

13.5.18 Certificate of Compliance

Prior to the issuance of a final occupancy permit by the Building Official, the applicant shall obtain a Certificate of Compliance from the ARB indicating the compliance of the final building or structure with the terms and conditions of his or her Certificate of Appropriateness. The ARB shall be the issuing agency for all Certificates of Compliance, whether the ARB issued the original Certificate of Appropriateness or whether the Town Council issued it upon appeal.

13.6 MAINTENANCE OF HISTORIC PROPERTIES

13.6.1 Ordinary Maintenance Exclusion

Normal maintenance and repair - Nothing in this section shall be construed to prevent the normal repair and maintenance of any exterior architectural feature now or hereafter located in the Historic District. Repair and maintenance should strive to retain existing materials and features while employing as little new material as possible. Such repair begins with the least degree of intervention possible by strengthening fragile materials through consolidation, patching, limited splicing in kind or otherwise reinforcing using recognized preservation methods. All work should be physically and visually compatible, identifiable upon close inspection and may be documented for future research. If repair by stabilization, consolidation and conservation proves inadequate, the next level of intervention involves the limited replacement in kind of extensively deteriorated or missing parts of features when there are surviving prototypes, i.e., brackets, dentils, slate shingles. The replacement material needs to match the old both physically and visually, i.e., wood for wood, slate for slate.

13.6.2 Minimum Maintenance Requirement (Demolition by Neglect)

1. No contributing building or structure within the Historic District shall be allowed to deteriorate due to neglect to the extent that decay, deterioration or defects may, in the opinion of the ARB, result in the irreparable deterioration of any exterior component or architectural feature, loss of integrity or produce a

detrimental affect upon the character of the district as a whole or upon the life and character of the structure itself. Upon such determination, the ARB shall request a report of the Zoning Administrator who shall, within thirty (30) days report to the ARB on the following matters:

- A. Deterioration of exterior walls or other vertical supports;
- B. Deterioration of roofs or other horizontal members;
- C. Deterioration of chimneys;
- D. Deterioration or crumbling of exterior stucco or mortar;
- E. Ineffective, long-neglected peeling paint representing a lack of a protective waterproof coating on exterior wooden wall surfaces and wooden elements causing prolonged water penetration, rotting and other forms of decay.
- F. The perpetual lack of maintenance of the surrounding environment causing prominent decay and destruction of the building or structure through long-neglected plant overgrowth, including overhanging trees, limbs and roots that beat against or grow into the resource, or invasive vines, like climbing ivy with tendrils, that attach to and disintegrate the mortar and structural soundness of masonry walls or cause loss of corner boards, weatherboards, board-and-batten siding and other wooden elements.

G. Deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition;

H. A determination by the Zoning Administrator or other state authorized safety expert that a structure is unsafe or not in compliance with any safety provisions of the Statewide Building Code.

2. The ARB shall hold a public hearing on the report prior to making a determination about any violation of this Section. The Zoning Administrator shall notify the owner of the subject property of the hearing and provide the owner with a copy of the report. The owner shall have thirty (30) days from the decision to appeal to the Town Council a determination by the ARB of a violation of this Section. (See 15.2-2283 and the Virginia Statewide Building Code.)

3. The owner shall have sixty (60) days from the date of the ARB's determination to present to the ARB a plan to remedy the neglect and six (6) months from the ARB's approval of the Plan and issuance of a Certificate of Appropriateness to complete the necessary remedial work. If appropriate action is not taken by the owner, the Zoning Administrator shall initiate appropriate legal action for a violation of the Zoning Ordinance.

13.6.3 Public Safety Exclusion

Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the ARB which is in such an unsafe condition

that it would endanger life or property, and protection from such condition is provided for in the Statewide Building Code and/or other applicable ordinances. However, such razing or demolition shall not be commenced without written approval of the Zoning Administrator verifying the conditions necessitating such action.

13.7 DEMOLITION APPLICATIONS

13.7.1 Razing or Demolition

No historic landmark or contributing building or contributing structure, which is established under this Ordinance shall be partly or fully demolished until a Certificate of Appropriateness is issued by the ARB, with right of direct appeal from an adverse decision to the Town Council, as hereinafter provided. An ARB approval of the razing or demolition of a registered historic landmark will automatically be referred by the ARB to the Town Council for consideration. The Zoning Administrator may approve the demolition of a building or structure within the Historic District, which has not been designated either as a landmark, contributing building or contributing structure on the Inventory Map.

13.7.2 Matters to be Considered in Determining Whether or Not to Grant a Certificate of Appropriateness for Razing or Demolition.

