

# Review and Decision-Making Bodies



## Town Council

- Zoning Ordinance Amendments
- Zoning Map Amendments
- Special Exceptions
- Establish Fees
- Appoint Commissions and Boards
- Enforce Zoning Ordinance
- Adopt Application Submission Requirements



## Planning Commission

- Prepare and Recommend Amendments
- Recommendations on Rezoning
- Review Comprehensive Plan
- Recommendations on Special Exceptions
- Conduct Public Hearings
- Commission Permits
- Authority to Request Information



## Board of Architectural Review

- Advises the Town Council related to the Historic Districts
- Certificate of Appropriateness
- Recommend Designations



## Board of Zoning Appeals

- Appeals of Administrative Decisions
- Variances
- Appeals of Zoning Map Interpretations



## Zoning Administrator

- Receipt and Review Applications
- Zoning Permits
- Sign Permits
- Occupancy Permits
- Issue Written Interpretations
- Maintain Zoning Ordinance
- Maintain and Interpret Official Zoning Map
- Maintain Records
- Conduct Inspections
- Prepare and Submit an Annual Report
- Enforce Zoning Ordinance



## Floodplain Administrator

- Interpret the Floodplain Overlay District Boundaries
- Approve Development Within the Floodplain Overlay District
- Maintain Records of Development Approvals and Variances
- Administer and Implement All Coordination with FEMA and VDCR

# Development Review Summary Table

Table 27-1-2, Development Review Summary Table							
Procedure	Section / Division	Review and Decision-Making Authority					Notices (Written, Placard, Newspaper)
		Staff	PC	BZA	BAR	Council	
<b>Administrative Decisions</b>							
Zoning Permits	Sec. 28-1	D	—	<A>	—	—	—
Limited Use Review	Sec. 28-2	D	—	<A>	—	—	—
Certificate of Appropriateness	Sec. 28-4	D	—	—	—	A	W, P
Historic District Demolition Permit	Sec. 28-5	D	—	<A>	—	—	—
Floodplain Development Permit	Sec. 28-6	D	—	<A>	—	—	—
Demolition Permits	Sec. 28-7	D	—	—	<D>	<A>	W, P
Occupancy Permits	Sec. 28-8	D	—	<A>	—	—	—
Written Interpretation	Sec. 28-9	D	—	<A>	—	—	—
Minor Modification	Sec. 28-10	D	—	<A>	—	—	—
Site Development Plan	Sec. 28-11	D	—	<A>	—	—	—
Wall Check Plats	Sec. 28-12	D	—	<A>	—	—	—
Sign Permit	Sec. 28-13	D	—	<A>	—	—	—
Temporary Sign Permit	Sec. 28-14	D	—	<A>	—	—	—
Comprehensive Sign Plan	Sec. 28-15	D	—	<A>	—	—	—
Commission Permits (Public Projects)	Sec. 28-16	R	<D>	—	—	<A>	W, P, N
Temporary Use Permits	Sec. 28-17	D	—	<A>	—	—	—
Administrative Decisions (not listed above)	Division 28	D	—	<A>	—	—	W, P, N*

Table 27-1-2, Development Review Summary Table							
Procedure	Section / Division	Review and Decision-Making Authority					Notices (Written, Placard, Newspaper)
		Staff	PC	BZA	BAR	Council	
<b>Legislative Decisions</b>							
Town Plan Amendment	Sec. 29-1	R	<R>	—	—	<D>	W, P, N
Zoning Ordinance Text Amendments	Sec. 29-2	R	<R>	—	—	<D>	N
Zoning Map Amendments	Sec. 29-3	R	<R>	—	—	<D>	W, P, N
Planned Development Districts	Sec. 29-4	R	<R>	—	—	<D>	W, P, N
BAR Certificate of Appropriateness	Sec. 29-5	R	—	—	<D>	A	W, P
Historic District Demolition Permit	Sec. 29-6	R	—	—	<D>	A	W, P
Special Exceptions	Sec. 29-7	R	<R>	—	—	<D>	W, P, N
Minor Special Exceptions	Sec. 29-7	R	—	—	—	<D>	W, P, N
<b>Quasi-Judicial Decisions</b>							
Variance	Sec. 30-1	R	—	<D>	—	—	W, P, N
Variance, Floodplain	Sec. 30-2	R	—	<D>	—	—	W, P, N
Interim Waiver	Sec. 30-3	R	—	—	—	<D>	W, P, N
Appeal of Administrative Decision	Sec. 30-4	—	—	<D>	—	—	W, P, N
Appeal of Proffer Interpretations	Sec. 30-5	D	—	—	—	<A>	N

