

**LAND DEVELOPMENT ORDINANCE**

**TOWN OF WINDSOR**

**ADOPTED OCTOBER 13, 2015**

**TOWN OF WINDSOR**  
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## CHAPTER 160. LAND DEVELOPMENT

### ARTICLE I. Legal Basis and General Administration

**§ 160-1. Title.** This Article of the Code of the Town of Windsor, shall be known as the “Land Development Ordinance of the Town of Windsor,” and cited throughout as the “Land Development Ordinance” or “Ordinance”.

**§ 160-2. Overall Purpose and Intent.** The purpose of this Land Development Ordinance is to coordinate and facilitate the various functions of the appropriate Zoning, Subdivision and other similar ordinances of the Town of Windsor to assist in the creation of a viable, sustainable community. This Land Development Ordinance shall apply to the incorporated territory within the Town of Windsor. It is the intent of this Ordinance that the extent of its applicability shall be automatically changed in accordance with the provisions of the laws of the Commonwealth of Virginia which may affect the applicability of the various portions of this Ordinance.

**§ 160-3. Authority and Enactment.** The individual authority for the components of this Ordinance, Zoning and Subdivision, that are combined within this document are cited within the various Articles in which they pertain. For the purpose of promoting the health, safety, and general welfare of the public and of further accomplishing the objectives of Title 15.2 Code of Virginia, as amended, the following shall be adopted as the Land Development Ordinance of the Town of Windsor, Virginia incorporating and superseding the previous Town of Windsor Land Development as amended.

This Ordinance was adopted on October 13, 2015 by the Town Council of Windsor, Virginia, and became effective immediately upon passage.

**§ 160-4. Purposes of Zoning Regulation.** This Zoning Ordinance, which is found primarily in Article II, is hereby adopted by the Town of Windsor.

A. The Zoning Ordinance is intended to accomplish the objectives of Section 15.2-2283 of the Code of Virginia.

B. The Ordinance is designed to promote the health, safety and general welfare of the public in the following areas:

1. To provide for adequate light, air, convenience of access, and safety in regards to fire, floods, and other dangers;
2. To reduce or prevent congestion in public streets;
3. To facilitate the creation of a convenient, attractive, and harmonious community;
4. To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection,

schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

5. To protect against destruction of or encroachment upon historic areas;
6. To protect against one or more of the following:
  - a. Overcrowding of land;
  - b. Undue density of population in relation to the community facilities existing or available;
  - c. Obstruction of light and air; and
  - d. Danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.
7. To encourage economic development activities that provide desirable employment and enlarge the tax base;
8. To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
9. To protect approach slopes and other safety areas of licensed airports;
10. To promote affordable housing; and
11. To protect the quality of surface and groundwater resources.

**§ 160-5. Purposes of Subdivision Regulation.** It is the policy of the Town of Windsor to consider the subdivision of land as a means to implement the Comprehensive Plan. The Subdivision portion of this Ordinance, which is primarily found in Article III is hereby adopted by the Town of Windsor.

A. The Subdivision Ordinance is intended to accomplish the objectives of Section 15.2-2240 of the Code of Virginia, as amended.

B. This Ordinance is intended to guide and facilitate the orderly, beneficial growth of the community and to assure the orderly subdivision of land and its development to promote the health, safety and general welfare of the public in the following ways:

1. Ensure that the growth of the community is consonant with the efficient and economical use of public funds and meets the needs of the citizens;
2. Ensure that residential developments are created to promulgate a healthy environment for family life;



3. Clearly establish the procedure which shall be followed in order to subdivide land in the Town, subject to this Ordinance;
4. Ensure that this process includes appropriate and applicable reviews; and
5. Ensure that all improvements required by this ordinance will be designed, constructed, and maintained so as not to become an undue fiscal, economic or safety burden on the Town and its citizens.

**§ 160-6. Severability.** Should any article, section, subsection, provision or ordinance of this chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

**§ 160-7. Regulations to be Minimum Requirements.** The regulations established herein within each district shall be minimum regulations and shall be uniformly applied to each class of structure and land, except as hereinafter provided.

**§ 160-8. Conflicting Ordinances.** If another State or Federal statute, regulation or Town Ordinance contains conflicting provisions with this Ordinance, the more restrictive of the provisions, ordinances, or regulations shall govern.

**§ 160-9. No Exclusionary Intent.** It is not the intent of this Ordinance to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the Town of Windsor; nor is it the intent of this chapter to use public powers in any way to promote the separation of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the lawful purposes outlined in the various Articles herein.

**§ 160-10. Relation to Other Laws and Contracts.** The requirements of this ordinance are separate from, but supplementary to, all other applicable requirements of the Town Code, state and federal law, private agreements and covenants, private easements, proffers and conditions of zoning, and other applicable ordinances and regulations.

**§ 160-11. Rules of Construction.** Specific rules of constructions shall apply to the provisions of this Ordinance.

A. Words used in the present tense include the future tense; words in the singular number include the plural number; and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

B. Words and terms not defined within this Ordinance shall be interpreted in accord with their normal dictionary meaning and customary usage unless otherwise defined in § 160-12.

- C. The word “approve” shall also include the term “or disapprove” when used in connection with an action to be taken by Council, Commission , Board or officer of the Town in the administration and maintenance of this Ordinance.
- D. The word “building” or “structure” includes any part thereof and the word “building” includes the word “structure”.
- E. The terms “main”, “primary” and “principal” are used herein as synonymous.
- F. The word “shall” is mandatory but the word “may” is permissive.
- G. The terms “land use” and “use of land” shall be deemed also to include “building use” and “use of building”.
- H. Any reference to any specific gender (male or female) shall, by definition, include the corresponding opposite gender (for example, Him/Her, him /her, etc.).
- I. The word “used” shall be deemed also to include “erected”, “built”, “reconstructed”, “altered”, “placed”, or “moved”.
- J. All references to days shall be to calendar days.
- K. The word “State” means the Commonwealth of Virginia.
- L. The word “Town” means the Town of Windsor, Virginia.
- M. The term “Virginia Code” means the Code of Virginia of 1950, as amended through the most recent session of the General Assembly
- N. The title “Land Development Ordinance” or “Ordinance” refers to Chapter 160 of the Town of Windsor Code.

**§ 160-12. Specific Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

*ABANDONED VEHICLES, INOPERATIVE MOTOR VEHICLE:* Any vehicle which is not covered from public view is deemed inoperable by the fact that any of the following requirements are not met: valid license, inspection sticker, or valid Town tags. Additionally, any vehicle that is not covered from public view and not in operating condition for 60 days, or longer, or is partially or totally dismantled shall be considered an inoperative motor vehicle.

*ABATTOIR:* A commercial slaughterhouse.

*ACCESSORY USE OR BUILDING:* See "use, accessory" or "building, accessory."

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

*ADMINISTRATOR, THE:* The official charged with the enforcement of the Land Development Ordinance. The administrator may be an appointed or elected official who is by formal resolution designated to the position by the Town Council who may serve with or without compensation as determined by the Town Council.