The ARB shall consider the following criteria in determining whether or not to grant a Certificate of Appropriateness for razing or demolition:

1. Whether or not the historic landmark, contributing building or contributing structure is of such architectural or historic significance that its removal would be to the detriment of the public interest, to education, cultural heritage and the architectural history of the Town.

2. Whether or not the contributing building or contributing structure is of such interest or historic significance that it would qualify as a national, state, or local historic landmark through individual listing in the Virginia Landmarks Register or National Register of Historic Places.

3. Whether or not the historic landmark, contributing building or contributing structure embodies the distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or represents a significant or distinguishable entity whose components may lack individual distinction.

4. Whether the resource is associated with events that have made a significant contribution to the broad pattern of history or is associated with significant persons.

5. Whether or not retention of the historic landmark, contributing building or contributing structure would help to preserve and protect a historic or architecturally significant place.

6. Whether the quality of life and pride of place or area of historic interest in the Town and would promote the purposes and intent of historic district zoning, including tourism.

7. Whether or not the historic landmark, contributing building or contributing structure has retained integrity or authenticity of its historic identity of design, materials, workmanship, setting, location, association and feeling and whether its unusual design, quality and workmanship of traditional materials and details of character-defining features could be easily reproduced.

8. Whether the proposed razing or demolition will affect the archaeological potential to yield information important to prehistory or history at this site.

13.7.3 Offer for Sale.

However, the owner of a historic landmark, contributing building or contributing structure, as a matter of right shall be entitled to raze or demolish provided that:

1. He has applied to the ARB for such right and has been issued a Certificate of Appropriateness.

2. The owner has for the period of time set forth in the time schedule hereinafter contained at a price reasonably related to its fair market value as determined by independent appraisal, as hereinafter set forth, made a bona fide offer, through erection of public “For Sale” signs or published announcement, to sell such landmark, building or structure, and the land pertaining thereto, to such person, firm, corporation, government, or agency, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto. The procedure for establishing the fair market value, unless the owner and the ARB agree upon the said value, shall be that the owner and ARB shall each retain one independent, qualified appraiser, and should the two appraisers not agree upon the said fair market value, those appraisers shall choose a third qualified appraiser. A median value shall be established by the three appraisers, which shall be final and binding upon the owner and the ARB.

3. No contract for the sale of any such historic landmark, contributing building or contributing structure, and the land pertaining thereto, shall be binding or enforceable prior to the expiration of the applicable time period as set forth in the time schedule hereinafter contained. Any appeal which may be taken to the Town Council from the decision of the ARB, and from the Town Council to the Circuit Court, shall not affect the right of the owner to make bona fide offer to sell.

Offers to sell as provided in this section shall be made within one (1) year of the date of application to the ARB.

4. Before making a bona fide offer to sell, through erection of public “For Sale” signs or published announcement, an owner shall first file a written statement with the Chairman of the ARB. Such statement shall identify the property, state the offering price, the date the offer of sale is to begin, and name of the real estate agent, if any. No time period set forth in the time schedule hereinafter set forth shall begin to run until such statement has been filed.

The time schedule for offers to sell shall be as follows:

1. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000);
2. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000) or more but less than forty thousand dollars (\$40,000);
3. Five (5) months when the offering price is forty thousand dollars (\$40,000) or more but less than fifty-five thousand dollars (\$55,000);
4. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000) or more but less than seventy-five thousand dollars (\$75,000);
5. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000) or more but less than ninety thousand dollars (\$90,000);

6. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000) or more.

7. Or such other schedule as may be established from time to time in Section 15.2-2306. of the Virginia Code.

113.7.4 Moving or Relocation

No building or structure officially designated as a historic landmark or contributing building or contributing structure within the Historic District on the Inventory Map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the ARB and a Certificate of Appropriateness is issued with right of direct appeal of an adverse decision to the Town Council as herein provided. An ARB approval of the moving or relocation of a registered historic landmark will automatically be referred by the ARB to the Town Council for consideration. The Zoning Administrator may approve the moving or relocation of a non-contributing building or non-contributing structure within the Historic District, as designated in the inventory and on the Inventory Map.

1.7.5 Matters to be Considered in Determining the Appropriateness of Moving or Relocating a Historic Landmark, Contributing Building or Contributing Structure within a Historic District:

1. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the historic landmark, contributing building or

contributing structure or any other resource in the Historic District with its relocation.

2. Whether or not the proposed relocation would have a detrimental effect on the historical and architectural aspects of other historic landmarks, contributing buildings or contributing structures at the present site or in the Historic District.

3. Whether the proposed relocation would provide new surroundings that would be harmonious with or incompatible with the historical and architectural aspects of the historic landmark, contributing building or contributing structure.