PC = Planning Commission; BZA = Board of Zoning Appeals; BAR = Board of Architectural Review; Council = Town Council  
R = Review Body (Responsible for review and recommendation)  
D = Decision-Making Body (Responsible for final decision to approve or deny)  
A = Authority to hear and decide appeals of decision-making body's action  
<> = Public hearing required  
M = written notice; P = placard notice; N = newspaper notice; \* = notice only on appeal to BZA






# Common Decision Criteria and Typical Review Processes

### Sec. 27-6 Common Decision Criteria

Applications subject to this Ordinance shall be subject to the applicable Decision Criteria in Table 27-6-1 below, along with any additional criteria for the specific application in Divisions 28, 29, and 30, below.

Table 27-6-1, Decision Criteria Applicability			
◆ = Decision criteria applies			
Decision Criteria	Administrative Applications	Legislative Applications	Quasi-Judicial Applications
The request complies with the applicable standards of this Ordinance, the Design and Construction Standards Manual, and any applicable county, state, or federal requirements.	◆	◆	◆
The request conforms to any prior approval for the development, such as a Zoning Map Amendment, Special Exception, or Variance.	◆		◆
The request is consistent with the Town Plan, including the Preservation & Change Map, applicable master or small area plans (such as the Crescent District Master Plan, Eastern Gateway District Small Area Plan, and Airport Master Plan), applicable utility plans, the current Transportation Improvement Plan, and capital improvements plans. If the application addresses a topic that is not contained or not fully developed in these documents, it shall not impair their implementation. Inconsistency with the Town Plan may be one reason for denial of an application.	Commission Permits only	◆	
The request promotes the purposes of this Ordinance as established in Sec. 1-2 (Purposes) and in other applicable purpose statements in this Ordinance.		◆	◆
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.		◆	◆
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.		◆	◆

## Typical Certificate of Appropriateness Review Process (BAR Only)

- 1  Pre-application conference with Preservation Planner. Applicant may request conceptual review by staff and/or BAR prior to formal application.
- 2  Application with correct fee and required attachments is filed with Town through online portal.
- 3  Town Staff reviews application submittal for completeness and distributes to agencies. BAR may seek external technical advice.
- 4  Required Public Notice published and mailed
- 5  Board of Architectural Review conducts a public hearing and takes action.

## Typical Legislative Review Process

- 1  Optional pre-application conference with Town Staff
- 2  Application with correct fee and required attachments is filed with appropriate Town Staff member
- 3  Town Staff reviews application submittal for completeness
- 4  Required Public Notice published and mailed
- 5  Advisory Body conducts a public hearing and provides a recommendation to the Town Council
- 6  Required Public Notice published and mailed
- 7  Town Council conducts a public hearing and takes action



# Nonconformities, Enforcement and Word Usage



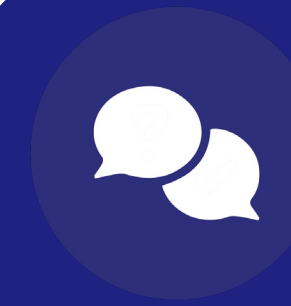
## Nonconformities

- Describes when uses, buildings or structures, lots or site features are considered nonconforming and any limitations.
- Protects uses, structures and lots that came into existence legally in the past but no longer comply with one or more requirements of the existing Zoning Ordinance.



## Enforcement, Violations, and Penalties

- Procedures for correcting violations of the Zoning Ordinance.