*ADULT ENTERTAINMENT ESTABLISHMENTS:* The following uses are designated as adult entertainment establishments:

A. *ADULT BOOKSTORE* — An establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to specified sexual activities, or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

B. *ADULT MOTION-PICTURE THEATER* — An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

C. *CABARET* — An adult club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

D. *DRUG PARAPHERNALIA STORE* — Any retail store selling paraphernalia commonly related to the use of any drug or narcotic sale, use or possession of which is subject to the provisions of The Drug Control Act, Title 54.1, Code of Virginia, 1950, as amended, including, but not limited to, water pipes, pipe "screens," hashish pipes, "roach" clips, "coke" spoons, "bongs," and cigarette rolling paper, except that this shall not be deemed to include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

E. *TATTOO PARLORS* — Any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

*AGRICULTURE:* The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar uses, but not including an abattoir.

*ALLEY:* A platted serviceway providing a secondary means of access to abutting properties.

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

*ANATOMICAL AREAS:* Human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered being visible less than completely and opaquely covered:

*ANIMAL HOSPITAL OR CLINIC:* An establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.

*ANIMAL OR POULTRY HUSBANDRY:* Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose.

*APARTMENT:* A unit in a multifamily dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.

*AUTOMOBILE GRAVEYARD:* Any lot or place which is exposed to the weather upon which more than three motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification, are placed, located, or found.

*AUTOMOBILE SERVICE STATION:* Any area of land, including structures thereon, used for the retail sale of gasoline and other vehicle fuel, automobile accessories, or incidental services, including facilities for lubricating, hand washing and cleaning. This definition includes any retail or wholesale stores which sell vehicle fuels, or otherwise service automobiles, but excluding painting, major repair, sale of autos and trailers, and mechanical washing machines.

*BASEMENT:* A story having part but not more than 1/2 of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

*BED-AND-BREAKFAST/INN:* A building or part thereof other than a hotel, motel, lodging house, or restaurant, where meals and/or lodging are provided for compensation for three to 10 unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one week in duration.

*BOARD:* The Board of Zoning Appeals as established under this chapter.

*BOARDINGHOUSE (ROOMING HOUSE):* A building or part thereof other than a hotel, motel, bed-and-breakfast, or restaurant, where meals and/or lodging are provided for compensation for three to 10 unrelated persons where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one week in duration. A "lodging house" is also included in this definition.

*BUFFER STRIP, PLANTED:* A strip of land running adjacent to and along a property line, which shall be planted with evergreen shrubbery at least seven feet in height from the ground.

**BUILDING:** Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.

**BUILDING, ACCESSORY:** A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use.

**BUILDING, ACCESSORY DWELLING:** An accessory building designed to be used as an independent dwelling.

**BUILDING CODE:** The Virginia Uniform Statewide Building Code, as adopted by the Town of Windsor and as amended.

**BUILDING, FRONT LINE OF:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors, decks, and covered porches, whether enclosed or unenclosed, but does not generally include steps.

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

**BUILDING INSPECTOR:** A building official appointed by the Town Council to administer and enforce the provisions of the Building Code or his designated representative or agent.

**BUILDING, MAIN:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**CELLAR:** A story having more than 1/2 of its height below grade.

**CENTER LINE OF STREETS:** A line surveyed and monumented as such, or if a center line has not been surveyed and monumented, it shall be that line running midway between the outside lines of the right-of-way for the street.

**CHILD-CARE CENTER OR NURSERY:** Facilities or programs for the noneducational care of six or more children away from their own home for any part of a twenty-four-hour day, for compensation or otherwise.

**CHURCH or HOUSE OF WORSHIP:** A building where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to conduct public worship.

**CLERK:** The Clerk of the Circuit Court having jurisdiction in the Town of Windsor.

**COMMISSION, THE:** The Town of Windsor Planning Commission.

*COMMON ELEMENTS:* All portions of a cooperative other than the units.

*COMMUNITY CENTER:* Community entertainment, recreation, or meeting place operated by a nonprofit organization.

*COMMUNICATIONS EQUIPMENT:* Any tower, dish, or other equipment used to send or receive electronic transmissions for public or private use.

*COMMUNICATION FACILITY:* Facilities with requisite towers or antenna of over 50 feet in height for telephone, television or radio transmission of a commercial or public serving nature. This includes “cell towers”, radio and television station broadcast antenna towers, and satellite/cable television facilities with requisite multiple dish antennas and antennas for the dispatching of commercial or industrial vehicles. It does not include radio antennas for private recreational use.

*CONDOMINIUM:* A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.

*CONVERSION BUILDING:* A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.

*COOPERATIVE:* Real estate owned or leased by a cooperative organization.

*COOPERATIVE INTEREST:* A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.

*COOPERATIVE ORGANIZATION:* Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.

*COOPERATIVE UNIT:* A physical portion of the cooperative designed for separate tenancy.

*COTTAGE INDUSTRY:* A small, nonpolluting business or industry employing fewer than five workers.

*COVERAGE:* That percentage of the plot or lot area covered by the building.

*CUL-DE-SAC:* A circular turning area at the end of a dead-end street.

*CURB GRADE:* The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the Zoning Administrator shall establish such curb grade.

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

*DAIRY FARM:* A livestock establishment where the production of milk is its primary purpose.

*DEVELOPER:* An owner, agent, tenant, or assignee of property being subdivided or improved, whether or not represented by an agent.

*DEVELOPMENT:* A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain three or more residential dwelling units. The term "development" shall not be construed to include any property that will be principally devoted to agricultural production.

*DISCHARGE:* Dispose, deposit, spill, pour, inject, dump, leak or place by any means; or that which is disposed, deposited, spilled, poured, injected, dumped, leaked or placed by any means.

*DISTRICT:* A section of the Town of Windsor in which the zoning regulations are uniform as referred to in § 15.2-2280, Code of Virginia (1950), as amended.

*DRIVEWAY:* Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of a drive-in-type use.

*DUMP HEAP (TRASH PILE):* Any area lying within 1,000 feet of a state highway, a residence, or a food-handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited.

*DWELLING:* Any building or portion thereof which is designed for or used for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, and travel trailers, recreational vehicles and manufactured homes. [Amended 3-9-2004]

*DWELLING, MODULAR:* A type of single-family detached dwelling unit which is constructed in units which are movable, but not designed for regular transportation on highways, and which are designed to be constructed on and supported by a permanent foundation and not by a chassis permanently attached to the structure and which meet the requirements of the Virginia Uniform Statewide Building Code.

*DWELLING, MULTIFAMILY:* A building designed for, or occupied exclusively by, two or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.

*DWELLING, SINGLE-FAMILY:* A building designed for, or occupied exclusively by, one family.

*DWELLING, TWO-FAMILY (DUPLEX OR DUAL):* A building designed for, or occupied exclusively by, two families living independently of each other.