4. Whether or not the proposed relocation is the only means of saving the contributing building or contributing structure from demolition or demolition by neglect.

5. Whether the proposed relocation will take into consideration any related outbuildings and the impact or effect upon these resources.

6. Whether the present site will remain vacant for a long period of time and how this will affect the historic streetscape and Historic District.

7. Whether the proposed relocation will affect the archaeological potential to yield information important to prehistory or history on the current site and proposed site.

13.8 APPEAL PROVISION

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions
amended Aug. 12, 2013
Article 6.1.2.h.6 adopted Aug.12, 2013

13.8.1 From ARB to the Town Council

1. The applicant, any aggrieved person or the Town Council may appeal a final decision of the ARB to the Town Council by filing a written notice of appeal to the Town Council within thirty (30) days of the date of the ARB decision.

2. The Town Council may affirm, reverse, or modify, in whole or in part, the decision of the ARB. In so doing, the Town Council shall give due consideration to the recommendations of the ARB along with other evidence as it deems necessary for the proper review of the application.

3. Upon appeal, the final decision of the ARB shall be stayed pending the decision of the Town Council, provided, however, that the applicant is prohibited from taking any action for which approval is sought during the pendency of such appeal. The Town Council shall conduct a full and impartial public hearing on the matter using the same adopted standards, criteria and design guidelines, in compliance with Section 15.2-2204 of the Virginia Code, before rendering any decision.

13.8.2 From Local Town Council to Circuit Court

1. Appeal to Circuit Court - Any person may appeal any decision of the Town Council to affirm, modify or reverse a decision of the ARB to the Circuit Court of Rappahannock County for review by filing a petition at law. The petition shall set forth the alleged illegality of the action of the Town Council and the

grounds thereof. The petition shall be filed within thirty (30) days after the decision of the Town Council. The filing of the petition shall stay the decision of the Town Council, except that a decision denying a request for demolition in the Historic District shall not be stayed. A copy of the petition shall be delivered to the Town's attorney, who shall file with the Circuit Court a certified or sworn copy of the record and documents considered by the Town Council.

2. Review by Circuit Court - The Circuit Court shall review the record, documents and other materials filed by the Town Council. The Circuit Court may reverse or modify the decision of the Town Council, in whole or in part, if it finds upon review that the decision of the Town Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or the Court may affirm the decision of the Town Council.

13.9 ENFORCEMENT OF PROVISION

13.9.1 Injunctions and Revocations of Permits

Wherever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this Ordinance, the Zoning Administrator, upon resolution adopted by the ARB determining a violation or violations, may make application to the circuit court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation,

or to remedy such violations by restoring the affected property to its previous condition or remedying neglect. Upon determination by the Circuit Court that such person has engaged in or is about to engage in any such act or practice, the Circuit Court shall issue a temporary or permanent injunction, restraining order or other appropriate order.

13.9.2 Authority to Revoke Permits

The Zoning Administrator shall have authority to order that work be stopped and that all permits for the work being performed be revoked upon a resolution of the ARB of any violations of this Ordinance.

13.10 Criminal Penalty

1. Any person who violates any provision of this Ordinance– shall be guilty of a misdemeanor and may be punished by a fine of not more than one thousand dollars (\$1,000.00) and not less than one hundred dollars (\$100.00).

2. For the purpose of this Ordinance, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provision.

13.11 Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

ARTICLE 14

DEFINITIONS

The following definitions shall be applied to the Town Zoning Ordinance, Subdivision Ordinance, and Historic District Ordinance, except that where the Historic District Ordinance otherwise defines any terms, the definitions in the Historic District Ordinance shall have application.

ACCESSORY APARTMENT: A single dwelling unit in addition to the use in the principal building on a lot, located either in the principal building or in an accessory building.

ACCESSORY USE OR STRUCTURE: A use or structure incidental to and located upon the same lot occupied by the main use or building.

ADDITION, MAJOR: Any addition which increases the square footage of the footprint of the structure, or the square footage of the footprint of the interior floor space of the structure in the case of additions which increase the number of floors in the structure by more than 30 percent of the footprint or the interior floor space as the case may be. See Historic District Ordinance: Section 4.3.

ADMINISTRATOR, THE ZONING: That person designated by the Town Council to serve as Zoning Administrator and agent for the Subdivision Ordinance for the Town of Washington. Unless otherwise specified, that person (also referred to as “agent”) shall be the Zoning Administrator for the County of Rappahannock.

AGENT: See also: **ADMINISTRATOR.**

AGGRIEVED PARTY: A person who has an immediate, pecuniary and substantial interest, as opposed to a remote or indirect interest, in a decision of the governing body, or its boards, commissions, or agents, and who, by virtue of such decision has been denied a substantial personal or property right different from that suffered by the public generally.