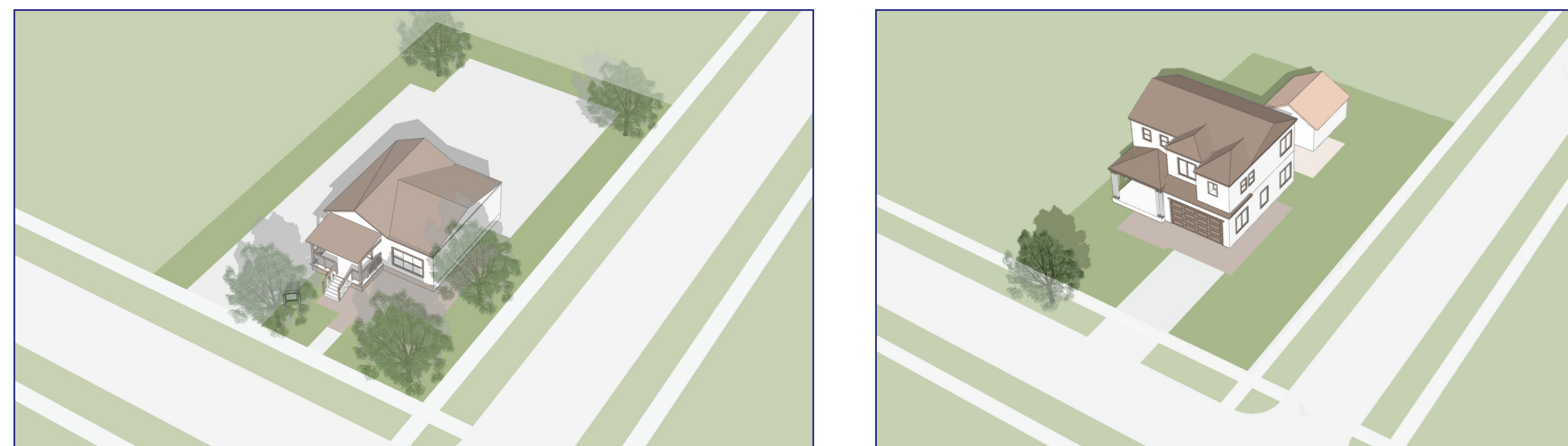


## Word Usage

- Provides definitions for terms used in Zoning Ordinance.
- Describes how to interpret language used in Zoning Ordinance such as meaning of “shall” versus “may”, rounding of numbers, and how to calculate days.
- Added new definitions for: Restaurant, Business park, Legacy district, Mixed use

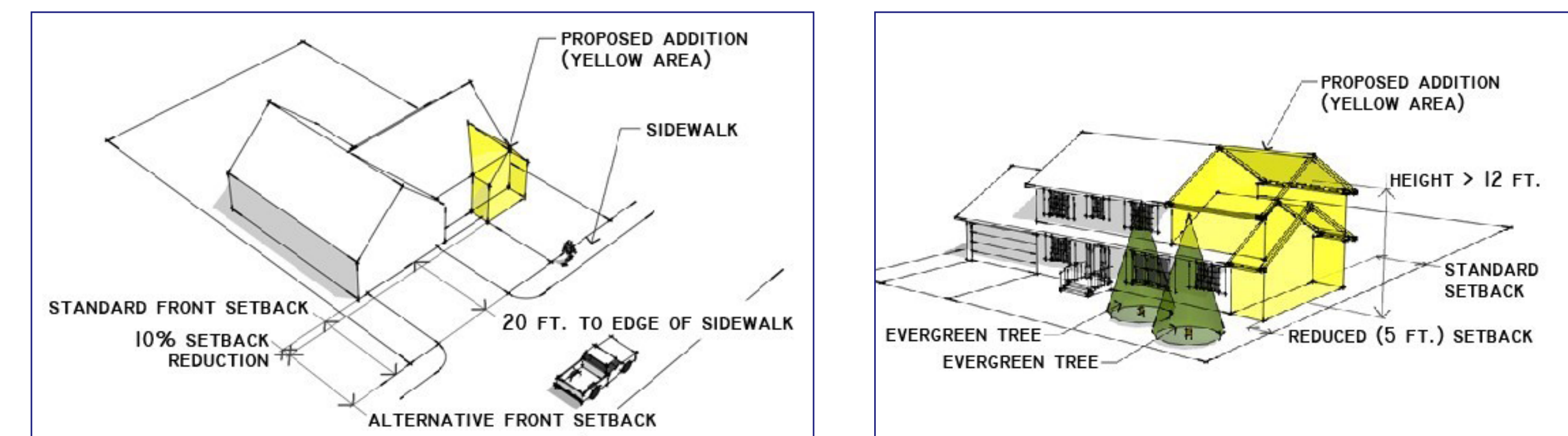
## Examples of Nonconformities

### Nonconforming Use



Existing small business in a residential only zoning district is allowed to remain as long as it doesn't change in use or is not abandoned.

### Nonconforming Structure



Existing nonconforming structure may be enlarged or expanded if the expansion does not increase the extent of nonconformity.