*DWELLING UNIT:* Two or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen area and one bathroom. Each unit must be at least 600 square feet in size, or meet the minimum dwelling unit square footage for a specific zoning district.

*EASEMENT:* A grant by a property owner for the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

*ENGINEER:* A professional engineer currently registered by the Commonwealth of Virginia.

*FAMILY:* One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, lodging house, or hotel, as herein defined.

*FAMILY DAY-CARE HOME:* Any private family home providing care, protection, and guidance to not more than 10 children during only part of the day. Children related by blood or marriage to the person who maintains the home shall not be counted.

*FAMILY, IMMEDIATE MEMBER OF:* Any person who is a natural or legally defined offspring, spouse, sibling, or parent of the owner.

*FARM ANIMALS:* Domestic animals normally found on a farm that are utilized as food or for food products; or for other uses such as wool; or for the enjoyment of their owners and/or the public. These shall include such animals as cattle, swine, poultry, and horses and may include other indigenous and non-indigenous domesticated animals not explicitly listed in this definition.

*FEEDLOT:* Any parcel of land upon which the mechanical or hand feeding of five or more livestock animals per acre is performed for a period exceeding 30 days.

*FLOOD:* A general temporary inundation of land not normally covered by water that is used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.

*FLOOD HAZARD AREA:* The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mud slides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development's Flood Hazard Mapping or Rate Study Mapping, as appropriate.

*FLOODPLAIN:* An area, usually a relatively flat or low land area adjoining a river, stream, or watercourse, which has been in the past, or can reasonably be expected in the future to be, covered temporarily by a flood.

*FLOODPROOFING:* A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodplain by the Virginia Uniform Statewide Building Code, Section 135.6.



*FLOODWAY:* The channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the one-hundred-year flood can be carried without substantial increases in flood heights.

*FLOOR AREA:* The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including any attic space providing headroom of less than seven feet, usable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.

*FRONTAGE:* The minimum width of a lot measured along a straight line at which no point shall be closer than the minimum setback.

*GARAGE, PRIVATE:* An accessory building designed or used for the storage of vehicles 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 vehicles for each dwelling unit in accordance with minimum off-street parking requirements.

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

*GARDENING:* Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.

*GOVERNING BODY:* The Town Council of the Town of Windsor, Virginia.

*GROUP HOME:* A building other than a boardinghouse, hotel or residential human-care facility preponderantly residential in character occupied by a non-family, essentially non-transient group of unrelated persons who are not mentally retarded or other developmentally disabled persons where, for compensation, meals and/or lodging and a degree of supervision are provided.

*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 for the room, but in which no provision is made for cooking, but which does not include rooms located in dormitories.

*HEALTH DEPARTMENT:* The Isle of Wight County Health Department or its designated agent or representative.

*HIGHWAY ENGINEER:* The official designated by the Virginia Department of Transportation to inspect subdivision streets and alleys, and other public ways.

*HISTORICAL AREA:* An area containing buildings or places in which historic events occurred or which have special public value because of notable architecture or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

*HOG FARM:* A farm where swine are raised commercially as a principal farm enterprise.

*HOG PEN:* An enclosure for concentrated confinement or housing of swine.

*HOME FOR ADULTS:* Any facility, other than a nursing home, providing part-time or full-time care to three or more aged, infirm, or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

*HOME OCCUPATION:* An accessory non-residential use in a residential district that is carried on by the owner of a dwelling or an occupant that has written approval of the owner of the property if the applicant is a tenant. A home occupation is subject to the following further stipulations; No one is employed other than immediate members of the family residing on the premises with the exception that up to two employees other than immediate members of the family residing on the premises may be employed on the premises; The activities are conducted within the dwelling or accessory buildings and shall not equal in size more than fifty (50) percent of the total floor area of the primary residence; and; The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of the nonresidential character of use other than through the use of a sign as provided for in § 160-58. Examples of potential home occupations are child care babysitting of not more than five children, offices for practice of medical, legal, accounting, engineering, real estate, and surveying professions, beauty shops, baking, catering, and insurance agencies.

*HOSPITAL:* An institution rendering medical, surgical, obstetrical, or convalescent care, including any institution licensed as a hospital by the State Department of Health.

*HOSPITAL, SPECIAL CARE:* An institution rendering care primarily for mental illness, intellectual disability, alcoholism, or drug addiction.

*HOTEL:* A building in which lodging, or board and lodging, is provided and offered to the public for compensation and in which cooking facilities may be provided, or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one week in duration. The term "hotel" includes the term "motel."

*IMMEDIATE FAMILY MEMBER:* A person relating to the primary resident of the property as defined in the Code of Virginia, (i.e. son, daughter, parent, sibling, etc.)

*INDUSTRIALIZED BUILDING UNIT:* A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or

erection, with or without other specific components, as a finished building or as part of a finished building comprising two or more industrialized building units, and not designed for ready removal to or installation or erection on another site; sometimes referred to as "modular building unit" or "modular home."

*INDUSTRIAL WASTE:* Liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

*JUNKYARD* (including an automobile wrecking yard): A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. This term shall include "automobile graveyard." Three or more inoperable motor vehicles shall constitute an automobile graveyard.

*JURISDICTION:* The area or territory subject to the legislative control of the governing body.

*KENNEL:* Any location where breeding, raising, grooming, caring for or boarding of dogs, cats or other similar small animals for commercial purposes is carried on.

*LANDSCAPING:* The improvement of a lot or parcel with grass, ground covers, shrubs, trees, other vegetation or ornamental objects. Landscaping may include earth forms, flower beds, ornamental objects such as trellises or fountains and other natural features.

*LAND USE PLAN:* The Comprehensive Plan of the Town of Windsor, as amended.

*LIGHT INDUSTRY:* Includes warehousing and light manufacturing uses which produce some noise, traffic congestion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors.

*LIVESTOCK/FARM ANIMALS:* Sheep, cattle, poultry, horses, or other animals or fowl that are being produced primarily for food or food products for human consumption, or kept for sale or use. This includes nonindigenous farm animals such as llamas, alpacas and similar animals. Swine are excluded from this definition.

*LIVESTOCK MARKET:* A commercial establishment wherein livestock is collected for sale, sold, or auctioned off.

*LOADING SPACE:* A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

*LOT:* A numbered and measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.

*LOT AREA:* The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is to be included within the net area of the lot.

*LOT, CORNER:* A lot abutting upon two or more streets or street rights-of-way at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

*LOT COVERAGE:* The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.

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

*LOT, DOUBLE FRONTAGE (THROUGH):* An interior lot having frontage on two streets as distinguished from a corner lot.

*LOT, INTERIOR:* Any lot other than a corner lot.

*LOT IRREGULAR:* An "irregular lot" is a lot that is not rectangular or square.

*LOT LINES:* The lines bounding a lot as defined herein.

*LOT OF RECORD:* A lot or parcel of land the existence of which, location, and dimensions have been recorded in the office of the Clerk of the Circuit Court of Isle of Wight County at the time of the adoption of this chapter.