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

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

ALTERATION, SUBSTANTIAL: Any change in the external size, shape, or appearance of a structure. For purposes of these ordinances, original painting of a structure, or a change in color of an external finish of a structure, or a change in color of an external finish of a structure or a part of a structure, shall be deemed to be a substantial alteration. See the Historic District Ordinance: Section 4.3.

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

APARTMENT HOUSE: A building used or intended to be used as the residence of a not less than three nor more than four families, and for non-transient lodgers only.

BASE FLOOD ELEVATION (BFE): The Federal Emergency Management Agency designated 100 year water surface elevation.

BASE FLOOD/ONE HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every 100 years (i.e., that has one (1) percent chance of occurring each year, although the flood may occur any year).

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

BED AND BREAKFAST: However designated, including among others, designation as a bed and breakfast, boarding house or tourist home, and being a place for overnight lodging of transient guests in not more than five (5) rooms with no more than two (2) persons per room and where meals are served only to persons who are overnight guests. If permitted by a separate special use permit, such meals may be served to overnight guests or other non-overnight guests, but in no greater number for each meal than the number of permitted rooms times two. "Meals" are limited to one seating and include only one breakfast, one lunch and one dinner per day. "Transient guests" shall include, but not limited to, paying guests who stay overnight on any portion of the premises less than 60 days in any 365 day period.

BEEKEEPING, COMMERCIAL: The practice of raising and managing of honeybees, employing more than three (3) active hives.

BLOCK: That property abutting one side of a street, and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and unsubdivided acreage, river, or live stream, or between any of the foregoing and any other barrier to the continuity of the development.

BOARD OF ZONING APPEALS: The board appointed by the Circuit Court to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of the Zoning Ordinance, and to consider applications for variances to the Zoning Ordinance.

BOND MAINTENANCE: A bond with surety and/or cash deposit, or any other such instrument, as may be approved by the Town Council, in an amount required for a one year period after completion thereof, for the maintenance of all required improvements in a workmanlike manner.

BOND PERFORMANCE: A bond with surety and/or cash deposit, or any other such instrument, as may be approved by the Town Council, in an amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period.

BOUNDARY LINE ADJUSTMENT: The change or replatting of the boundary line between two or more adjoining and existing lots, for the sale and exchange of parcels between adjoining lot owners, which neither creates additional lots, nor any new lot or lots below the minimum lot size for the applicable zoning district, and which is not defined as a “subdivision”, below; provided that no boundary line adjustment nor the sale or exchange of parcels between adjoining lot owners for the purpose of a boundary line adjustment shall take effect until a copy of a plat, made in accordance with the Code of Virginia, of the lot or lots resulting from the adjustment or the sale or exchange shall be recorded in the Office of the Clerk of the Circuit Court of Rappahannock County.

BUILDING: A structure having one or more stories and a roof supported by columns or walls, designed primarily for support and shelter of persons, animals or property of any kind.

BUILDING OFFICIAL: That person appointed by the Town Council as the individual who, upon presentation of a Certificate of Appropriateness, issues the permit for construction, alteration, reconstruction, repair, restoration, demolition or razing of all, or a part, of any building. Unless subsequently rescinded, the Building Official shall be the Building Official for Rappahannock County.

BUILDING SETBACK LINE: A line establishing the minimum distance by which any structure must be separated from the front line of a lot.

BUILDING SETBACK: That distance between any structure which is required to be set back from the property line(s) and the nearest lot line; within that distance, the lot shall be unobstructed from the ground upward by any structure, and unoccupied by any structure, except by specific structures allowed in such space by the provisions of these ordinances. Such area between the Building Setback and the lot line shall also be know as the minimum yard required, whether, front, side, or back, as the case may be.

BUILDING, ACCESSORY: A building incidental to and located upon the same lot occupied by the main building.

BUILDING, HEIGHT OF: The vertical distance between the grade and the highest point of the hip of the roof structure.

BUILDING, MAIN BUILDING, PRINCIPAL: The Building or buildings housing the principal use of the lot.

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

CERTIFICATE OF APPROPRIATENESS: The approval statement signed by the Chair of the ARB that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building within the Historic District.

CLERK: The Clerk of the Circuit Court of Rappahannock County having jurisdiction in the Town of Washington.

CLUSTER AREAS: That area within a residential cluster subdivision in which residential structures may be constructed. Such areas must be shown on a site development plan for the proposed residential cluster subdivision.

COMMISSION, THE: The Planning Commission of the Town of Washington.

COMPLETE APPLICATION: An application, under these ordinances, which meets all sufficient requirements and is deemed complete by the approving body or its agent. An application for a Certificate of Appropriateness shall be deemed complete and officially submitted for approval upon the determination of the Administrator.