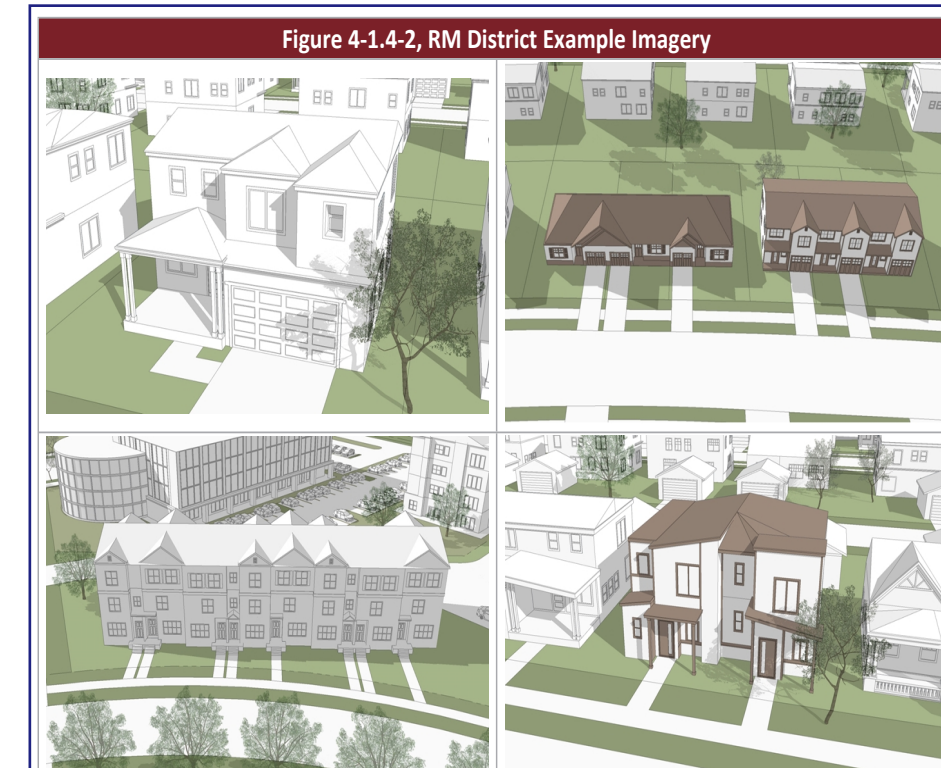
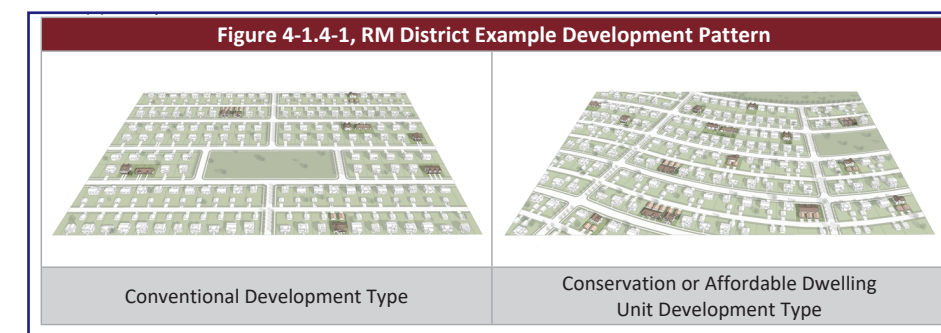