*LOT WIDTH:* See "frontage."

*MAIN USE:* The primary purpose for which land or a building is used.

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

*MANUFACTURED HOME:* A structure constructed to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

*MANUFACTURED HOME, DOUBLE-WIDE:* A manufactured home consisting of two units designed to be joined on a permanent foundation.

*MANUFACTURED HOME PARK:* Any development in which space is leased providing for three or more mobile homes intended for residential use for a period of time longer than 30 days; includes mobile home courts and camps.

*MANUFACTURED HOME, SINGLE-WIDE:* Same as a manufactured home comprised of a single unit, and not exceeding 14 feet in width.

*MANUFACTURED HOME STAND:* A plot of ground within a mobile home park designed to accommodate one mobile home.

*MANUFACTURED HOME SUBDIVISION:* Any area designated to accommodate three or more mobile homes intended for residential use on lots owned by the mobile home owner.

*MANUFACTURED HOME, SUPER SINGLE-WIDE:* Same as a mobile home/manufactured home; generally comprised of a single unit, and exceeds 14 feet in width.

*MODULAR HOME:* See "industrialized building unit."

*MONUMENT SIGN:* See "Sign, Monument".

*MOTOR HOME or CAMPER:* A unit or subunit that is or becomes self-propelled and is designed for human habitation on a short-term basis.

*MOTOR VEHICLE:* All vehicles as defined as such in the Code of Virginia (1950) as amended.

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

*NONCONFORMING STRUCTURE:* A structure existing at the time of enactment or amendment of this chapter which does not conform to the requirements of this chapter by reason of height or condition, or by reason of its impingement upon required yard areas.

*NONCONFORMING USE OF LAND:* A use of land existing at the time of the enactment of this chapter, or at the time of a zoning amendment, which does not conform with the regulations of the use district in which it is located.

*NONCONFORMING USE OF STRUCTURES:* The otherwise legal use of a building or structure that does not conform to the use regulations of the chapter for the district in which it is located, either at the effective date of the chapter or as a result of subsequent amendments to this chapter.

*NURSING HOME:* Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more unrelated individuals, including facilities known by varying nomenclature or designation such as "convalescent homes," "skilled care facilities," "intermediate-care facilities," "extended-care facilities," and "infirmaries."

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

*ONE-HUNDRED-YEAR FLOOD:* A flood that, on the average, is likely to occur once every 100 years.

*OTHER WASTES:* Decayed wood, sawdust, shavings, bark, leaves, lawn clippings, lime, garbage, refuse, ashes, offal, tar, paint, solvents, petroleum products, antifreeze and chemicals.

*OVERHANG:* Any projection, either roof, bay, window, or similar cantilevered construction, which extends beyond the foundation of a structure. No such construction shall project into any required yard more than two feet, and no such projection shall have a vertical surface the area of which is more than 25% of the total area obtained by multiplying the mean height of the structure by the length of the structure along the side in question.

*PARKING SPACE:* An area consisting of a minimum of 10 feet by 20 feet.

*PARKS, PLAYGROUNDS, AND OUTDOOR RECREATION AREAS:* Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.

*PEN:* A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of 200 square feet shall not be regarded as a pen. Any enclosure containing a hog is a hog pen.

*PERSON:* Any individual, firm, corporation, partnership, association, organization or other entity, including governmental entities, or any combination thereof.

*PLAT:* Includes the terms "map," "plan," "plot," or "replot"; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used as a verb "plat" is synonymous with "subdivide."

*PREFABRICATED BUILDING:* The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials; and in which the service equipment may be either prefabricated or at-site construction.

*PROFESSIONAL:* When used in connection with "use" and "occupancy," a use or occupancy by persons generally engaged in those services associated with certified public accountants, architects, surveyors, professional engineers, doctors, and lawyers. The term "use" or "occupancy" does not include repair or sale of tangible personal property stored or located within the structure nor any use that should create any loud noises or noxious odors.

*PROFFER:* An offer to perform an act, and an ability and willingness to so perform, and which is dependent on and to be performed only if approval and acceptance of the profferor's primary request is granted.

*PROPERTY:* Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.

*PROPERTY OWNERS ASSOCIATION:* A corporation or other legal entity or a nonprofit organization, which has as its purpose maintenance of streets and/or other common areas.

*PUBLIC SERVICE OR STORAGE BUILDINGS:* Governmental facilities necessary for the public health, safety, and welfare.

*PUBLIC UTILITIES:* Public service structures such as power plants or substations; water treatment plants; sewage treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, water, sewage disposal and treatment, rail transport, communications, or related services to the general public.

*PUBLIC UTILITY TRANSMISSION SYSTEMS:* Includes water, sewer, telephones, electricity, gas lines, or related transmission facilities for public use.

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

*RESIDENTIAL USE:* Any place, building, or establishment used in whole or in part as a dwelling.

*RESTAURANT:* Any building in which, for compensation, food or beverages are dispensed to persons not residing on the premises for consumption on the premises, including, among other establishments, cafes, delicatessens, or refreshment stands.

*RESTAURANT, DRIVE-IN:* An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.

*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 lumberyards), such as the following, which will serve as illustrations: drugstore, newsstand, food store, candy shop, hardware store, household appliance store, tailor shop, and beauty and barber shop.

*RIGHT-OF-WAY:* Access over or across particularly described property for a specific purpose or purposes.

*RIGHT-OF-WAY LINE:* The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

*SANITARY SEWER:* A sewage collection device consisting of pipelines or conduits, pumping stations and force mains and all other construction devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

*SAWMILL:* A mill or machine for the processing of timber into lumber.

*SCHOOL, BUSINESS OR COMMERCIAL:* A privately owned and operated educational institution or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction, for a consideration, profit, or tuition to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist, or other office occupations.

*SCHOOL, PRIVATE:* A privately owned and operated educational institution or educational organization, maintained or conducting classes for the purpose of offering instruction of students.

*SCHOOL, PUBLIC:* A publicly owned and operated educational institution or educational organization regulated by the Commonwealth of Virginia and maintained or conducting classes for the purpose of offering instruction of students.

*SCHOOL, TRADE:* A privately or publicly owned and operated educational institution or educational organization conducting classes for the purpose of offering instruction to pursue any occupation for profit in any skilled trade, electronics, data processing, or industry, or to give occupational training in public or other service occupations, or to give vocational training designed to prepare an individual for, or to upgrade an individual in, technical occupations and technical phases of other occupations.

*SCREENING:* A barrier to vision or noise consisting of trees, bushes, shrubbery, fences, or properly landscaped mounds or berms of soil.

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

*SETBACK LINE:* A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground.

*SEWAGE:* The water-carried human wastes from residences, buildings, industrial establishments or other places, together with such industrial wastes, stormwater or other water as may be present.

*SHOPPING CENTER:* A development consisting of three (3) or more commercial establishments planned, developed, owned and managed as a unit related in location, size and type of shops to the area that the unit serves and providing site parking in relation to the types and sizes of shops.