COMPREHENSIVE PLAN: The adopted Comprehensive Plan for the Town of Washington.

CONSERVATION AREAS: That area within a residential cluster subdivision which will be kept free of residential structures. Such areas must be shown on a site development plan for the proposed residential cluster subdivision.

COUNCIL: See: Governing Body.

CRAFT USES: Including but not limited to, hand-loomed weaving, cabinet-making, work customarily done by silversmiths, jeweler, or blacksmith, cobbler and saddler, manufacture of lighting fixtures, cooperage, woodworking, basket-making, pottery-making, picture painting, glass-blowing and sculpture; and such other uses which shall, in the opinion of the Zoning Administrator, be of equal or lesser intensity.

CUL-DE-SAC: A street with only one outlet and having an appropriate turn-around for safe and convenient reverse traffic movement.

DEMOLISH: To pull down, destroy, dismantle, raze. Partial demolition shall, for the purposes of these Ordinances, be considered as demolition.

DEMOLITION: The act of Demolishing (See Demolish).

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

DEMOLITION, PARTIAL: The removal, destruction, dismantling, razing, or the like, of any, or part of a building, fence, or structure covered under these Ordinances.

DEVELOP: The act of creating development as defined in these Ordinances.

DEVELOPER OR SUBDIVIDER: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed in planning, negotiation or in representing or executing the requirements of the Ordinances of the Town of Washington.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to: construction of buildings or other structures, installation of streets and parking lots, and where said activity constitutes land disturbing activity as defined in these Ordinances, the placement of utilities, filling, grading, paving, excavation, mining, dredging, drilling operations or storage of equipment materials; EXCEPT THAT: for purposes of these ordinance, the construction of an accessory building or structure on a lot, not accompanied by a primary building or structure or by some other activity herein defined as development, shall not be construed as development which shall require a Site Plan as set out in these Ordinances. The listing of certain types of development within this definition shall not be construed to confer any rights to such development on any lot.

DISTRICT: Districts as referred to in the Code of Virginia, 1950, as amended, in Section 15.1-486. As well as the Historic District Ordinance.

DRAINFIELD: A system for the below ground disposal of the discharge from a septic tank as defined by and approved by the Virginia Department of Health.

DWELLING: Any structure which is designed for use for residential purposes.

DWELLING UNIT: One or more rooms in a dwelling designed for living or sleeping purposes by not more than one family, and having at least one (1) kitchen.

DWELLING, MULTIPLE FAMILY: A structure arranged to be occupied by more than one (1) family, each occupying its own dwelling unity, not to exceed four (4) dwelling units.

EASEMENT: A grant, running with the land, by the property owner of the use of land for a specific purpose.

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

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, lodge house, tourist home or hotel.

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

FENCE: A structure of masonry, metal, wood, composition or any combination thereof, resting on or partially buried in, the ground and rising above ground level and used for confinement, screening, ornamental, or partition purposes.

FINAL PLAT: A map or plan of a subdivision, which, when approved by the appropriate approving body, shall be suitable for recording as a subdivision plat in the land records of the Circuit Court of Rappahannock County.

FLOOD PLAIN: Any land area susceptible to being inundated by water from any source including but not limited to that area identified on the Federal Emergency Management Agency's Flood Insurance Rate Maps for Rappahannock County as Zone A, or that area identified on the USDA Soil Conservation Service, Rappahannock County Soils Survey maps as being composed of alluvially deposited soils (as outlined in the Rappahannock County Zoning Book #1), whichever is greater.

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

FOWL, COMMERCIAL: The practice of raising and managing of domesticated birds for eggs or meat, when the structure used to house the fowl is more than 200 square feet in total floor space.

FOWL: Domesticated birds kept for eggs or meat; Poultry.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.

FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line; the measurement shall be taken at the Building Setback line as defined herein.

GARAGE, PRIVATE: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple unit dwelling, the private garage may be designed and used for the storage of up to one and one-half (1 ½) times as many automobiles as there are dwelling units.

GARAGE PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, tenting, selling or storing motor-driven vehicles.

GOVERNING BODY: Town Governing Body or Governing Body of Washington, Virginia.

GRADE: The point at which the preponderance of a building's exterior walls meet the finished ground level.

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

HARDSHIP: See § 15.1-495 of the Virginia Code.

HEALTH OFFICER: The health director or sanitarian of Rappahannock County, Virginia.

HIGHWAY ENGINEER: The Resident Engineer serving the Town of Washington, Virginia, of the Virginia Department of Transportation, or his designated representative.