# Zoning Districts and Dimensional Standards

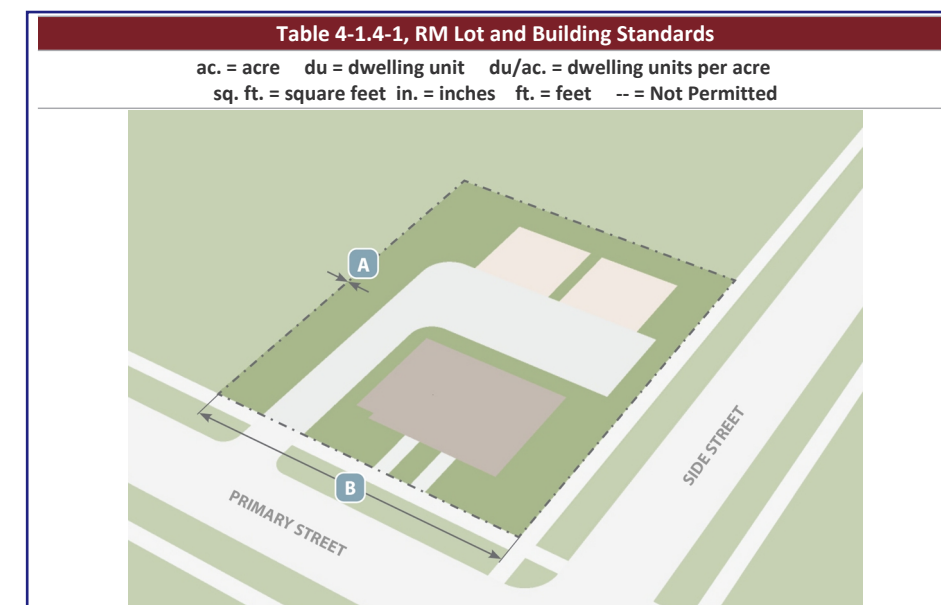
## Key Components

- Establishes zoning districts covering the entire town
  - Residential Districts
  - Commercial Districts
  - Mixed-Use Districts
  - Downtown District
  - Industrial and Research Districts
  - Special Purpose Districts
  - Overlay Districts
  - Planned Development Districts
- Provides dimensional standards for each zoning district addressing
  - Setbacks
  - Density
  - Lot Width
  - Building Height
  - Fences
  - Open and Community Amenity Space
- Includes tables and graphics for each zoning district

## Zoning District Examples



D. Dimensional Standards and Illustrations. Except as provided in Sec. 2-3, Allowances, all residential development in the RM District shall comply with the dimensional standards established in Table 4-1.4-1, RM Lot and Building Standards. Nonresidential development shall comply with the dimensional standards established in Table 5-1.1-1, CN Lot and Building Standards.



Lot Standards	Conventional	Conservation
Community Amenities (minimum)	10%	30%
Permitted Community Amenities [1]	Enhanced Parking Lot Landscaping, Enhanced Foundation Plantings, Enhanced Stormwater Management, Natural Areas, Greenways and Linear Parks, Community Gardens, Parks, Playgrounds, and Pocket Parks, Greens, Recreation Areas, School Sites, Community Centers or Other Public Facilities	
Maximum Density (du/ac)	5.0	7.8
Within 600' of a community amenity	3.8	6.2
Outside of 600' of a community amenity		

Table 4-1.4-1, RM Lot and Building Standards			
	ac. = acre	du = dwelling unit	du/ac. = dwelling units per acre
	sq. ft. = square feet	in. = inches	ft. = feet
	-- = Not Permitted		
Average Lot Area per Unit			
-Single-Family Detached	6,500 sq. ft.		5,500 sq. ft.
-Single-Family Attached / Townhouse	3,250 sq. ft.		2,750 sq. ft.
-Duplex, Vertical	5,000 sq. ft.		4,000 sq. ft.
-Duplex, Horizontal	10,000 sq. ft.		8,000 sq. ft.
Average Lot Width			
-Single-Family Detached	65 ft.		55 ft.
-Single-Family Attached / Townhouse	35 ft.		27.5 ft.
-Duplex, Vertical	40 ft.		40 ft.
-Duplex, Horizontal	75 ft.		75 ft.

Table 4-1.4-1, RM Lot and Building Standards			
	ac. = acre	du = dwelling unit	du/ac. = dwelling units per acre
	sq. ft. = square feet	in. = inches	ft. = feet
	-- = Not Permitted		
Primary Building Placement and Height			
Front Setback (minimum) [2]	Conventional	Conservation	
	15 ft.	15 ft.	
Side and End Unit Setback (minimum) [3]	10 ft.	5 ft.	
Street Side Setback (minimum) [3]	12.5 ft.	10 ft.	
Rear Setback (minimum) [3]	20 ft.	20 ft.	
Height (maximum) [4]	35 ft.	35 ft.	

## Community Amenity and Open Space

Required for each zoning district, with different options and minimum percentages based on the district and development option selected

Site Improvements	Civic Spaces
Enhanced Parking Lot Landscaping	Plazas
Foundation Plantings	Squares
Stormwater Management	Courtyards
Green Roof	Greens
Natural Areas	Recreation Areas
Greenways and Linear Parks	School Sites
Community Gardens	Community Centers or Other Public Facilities
Parks, Playgrounds, and Pocket Parks	



# Land Use Regulations

## Use Table

The table below shows one part of the draft Use Table. Key components are noted using annotations.