*SIGN:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display.

*SIGN, ACCESSORY:* A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities sold or provided on the premises.

*SIGN AREA:* The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.

*SIGN, BUSINESS:* A sign, painted, electrical, or otherwise, erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.

*SIGN, DIRECTIONAL:* A sign (one end of which may be pointed or on which an arrow may be painted) indicating the desired direction of travel and giving only the distance and name of the firm or business responsible for the erection of the sign.

*SIGN, HOME OCCUPATION:* A sign directing attention to a product, commodity, or service available on the premises; but which product, commodity, or service is clearly a secondary use of the dwelling.

*SIGN, LOCATIONAL:* A sign which directs attention to the approximate location of an establishment from which an advertised product or service may be obtained.

*SIGN, MONUMENT:* A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the adjacent grade. The width of the top of the sign structure can be no more than 120 percent of the width of the base. Monuments signs shall be composed of a brick or decorative block foundation

*SIGN, NON-ACCESSORY OR GENERAL ADVERTISING:* A freestanding structure, the primary purpose of which is to display a sign not related to a company or product sold or manufactured on the premises of the sign.

*SIGN, PORTABLE:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*SIGN, PUBLIC OR SEMIPUBLIC DIRECTIONAL:* A sign that directs attention to a public or semipublic activity, such as a school, church, fraternal organization, or the like.

*SIGN STRUCTURE:* A structure, including the supports, uprights, bracing, and framework, be it single-faced, double-faced, V-type, or otherwise, which is located on the ground or on top of another structure.

*SIGN STRUCTURE FACING:* The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.

*SIGN, TEMPORARY:* Any sign, banner, pennant, valance, or advertising display with professional made lettering constructed of cloth, canvas, light fabric, or other materials with or without frames intended to be displayed for a period of not more than 60 consecutive days.

*SIGN, WALL:* Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, or a building canopy shall be considered a wall sign.

*SIMULATED SEXUAL ACTIVITIES:* The following shall be considered simulated sexual activities: Human genitals in a state of sexual stimulation or arousal; Acts of human masturbation, sexual intercourse or sodomy; and; Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

*SITE PLAN:* The proposal for a project, development or a subdivision, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable sections of this chapter.

*STORM SEWER SYSTEM:* The system of roads, streets, catch basins, curbs, gutters, ditches, swales, pipes, ponds, channels, storm drains and other facilities located within the Town of Windsor which are designed or used for collecting, storing or conveying stormwater or through which stormwater is collected, stored or conveyed.

*STORMWATER:* Runoff from rain, snow or other forms of precipitation, and surface runoff and drainage.

*STORY:* That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then it shall be the space between the floor and ceiling next above it. A cellar shall not be counted as a story in determining building height.

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

*STREET:* The principal means of access to abutting properties, including street right-of-way.

*STREET, CENTER LINE:* A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

*STREET, HALF:* A street that does not meet the minimum right-of-way and width requirements set forth or referenced in this chapter.

*STREET, INTERNAL:* A private street providing access to lots within a development, but not including driveways.

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

*STREET, MAJOR:* A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding 500 vehicles per day.

*STREET, OTHER:* A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day.

*STREET, SERVICE DRIVE:* A public right-of-way generally parallel and contiguous to a major highway primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

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

*STRUCTURE:* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, and includes satellite dish antennas, swimming pools both above and below ground, communication towers, billboards, fuel pumps, and aboveground elevation valves for the transmission of oil and natural gas.

*SUBDIVISION AGENT:* An individual appointed by the Town Council and authorized and empowered to sign on behalf of the Town of Windsor to approve subdivision plats for filing in the Circuit Court of Isle of Wight, or to deny subdivision applications, in accordance with the Town of Windsor Land Development Ordinance.

*SUBDIVIDER:* Any individual, corporation, registered partnership, or limited-liability company owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

*SUBDIVISION:* The division of any tract, parcel, or lot of land into two or more parts. The word "subdivision" shall be taken to include resubdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

A. The term "to subdivide" shall not include a bona fide division or partition of agricultural land into parcels of less than two acres for agricultural purposes or for building sites for the farmstead or tenant houses. Plats of divisions so excused will contain notice that the plat has not been approved for residential purposes and must be approved by the agent prior to recordation.

B. The term "to subdivide" shall not include a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing the provisions of the Subdivision Ordinance. A plat of the division is required to be approved by the agent prior to recordation.

C. The term "subdivide" includes the resubdivision of lots of record or the vacation of plats. The term shall apply either to the process of subdivision or the land subdivided.

*SUBDIVISION, MAJOR:* A subdivision shall be considered major if it consists of six or more lots or any subdivision of land requiring construction of a new street or the extension of an existing street.

*SUBDIVISION, MINOR:* A subdivision shall be considered minor if it consists of no more than five lots and it does not require the construction of a new street or the extension of an existing street. The number of lots for a minor subdivision shall be counted towards the maximum number of lots for a minor subdivision from the date of adoption of this Ordinance, including family transactions and single lot subdivisions. This will include a series of such minor, family transactions and single lot subdivisions.

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

*SUSTAINABLE DEVELOPMENT:* To use those design, construction, and operational standards as they apply to all levels of development. The ultimate goal would be to meet the needs of the present without compromising the ability of future generations to meet their own needs.

*TELEVISION AND/OR RADIO STATIONS:* A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.

*TOURIST COURT, AUTO COURT, CABIN or MOTOR LODGE:* A building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit, where cooking facilities may be provided for each unit.

*TOURIST HOME:* A dwelling where only lodging is provided for compensation for up to 14 persons (in contrast to hotels and boardinghouses) and open to transients.

*TOWNHOUSE:* A unit separated from adjacent units by a vertical wall with no openings, providing a dwelling for a single family, in which separate access to the outside is provided, and in which the major orientation of the unit is vertical rather than horizontal and can be individually sold or rented.

*TOWNHOUSE DEVELOPMENT:* One or more single-family dwellings consisting of townhouses, with accessory parking, open space, and recreational and management facilities.

*TRAILER:* A wheeled vehicle designed to be pulled by a motorized vehicle on either improved or unimproved surfaces.

*TRAVEL TRAILER/RECREATIONAL TRAILER:* A vehicular, portable structure built on a chassis, designed to be used as a temporary occupancy for travel, recreation, or vacation; being of any length, provided its overall length does not exceed 40 feet. This definition includes those vehicles commonly known as "motor homes."

*TRAVEL TRAILER/RECREATIONAL TRAILER PARK or TRAVEL/RECREATIONAL TRAILER CAMP:* Premises where travel trailers are parked temporarily in conjunction with travel, recreation, or vacation.

*TREE:* A woody perennial plant having a single main stem.

*TRUCK STOP:* A facility where a range of services and goods to professional drivers and the general public are congregated, such as fuel sales, vehicle service, overnight accommodations and restaurants.