HISTORIC DISTRICT: An area containing buildings or places in which historic events occurred, or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the Town of Washington, of such significance as to warrant conservation and preservation.

HOME INDUSTRY: The processing, packaging, packing and shipping of products, the repair of small tools and/or agricultural equipment; the preparation and distribution of food products and similar uses deemed to be of similar nature by the Zoning Administrator, wherein no more than one person is employed who does not live on the parcel.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no exterior sign, no exterior or interior display of goods or items for sale, and the public is not invited to the premises.

HOTEL: A building, other than a Bed and Breakfast, designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provision is not generally made for cooking in individual room or suites.

IMPROVEMENT: Any construction of a building, structure, or fence on a lot.

INN: same definition as Hotel.

LAND DISTURBING ACTIVITY: Land disturbing activity shall be defined as contained in the Virginia Erosion and Sediment Control Regulations, as amended.

LANDMARK STRUCTURES: Historic landmark is defined as any building or place listed on the Virginia Landmarks Register, or any building or place officially designated as a landmark structure or place by the Town of Washington on any inventory map that is adopted as part of these Ordinances.

LOT: A previously approved and recorded portion of a subdivision intended for transfer of ownership or for building development shown on a plat of record or considered a unit of real property for tax purposes, and of record. In the case of land not transferred for sale, a measured parcel of land having fixed boundaries and designated on a plat or survey of record showing the metes and bounds or simply described by metes and bounds.

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

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

LOT, CORNER: A lot abutting on two or more streets at their intersection.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

LOT, FRONT: That line of a lot which fronts on a public street; or, in the case of a lot which is served by a public right of way, that lot line which faces the private street where said private street enters the lot.

LOT, INTERIOR: A lot other than a corner lot having frontage on one (1) street.

LOT, OF RECORD: A lot which has been legally recorded in the office of the Clerk of the Circuit Court of Rappahannock County.

LOT, UNIMPROVED: Any lot on which a structure has not been constructed.

LOT, WIDTH OF: The average horizontal distance between side lot lines.

MOBILE HOMES: A mobile home is a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. For purposes of this Ordinance, travel trailers are considered mobile homes, if they are being used as dwellings within the town.

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

NON-CONFORMING LOT: a lot that does not conform to the minimum area or width requirements of the Zoning Ordinance for the district in which it is located either at the effective date of the Zoning Ordinance or as a result of subsequent amendments to these Ordinances.

NON-CONFORMING USE: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of the Zoning Ordinance for the district in which it is located either at the effective date of the Zoning Ordinance or as a result of subsequent amendments to these Ordinances.

OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right of way.

OFFICE, BUSINESS: Any room, studio, suite, or building wherein the primary use is the conduct of a business, including, but not limited to, accounting, correspondence, research, editing, administration, or analysis; or the conduct of business by salesmen, sales representatives, or manufacturers' representatives, which conduct shall not include the sale or delivery of any materials, goods, or products which are physically located on the premises. Governmental Offices are not included within this definition.

OFFICE, GOVERNMENTAL: Any room, studio, suite, or building wherein the primary use is the conduct of governmental functions, whether by the Town, County, State, or Federal governmental branches, offices, or agencies.

OFFICE, PROFESSIONAL: Any room, studio, clinic, suite, or building wherein the primary use is the conduct of a business by professionals, including, but not limited to, engineers, architects, land surveyors, writers, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists, physicians, urban planners, landscape architects, but specifically excluding any governmental offices.

OFFICE: A room, studio, suite, or building in which a person or persons transacts business or carries on a stated occupation, which may constitute a Business Office, a Professional Office, or a Governmental Office. For the purpose of these Ordinances, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repairing, or storage of materials, goods, and products; or the sale or delivery of any materials, goods, or products which are physically located on the premises.

PACKAGE TREATMENT FACILITY: See private sewage collection and treatment facilities.

PERSON: An individual, a partnership, or a corporation or any other legal entity by whatever term customarily known.

PLANNER: For the purpose of preparing site plans, a planner shall be defined as a person qualified by either being licensed as such or meeting the standards for membership of the American Institute of Certified Planners.

PLAT: A drawing or a survey of a tract or parcel of land prepared by a professional engineer or surveyor.

POULTRY: Domesticated birds kept for eggs or meat; Fowl.

PRELIMINARY PLAT: A drawing or a survey of a tract or parcel of land prepared by a professional engineer or surveyor.

PRIVATE SEWAGE COLLECTION AND TREATMENT FACILITIES: A device or system, not a septic tank and drainfield, approved by the State Health Department, which allows for the collection and/or treatment of sewage waste.