### Key Components

- Establishes what land uses are permitted in each zoning district
- Distinguishes between a range of uses:
  - Permitted
  - Limited
  - Minor Special Exception
  - Special Exception
  - Prohibited
- Introduces “Use Categories” that group uses with similar characteristics and impacts in order to ensure consistent application and treatment, and to shorten the Use Table
- Provides associated standards for Limited and Special Exception Uses
- Also includes standards for:
  - Accessory uses and structures
  - Temporary uses and structures
  - Telecommunication facilities
  - New uses or those not included in the Use Table

		Table 11-2-1, Use Table																					
		Key: P = Permitted by Right   L = Limited Use   M = Minor Special Exception   S = Special Exception -- = Prohibited																					
B Use Category	Specific Uses	A Current Districts (Remove Upon Adoption)															Special Purpose	Use-Specific Standards					
		RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1			New	CD			
		Proposed New Districts																					
		RS	RM	RHD	RM	RU	CN	DT	CS	RU	IR	MU	IC	CD	MC	GC [4]							
<b>AGRICULTURAL USES</b>																							
C Agricultural	Natural Spring Water Extraction and Bottling Plant																				Sec. 12.3.A.1		
	Community Garden			P	P	P	P	P	P	P													
	All Agricultural Uses Not Listed Above																						
<b>RESIDENTIAL USES</b>																							
Household Living	Multifamily Dwelling				P		P	P							L						Sec. 12.2.A.1		
	Single-Family Detached Dwelling			P	P	P	P																
	Single-Family Attached Dwelling				P	M	P	P							P							Sec. 12.2.A.1	
	Live-Work Units				M		M	L							L								
	Manufactured Home				L		L														[1]		
Group Living	Continuing Care Facility				S		S	S	S						L	S						Sec. 13-2.B.2	
	Group Home				P	P	P	P															
	Congregate Housing Facility																M						

- A Zoning Districts
- B Use Categories
- C Specific Uses
- D Accompanying Use Standards

Table 10-6-2, Office Use Category		
Characteristics: Uses conducted in an office setting and generally focused on administrative, business, clerical, financial, or other professional services.		
Primary Uses	Accessory Uses	Uses Not Included
<ul style="list-style-type: none"> <li>Accounting, Auditing, Tax, and Bookkeeping Service</li> <li>Adjustment and Collection Service</li> <li>Appraisal Services</li> <li>Architectural and Planning Service</li> <li>Bank, Credit Union, or Other Financial Institution (with or without drive-through)</li> <li>Business Association</li> <li>Educational and Scientific Research Office</li> <li>Electronic Data Storage Center</li> <li>Employment Service</li> <li>Engineering Service</li> <li>Financial Advisor</li> <li>Insurance Agent, Carrier, or Broker</li> <li>Legal Service</li> <li>Office Space (general/unspecified)</li> <li>Radio Studio</li> <li>Real Estate Agent, Brokers, and Management</li> <li>Security and Commodity Broker, Dealer, or Exchange</li> <li>Television Studio</li> <li>Utility Office</li> </ul>	<ul style="list-style-type: none"> <li>Accessory Parking Structure</li> <li>Associated Office and Storage</li> <li>Automated Teller Machines</li> <li>Childcare Center (Sec. 14-3)</li> <li>Donation Box (Sec. 14-3)</li> <li>Drive-through facility</li> <li>Dumpster</li> <li>Electric Vehicle Charging Station (Sec. 14-3)</li> <li>Medical Clinic for Employees</li> <li>Minor Utilities</li> <li>Food Preparation and Dining Facility for Employees</li> <li>Recreation Facility for Employees</li> <li>Research &amp; Development and Production (Sec. 14-3)</li> <li>Retail Services (Sec. 14-3)</li> <li>Private Telecommunication or Transmission Tower</li> <li>Storage Shed</li> </ul>	<ul style="list-style-type: none"> <li>Government Office (see Government Facility Use Category)</li> <li>Medical or Dental Office or Laboratory (see Medical Facilities)</li> <li>Medical or Dental Office or Clinic (see Medical Facility Use Category)</li> </ul>
<ul style="list-style-type: none"> <li>Other uses meeting the characteristics of the Office Use Category</li> </ul>		