*USE, ACCESSORY:* A subordinate use, customarily incidental and located upon the same lot occupied by the main use. No accessory use shall be located in any required front yard.

*USE, CONDITIONAL:* A use which may be allowed when the Town Council, after review of the application and hearing thereon, thereby finds as a fact that the proposed use is consistent with the Comprehensive Plan; is compatible with surrounding uses; is consistent with the intent of the chapter; is in the public interest; and will comply with all other provisions of the law and ordinances of the Town of Windsor.

*VARIANCE:* A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land; or the shape, size, height, area, bulk or location of a building or structure when the strict application of the terms of the Zoning Ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

*WAREHOUSE:* A structure for storing goods, wares or merchandise.

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

*WHOLESALE SALES:* An operation that sells chiefly to retailers, other merchants, or industrial, institutional, and commercial uses for resale or business use.

*YARD:* A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

*YARD, FRONT:* An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. On corner lots, the depth of the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

*YARD, REAR:* An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot.

*YARD, SIDE:* An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot, and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

**§ 160-13. Ordinance Amendment Process.** Whenever public necessity and general good land-use practice requires, the Town Council may, from time to time, amend, supplement or change, by ordinance, the regulations herein established.

A. *Initiation of Change.* Any such amendment may be initiated either by:

1. Resolution by the Town Council;
2. Motion of the Planning Commission; or
3. Petition of a property owner, contract purchaser with the owner's written consent, or the owner's agent and addressed to the Town Council or the Planning Commission including:
  - a. Proposed wording or revision(s) of the text to be amended with references to the division, section, and sub-section that is/ are proposed to

be amended, including sections to be repealed, deleted or replaced in or on a form approved by the Planning and Zoning Administrator;

b. Narrative description of the purposes to be served by the proposed amendment and how it would affect and improve the Land Development Ordinance; and

c. A filing fee to defray the cost of processing, advertising and holding the public hearings as are required by the Town of Windsor pursuant to the Code of Virginia.

*B. Notice, Hearing, and Recommendation by Planning Commission.* The Planning Commission shall hold a public hearing on a complete application for a proposed amendment as described above. Notice of public hearing before the Planning Commission shall be in accord with the relevant procedures outlined in the Code of Virginia as amended. The Planning Commission shall make a recommendation to approve, deny or give no recommendation on the proposed amendment within 100 days of the date of the first meeting that the Planning Commission accepts the application as being complete as set forth in the Code of Virginia.

*C. Notice, Hearing, and Determination by Town Council.* The Town Council shall hold a public hearing on the application for a proposed amendment. Notice of public hearing before the Town Council shall be in accord with the relevant procedures outlined in the Code of Virginia as amended. The Town Council shall either approve or deny the request within the timeframes set forth in the Code of Virginia.

**§ 160-14. Application and Appeals Processes.** The application and appeals process for the Zoning and Subdivision components and processes of this Ordinance are given respectively within Article II and Article III.

**§ 160-15. Disclosure of Interest.** The applicant for a land-use ordinance text amendment, zoning map amendment, conditional use permit, variance request or an appeal of the Planning and Zoning Administrator's decision shall make complete disclosure of the equitable ownership of the real estate to be affected, including, in the case of corporate ownership, the names of the stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders. Petitions brought by property owners or their agents, including contract purchasers, shall be sworn to under oath before a Notary Public or other official before whom oaths may be taken stating whether or not any member of the Planning Commission or Windsor Town Council has any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or Windsor Town Council has any such interest.

**§ 160-16. Duties of Town Council.** The Town Council is charged with in the administration of this Land Development Ordinance.

*A. Land Development Ordinance Text Amendments.* The Town Council may initiate potential amendments to the Land Development Ordinance by requesting the Planning Commission to study the proposed revision(s) and give a stated reasonable period of time for a recommendation to be made by the Planning Commission (see § 160-17 dealing with the role of the Planning Commission).

The Town Council makes the final decision for the Town of Windsor to approve or deny the language in proposed Land Development Ordinance text amendments after a duly advertised public hearing (see § 160-73 for further appeals rights) pursuant to the Code of Virginia.

*B. Zoning Map Amendment.* The Town Council, pursuant to the Code of Virginia, has the final responsibility after a duly advertised public hearing and after receipt of a recommendation from the Planning Commission to approve or deny requests for zoning map amendments (rezonings). The Town Council shall determine whether the request is appropriate based on the Town's Comprehensive Plan, the proposed zoning map amendment's compatibility with adjacent and nearby uses, and standards set by the Code of Virginia, and related case law. The Town Council may also initiate potential amendments to the Zoning Map by requesting the Planning Commission to study the proposed revision and give a stated reasonable period of time for a recommendation to be made by the Planning Commission (see § 160-17 below dealing with the role of the Planning Commission).

*C. Conditional Use Permits.* The Town Council pursuant to the Code of Virginia has the final responsibility after a duly advertised public hearing to approve or deny requests for conditional use permits. The Town Council shall determine whether the proposed use is appropriate based on the Town's Comprehensive Plan, its compatibility with adjacent and nearby uses, and standards set by the Code of Virginia and related case law. The Town Council may add, modify or remove conditions recommended by the Planning Commission that would make the proposed conditional use permit compatible and appropriate for the proposed location.

*D. Appeal of Site Plan Denial.* The Town Council shall have the duty and responsibility to review, amend, overturn or affirm an appeal of a site-plan denial pursuant to § 160-66.

**§ 160-17. Duties of the Planning Commission.** The Planning Commission has certain duties in the administration of this Land Development Ordinance.

*A. Land Development Ordinance Text Amendments.* Land Development Ordinance Text Amendments may be initiated in the following manner:



1. The Planning Commission may initiate potential Text Amendments to the Land Development Ordinance on its own initiative or in conjunction with the Planning and Zoning Administrator;
2. The Planning Commission shall also receive potential Land Development Text Amendments (conceptual or written) from Town Council upon request and act on said proposals in the time-frame proposed by Town Council; and
3. The Planning Commission may also receive potential Zoning text amendments (conceptual or written) from citizens of Windsor or persons with a financial interest in property within the Town of Windsor or from the Planning and Zoning Administrator.

In all of the above situations, the Planning Commission shall hold a public hearing and make a recommendation to the Town Council within the time period prescribed in the Code of Virginia § 15.2-2285.

*B. Zoning Map Amendments.* The Planning Commission shall hold a public hearing or hearings and make recommendations to the Town Council on requests for Zoning Map Amendments from either the Town Council, citizens of Windsor or persons with a financial interest in property within the Town of Windsor, from the Planning and Zoning Administrator or on their own initiation. In making their recommendation, the Planning Commission shall consider whether the request is appropriate based on the Town's Comprehensive Plan, the proposed zoning map amendment's compatibility with adjacent and nearby uses, and standards set by the Code of Virginia and related case law.