PUBLIC IMPROVEMENT: All public utilities and facilities for which the Town Council may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which Town Council responsibility is established. Such improvements may include, but shall not be limited to, streets, storm and sanitary sewers, water lines, curb, gutter, sidewalks, street lights, and street signs.

PUBLIC LIBRARY: Any structure, owned by the Rappahannock County Library Board of Trustees, whose purpose is to further the goals of the Rappahannock County Library through the lending of books, magazines, videotapes or other media to its patrons.

PUBLIC UTILITIES: Public utilities shall include those governmental and private entities who provide electricity, gas, water, sewer, telephone service; it shall also mean the provision of the services herein named, and the structures and equipment in connection therewith.

PUBLIC WATER AND SEWER SYSTEMS: A water or sewer system owned and operated by a municipality, county, or owned and operated by 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.

QUASI-PUBLIC USES: Any use which is essential or beneficial to the public, or in common use, even though it is under private ownership or control. Any use which is funded in whole or in part by the Town of Washington, County of Rappahannock, Commonwealth of Virginia, or the United States through direct budgetary support, grants or non-profit status conferred by the Internal Revenue Service may constitute a quasi-public use.

RECONSTRUCTION: any or all work needed to remake or rebuild all or part of any building to sound condition, but not necessarily of original materials.

RECREATIONAL VEHICLE: A vehicle which is: a). built on a single chassis b). 400 square feet or less in area when measured at the largest horizontal projection c). designed to be self propelled or towable by an automobile or a light duty truck; and d). not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

REPAIRS: Any or all work on improvements to land involving the replacement of existing work with equivalent materials for the purpose of maintenance, but not including any addition, change or modification in construction.

REQUIRED OPEN SPACE: Any space required in any front, side or rear yard.

RESIDENCE: The abode of one family unit, whether the unit contains one or more persons.

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

RESTAURANT: A place of business, other than a Bed and Breakfast establishment, a). where food is served to the public for profit b). where food cooked or prepared on the premises accounts for more than five percent (5%) of the revenues of the business at that location; and c). where ninety-five percent (95%) of the food cooked or prepared on the premises is served to customers seated at tables or counters.

RESTORATION: Any, or all, work connected with the returning to, or restoring of any building or part of a building, to its original condition through the use of original or nearly original materials.

RETAIL STORES AND SHOPS: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), including drug store, newsstand, food store, candy shop, 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, art gallery, book store, jewelry store, business offices, professional offices and banks. Governmental Offices shall in no case be considered as retail stores, shops, or uses.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

ROAD: A public thoroughfare which affords principal means of access to abutting property.

SCREENING, REASONABLE: Materials, such as live vegetative barriers, or other materials the style, color, size, and placement of which are approved by the Architectural Review Board, which will serve to make an offending structure or use inconspicuous from any public right of way or from adjacent properties. Reasonable screening shall be presumed to be one half the height of the object or use to be screened when vegetative screening is planted, to grow to sufficient height within two (2) years to fully screen the object(s) or use, or when other materials are used, to height which will fully screen the object or use. Screening shall not be deemed reasonable if the amount of screening required creates a hardship, as defined in these Ordinances, to the property on which the screening requirement is imposed; PROVIDED, however, that in the consideration of the application for a Special Use Permit, the inability to effectively screen the use or structure applied for shall be a known and valid consideration in the approval or denial of the Permit.

SETBACK: The minimum distance by which any main building or structure must be separated from the front, side and rear lot line or lines.

SIGN STRUCTURE (INCLUDING ADVERTISING STRUCTURES): Includes the supports, uprights brackets, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise, exhibiting a sign.

SIGN, TEMPORARY: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, carnivals, construction trade, or sale of land. Temporary signs shall conform in size and type to political signs (Sign: E, below).

SIGN: A. Any display of any letter, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including , but not limited to the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made.

B. On two-sided signs, only one side shall be counted in calculating the square foot measurements as set forth in these Ordinances.

C. A sign may contain information for more than one business, and a sign may consist of more than one part, connected or hung by chains, braces, or other appropriate sign structure; however, any such sign must conform in the aggregate, in size or design to all other provisions of these Ordinances, and of the Historic District Ordinance.

D. Business: A sign of not more than twelve (12) square feet which directs attention to businesses and home industries located on the lot where the sign is located.

E. Political signs of less than six (6) square feet, which are displayed not more than three (3) months per year, are excluded from the definition of a sign.

SITE PLAN: Detailed drawing indicating all building construction and land improvements, including landscape treatments and related information as required by these Ordinances.

STORE: See Retail Stores and Shops.

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.

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

STREET: The principal means of access to any lot in a subdivision. The term street shall include a public or private road, lane, drive, place, avenue, highway, boulevard, or any other right-of-way used for similar purpose.