D	C. Crematorium Accessory to a Funeral Home.
1.	<u>Air Permit</u> . The Virginia Department of Environmental Quality Air Permit Local Governing Body Certification must be completed prior to submission to the Town for sign off.
2.	<u>Fuel Storage</u> . External storage of fuels shall comply with all applicable federal, state and/or county regulations, such as 40 CFR 112 or its state or local equivalent.
3.	<u>Fuel Storage</u> . <ol style="list-style-type: none"> <li>Minimum setback for outdoor fuel storage containers shall be 50 feet from residential districts; and 25 feet from non-residential districts.</li> <li>All outdoor fuel storage containers shall be screened from public view on three sides by a solid wall at least six feet in height and on the fourth side by a solid gate at least five feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when refueling occurs. The wall and gate shall be architecturally compatible with other buildings and structures on site.</li> </ol>
4.	<u>Animals</u> . The facility shall be used solely for the cremation of human corpses and shall not be used for disposition of animal remains or medical waste.
5.	<u>Floor Area</u> . Crematorium facilities shall be limited to no more than 25 percent of the total gross floor area of the funeral home.
D.	<u>Display of Merchandise</u> . <ol style="list-style-type: none"> <li><u>Display of merchandise for businesses</u> within the H-1 Overlay, Old and Historic District, and such display within the public right-of-way, shall comply with the requirements of Town Code Chapter 30, <u>Streets, Sidewalks and Other Public Places</u>.</li> <li>Outside of the H-1 Overlay, Old and Historic District, businesses may display merchandise <del>may be displayed</del> in the pedestrian travel aisle immediately adjacent to the front of the building, provided that such area be limited to a depth of six feet measured from the wall of the building and that the pedestrian travel aisle maintains sufficient width, as required by the Americans with Disabilities Act.</li> <li>Seasonal outdoor display of merchandise such as, but not limited to, summer garden products, plants, and similar products may be permitted in a commercial parking lot on the same lot as the business selling such wares. The outdoor display may only be permitted in parking spaces in excess of the minimum required by Sec. 20-2, <u>Off-Street Parking, of this Ordinance</u>. Seasonal outdoor display of merchandise in parking lots shall be limited to a period of three consecutive months with a maximum of two Zoning Permits within a calendar year. Prior to the issuance of a Zoning Permit, in accordance with per Sec. 3.7, <u>Zoning Permits</u>, the applicant must demonstrate that the seasonal outdoor display area shall comply with the following:                             <ol style="list-style-type: none"> <li>Vehicle travel aisles <del>will</del> shall be kept clear for vehicular traffic;</li> <li>Parking lot display areas must be located in such a manner as to provide safe pedestrian circulation;</li> <li>Merchandise displayed cannot exceed eight feet in height; and</li> <li>Display areas shall not exceed the area of eight <del>standard-size</del> standard-size parking spaces (i.e., 9'x18') and</li> </ol> </li> </ol>



# Development Standards

## Key Components

- Includes requirements in addition to the dimensional standards and permitted land uses
- Topics include:
  - Building Design
  - Parking
  - Landscaping
  - Outdoor Lighting
  - Signs
  - Noise Limitations

## Building Design

Includes building material options and specifications, design requirements (orientation, entrance features, rooflines, etc) for different use types and in different districts (Topic still under discussion with Town staff)



## Parking

Includes vehicle and bicycle parking requirements, shared parking factors, design of parking spaces and lots, vehicle stacking requirements, and pedestrian access.

	Table 20-4-1 Weekday Time-of-Day Factors		
	8AM - 5 PM	6PM - 9PM	10 PM - 7AM
Retail	77%	80%	12%
Fine/Casual Dining	55%	99%	65% (12am)
Family Restaurant	72%	75%	41%
Fast Food	66%	60%	10%
Movie Theater	48%	85%	62% (12 AM)
Health Club	70%	85%	39%
Lodging	64%	79%	96%
Residential	100%	100%	100%
Office (General)	89%	12%	11%
Office (Medical)	96%	37%	0%
Bank	96%	0%	0%

## Landscaping

Includes requirements for bufferyards between adjacent properties with different uses, parking lot landscaping, and options to increase sustainability



## Lighting

Includes requirements for lighting including cut-off fixtures to prevent light spill and glare, height of different lighting types, and lighting standards for specific uses



## Signs

Includes permitted sign types by district, along with illustrations and standards for each sign type