*C. Conditional Use Permits (CUP's).* The Planning Commission shall hold a public hearing and make recommendations (see § 160-73) to the Town Council on requests for Conditional Use Permits from the Town Council, the citizens of Windsor, persons with a financial interest in property within the Town of Windsor, from the Planning and Zoning Administrator or on their own initiative. The Commission in making its recommendation shall determine whether the proposed use is appropriate based on the Town's Comprehensive Plan, its compatibility with adjacent and nearby uses, and standards set by the Code of Virginia and related case law. The Commission may recommend conditions that could make the proposed conditional use permit compatible and appropriate for the proposed location.

*D. Subdivisions.* The Planning Commission shall have the following duties in the subdivision process:

1. To review preliminary and final plats for major subdivisions, and when applicable, to review and approve or deny major subdivisions request pursuant to this Ordinance and the Code of Virginia § 15.2-2242;
2. To consider applications for variation in or exceptions to the requirements of Article III of this Ordinance. Approval of a variation or exception by the Planning

Commission shall be limited to cases of unusual situations or when strict adherence to the requirements of this Ordinance would result in substantial injustice or hardship;

3. In cases where the Planning and Zoning Administrator has the duty to review and approve or deny subdivisions (see Article III), the decision of the Planning and Zoning Administrator to disapprove may be appealed to the Planning Commission on the required application form and with approved fees as required by the Town of Windsor; and

4. The Planning Commission shall have the duty and responsibility to approve, request modifications or deny proposed siteplans in accordance with the requirements of § 160-66.

**§ 160-18. Duties of Board of Zoning Appeals.** The Board of Zoning Appeals are imbued with powers in certain appeal and variance situations.

A. *Appeals.* To hear and decide appeals from any order, requirement, decision, or determination made by the Planning and Zoning Administrator or other administrative officer in the administration or enforcement of Article II of this Ordinance and the portions of Article I of this Ordinance that deal with Zoning (See § 160-70 for the Appeals process).

B. *Variances.* To authorize, upon original application in specific cases, such variance from the terms of the Zoning Ordinance (See § 160-71).

**§ 160-19. Duties of the Planning and Zoning Administrator.** The Planning and Zoning Administrator shall have duties and powers in the areas of planning and zoning.

A. *Zoning Administrator.* The Zoning Administrator shall be appointed by and serve at the pleasure of the Windsor Town Manager pursuant to the Town Charter and the Town's Personnel Policies. The Zoning Administrator is authorized and empowered on behalf of and in the name of the Town of Windsor to administer and enforce the provisions set forth herein, to include receiving and processing of applications, inspecting premises, and issuing zoning permits for uses and structures which are in conformance with the provisions of this Ordinance. The Zoning Administrator shall have all necessary authority on behalf of the Town of Windsor pursuant to the Code of Virginia to administer and enforce the applicable portions of this Ordinance, including ordering, in writing, the remedy for any condition found in violation of this chapter, and bringing legal actions including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this chapter. As the Zoning Administrator, he/she will have the responsibility to inform and make recommendations to the Planning Commission and Town Council on difficulties with the administration of this Ordinance, changes in State or Federal law or other areas affecting the administration of the Land Development Ordinance, and as needed to propose amendments to this Ordinance.

B. *Planner.* The Planning and Zoning Administrator in the Planner role shall assist the Planning Commission and Town Council in the processing and approval/denial of all

zoning text and map amendments, conditional use permits, site plans and in the Comprehensive Planning process.

C. *Subdivision Agent.* The Planning and Zoning Administrator shall be the Subdivision Agent and be responsible for enforcing the Subdivision functions of this Ordinance. These duties, responsibilities and functions are as follows:

1. To review and approve/disapprove plats for family transaction and minor subdivisions;
2. To provide information and conduct conferences with subdividers, citizens and other interested parties pursuant to the relevant Subdivision process;
3. To assist the Planning Commission with evaluation of preliminary and final plats for Major Subdivisions;
4. To act as the Planning Commission's agent to sign major subdivisions for recordation after Planning Commission approval;
5. To inspect and insure compliance with the approved subdivisions and the Land Development Ordinance;
6. To take such actions as are necessary, proper and legally permissible to prevent, terminate, remove or correct violations or potential violation of this Ordinance; and
7. To recommend to the Planning Commission and Town Council, as needed, amendments to this Ordinance.

**§ 160-20. Public Hearing Process.** For Land Development Ordinance Text Amendments, Zoning Map Amendments, Conditional Use Permits, Variance Requests and Appeals of a Zoning Officials Actions, the advertising and notification process in the Code of Virginia §15.2-2204 as amended and other future legal requirements shall be followed.

**§ 160-21. Posting of Property.** The Planning and Zoning Administrator shall have posted in a conspicuous place on the property which is the subject matter of the Zoning Map Amendment or Conditional Use Permit application, one or more signs, each of which shall not be less than 1 1/2 square feet in area, and shall contain information as to the proposed change and the date and time of the public hearing. These signs shall be posted at least 15 days prior to the public hearing.

**§ 160-22. Permits.** All departments, officials, and public employees of the Town of Windsor who are vested with the duty to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of these regulations. Any such permit, if issued in conflict with the provisions of these regulations, shall be considered null and void by the Zoning and Administrator.

**§ 160-23. Violation.** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Planning and Zoning Administrator. The Planning and Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon provided by this chapter. It shall be the responsibility of the Zoning Administrator or his/her designee to enforce this Ordinance and have the violation corrected pursuant to the Code of Virginia.

**§ 160-24. Penalties.**

A. *Violations.* Any person, firm, or corporation, whether as a principal, agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of the regulations contained in this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined pursuant to penalties in the Code of Virginia. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

B. *Legal Procedures.* The Planning and Zoning Administrator may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or in equity, shall not be a defense to any such action.

C. *Cumulative Penalties.* The remedies set forth in this section shall be cumulative and not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

**§ 160-25. Fees.** In connection with the administration of this chapter, the Town Council shall establish a schedule of fees, charges and expenses, unless otherwise provided for in this chapter. Such fees, charges and expenses shall not vary substantially from costs generally found to be involved in advertising, reviewing, processing or other actions in the particular classes of cases involved. Such fees shall be payable to the Town Treasurer to be applied to such advertising and other costs. The schedule of fees shall be posted in the Town offices and may be altered or amended only by the Town Council. Until all fees have been paid in full, no action shall be taken on any application, appeal or amendment. All fees as established shall not apply to applications initiated by motion of the Planning Commission or by resolution of the Town Council.

**§ 160-26. Refund.** No portion of any fee payment shall be returned to any applicant, except that where an application requiring a public hearing is withdrawn prior to notification of public hearing, in which case that portion of any fee payment relating to notice and conduct of a public hearing shall be returned.

**§ 160-27. Payment of Taxes Required.** An application for a Zoning Map Amendment, Conditional Use Permit, Variance, Appeal of the Zoning Administrator's Decision or any form of Subdivision where new lots are created will not be considered valid until any and all taxes for

real property within the Town of Windsor that have been properly assessed against the subject property have been paid in accordance with Section 15.2-2286 of the Code of Virginia.