STREET LINE: The dividing line between a street or road right of way and the contiguous property.

STREET WIDTH: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and where necessary, utility strips.

STREET, HALF: Land within a subdivision lying along the boundary between the subdivision property and other, un-subdivided land, containing one-half (1/2) the required width for a street as defined in these Ordinances, which has been dedicated for future use as a street when sufficient land from the adjoining property has also been dedicated. No half-street may be used as for access to any subdivision, nor may it be used as frontage for any subdivision lot.

STRUCTURE: A structure having one or more stories and a roof supported by columns or walls, designed primarily for support and shelter of persons, animals or property of any kind.

STURCTURE, ACCESSORY: That, other than a main building or part of a building, which is placed or constructed upon or over land within the Town. In determining whether a particular object is of such size or has such impact upon the Historic District as to be considered a structure, consideration shall be given to the following: a). The visible size of the object; b). The method of attachment to the ground or some other building or structure; c). The permanence of the installation. Slide or swing sets, lawn ornaments of less than 42” in height, benches, chairs, tables, and other objects which, in the opinion of the Zoning Administrator, are similar, shall be presumed not to be structures, unless the nature and character of these objects, individually or in the aggregate, is larger, or more intrusive upon the immediate area that is normally the case for such objects.

SUBDIVISION: The division of any tract, parcel or lot of land into two or more parts for the purpose of transferring ownership of any part or for the purpose of transferring ownership of any part or for any purpose of building development on any part. Provided, however, that if all the land divided and all the parcels created shall conform to the Zoning Ordinance of the Town of Washington, the following shall not be defined as a subdivision: the sale, gift, or exchange of parcels between adjoining lot owners, where such sale, gift or exchange does not create additional building lots and such sale, gift or exchange does not create a lot or lots below the minimum lot size for the applicable zoning district; provided, however, that a copy of a plat made by a certified land surveyor in the Commonwealth of Virginia, in accordance with the Code of Virginia, of the lot or lots resulting from the sale, gift or exchange shall be recorded in the Office of the Clerk of the Circuit Court of Rappahannock County. The sale, gift, or exchange of land from any parcels which are already below the minimum lost size and which would remain below the minimum lost size after the sale or exchange shall be subject to these Ordinances, unless a variance, modification, or waiver is granted under Section 4-1-5 of the Town Zoning Ordinance.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANITAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been

Article 13.5.10.13 amended Oct. 11, 2010 Definition of B&B contained in Definitions amended Aug. 12, 2013

Article 6.1.2.h.6 adopted Aug.12, 2013

identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; (2) any alterations of an “historic structure” provided that the alterations will not preclude the structure’s continued designation as an”historic structure”.

SURVEYOR: A certified land surveyor licensed by the Commonwealth of Virginia.

TOPOGRAPHY: The configuration of the land surface, including its relief in the position of its natural and manmade features.

TOURIST HOME: See: Bed and Breakfast.

TOWN GOVERNING BODY: See: Governing Body.

TRAVEL TRAILER: A mobile unit, whether self-propelled or designed to be towed, less than 29 feet in length and less than 4500 pounds in weight which is designed for human habitation, whether with toilet and bath facilities or not.

USE ACCESSORY: A use, incidental to and located upon the same lot occupied by the main use.

USE PRINCIPAL: In case of single family structures, the largest residential unit on a property and in cases of multi-family housing, the largest structure housing multi family uses. In cases of commercial uses, the use in the structure housing the largest commercial activity. In cases where residential and commercial structures are present, the largest shall be the house the principal use. In all cases, “largest” shall be measured in terms of area.

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 used in these Ordinances, a variance is authorized only in height, area, and size of structure or lot size or yards and open spaces. The interpretation of the word “hardship” and the standards for the issuance of variances shall be in accordance with the provisions of Section 15.1-495 of the Code of Virginia, 1950, as amended.

WAIVER: A decision by the official or agency given the power to waive, in which the applicant is not required to meet a specified requirement. No waiver shall be effective unless affirmatively waived by the appropriate official or agency.

WAYSIDE MARKET: Any structure or land used for the sale of agricultural or horticultural produce, livestock, merchandise produced by the owner or his family on their farm.

WORDS AND TERMS: For the purpose of these Ordinances, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word “lot” includes the word “tract” and “parcel”, the word “shall” is mandatory and not advisory; the word “approve” shall be

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Article 6.1.2.h.6 adopted Aug.12, 2013

considered to be followed by the words “or disapprove”; any reference to these Ordinances includes all Ordinances amending or supplementing the same; and all distances and area refer to measurements in a horizontal plane.

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

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

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

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

ZONING ORDINANCE: Zoning Ordinance of the Town of Washington, Virginia.