## ARTICLE II. ZONING

**§ 160-28. Types of Uses.** No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

A. *Permitted Uses.* A permitted use is one that is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, a zoning permit shall be issued by the Zoning Administrator, without a public hearing.

B. *Conditional Uses.* A conditional use is one which may be allowed when the Town Council, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the Town and the public interest. Where the use is conditional, a zoning permit shall be issued by the Zoning Administrator after such conditional use has been approved by the Town Council.

**§ 160-29. Buildings.** No structure shall hereafter be erected, constructed, or altered so as to exceed the height limit, to accommodate or house a greater number of families, or to occupy a greater percentage of the lot area than is allowed or specified in the regulations herein for the district in which it is located.

**§ 160-30. Principal Structures.** Only one principal structure and its customary accessory buildings shall hereafter be erected on any one residential lot unless otherwise approved or implied as part of apartment, condominium or other form of housing where multiple principal structures are approved by right or as part of a conditional use permit. More than one such principal building may be permitted on commercial or industrial lots provided adequate space between structures, parking and access can be maintained to secure fire, health, safety and other concerns.

**§ 160-31. Other Structures.** After a review of an application by the Zoning Administrator, additional structures on the same lot or parcel of land may be permitted provided the criteria below are met or ones noted in the individual zoning districts.

A. *Additional Buildings and Dwellings.* Additional buildings on a parcel of land in a district where residential uses are permitted shall conform to the minimum lot area, minimum lot width, maximum lot coverage, and yard requirements for that district.

B. *Special Requirement for Manufactured Homes.* No more than one manufactured home is allowed on any lot, tract, or parcel of land within the Town limits, unless said manufactured home is located in an approved manufactured home park. A manufactured home located on a lot, tract or parcel of land within the Town of Windsor shall be located

in accordance with § 160-60 of this chapter. Additionally, such placement shall be parallel to the nearest street or curbline.

*C. Arrangement of Additional Dwellings.* The arrangement of such additional dwellings is in such a manner so that if the lot or parcel of land is ever subdivided no substandard lots are created.

*D. Temporary Buildings in All Zoning Districts.* Temporary buildings used solely in conjunction with construction work may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.

*E. Accessory Buildings.* The location of accessory buildings and uses must meet the following conditions:

1. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore such attached accessory building shall comply in all respects with the requirements applicable to the main building;
2. A detached accessory building shall be located as prescribed in § 160-60 for the district in which the lot is located;
3. A detached accessory building in a residentially zoned district, shall not exceed 2 stories in height, and may be constructed on not more than thirty (30) percent of the rear yard;
4. No detached accessory building may be located in the front yard of a lot; and
5. A truck chassis, bus, or trailer, regardless of configuration, may not be used as an accessory structure. Cargo containers may be used by permit in an agricultural, industrial, or business zone when being used in conjunction with an agricultural, industrial, or business use, but not more than two containers may be permitted at any one time in an industrial, business, or agricultural zone. Cargo containers in use before the enactment of this subsection are to be considered nonconforming and shall be allowed. Cargo containers must have a buffer screening them from public view. Portable commercial containers may be used for temporary storage by permit only in all zones for a period of 45 days per permit, not to exceed 90 days.

**§ 160-32. Zoning Map.** The Zoning Map, entitled the "Official Zoning Districts Map for the Town of Windsor, Virginia," dated February 27, 2002 as amended, hereinafter referred to as the "Official Zoning Map," with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of this chapter. The map shall be made public record and shall be kept permanently in the Town office, where it shall be accessible to the

general public. As evidence of its authenticity, the Zoning Map and amendments shall be certified by the Clerk of the Town of Windsor.

**§ 160-33. Replacement of Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

**§ 160-34. Determination of District Boundaries.** District boundary lines may be fixed by dimensions. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, specific criteria shall be used to determine the boundaries.

A. *Lines.* Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, center lines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries shall be construed to follow such lines.

B. *Parallel.* District boundaries indicated as approximately parallel to the center line of streams, roads, highways, or rights-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

C. *Split Parcels.* Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, as a zoning map amendment application, be extended to the remainder of the property in accordance with § 160-14.

D. *Abandoned Accessways.* Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

E. *Natural Features.* Where a district boundary is indicated to follow a river, creek, stream, or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of a change in shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center of channel.

F. *Disputes.* If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be

determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Zoning Board of Appeals, which shall determine the boundary in accordance with § 160-70.

**§ 160-35. Permits Issued Prior to Adoption of Ordinance.** 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 chapter. However, if such construction does not commence within 30 days after this chapter becomes effective, or if construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

**§ 160-36. Miscellaneous General Regulations.** Certain general regulations shall apply.

A. *Gardening.* Gardening shall be exempt from zoning permit requirements in any district allowing residential uses, provided that such gardening shall not be objectionable by reason of odor, dust, noise, pollution, soil erosion, sedimentation, or drainage.

B. *Swimming Pools and Dish Type Antennas.* All types of swimming pools (above and below ground) and dish-type antennas greater than 24 inches in diameter shall be regulated as accessory structures.

C. *Recreational Vehicles and Travel Trailers.* Such vehicles shall be stored within the minimum yard requirements and shall be prohibited from occupancy. Any such vehicle shall be properly licensed and shall be prohibited from being used as an auxiliary structure. All such vehicles parked in front must be to the rear of the front setback line and be to the side of the main residential dwelling unit, or be parked behind it.

D. *Solid Waste Storage Areas.* For business, industrial and approved higher density residential uses, storage areas, solid waste dumpsters and large items for solid waste pickup shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), shall be of solid construction, six feet high with locking gates providing access. Enclosures shall be constructed of durable, weatherproof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site. Bollards shall be installed in front of the gates to prevent refuse vehicles from inadvertently bumping into the gates or causing dumpsters to damage the gates. This enclosure, the dumpster(s) and solid waste shall be placed on an asphalt or concrete pad, and the access drive to the enclosure shall be concrete or asphalt. The location of solid waste dumpsters shall comply with § 160-66. However, where compliance with this section is, in the opinion of the Zoning Administrator, impractical due to accessibility, conflict with other applicable regulations of the Town Code of Ordinances or other relevant circumstances, the Zoning Administrator is authorized to permit such placement as to provide adequate accessibility or relief from such conflict with other applicable Code requirements under the following conditions of use:



1. *No noxious odors.* The solid waste dumpster shall not be used for or contain any waste which might emit offensive or noxious odors, or the user of such solid waste dumpster or the property owner shall contract to provide for additional pick up of the dumpster as to prevent any offensive or noxious odors;
2. *Administration.* Relief for such accessibility of conflict shall only be to the extent as determined by the Planning and Zoning Administrator; and
3. *Non-compliance.* Where the user or property owner fails to comply with any condition of use, the user or property owner shall replace the dumpster in compliance with this section or remove the dumpster entirely. Should the user fail to comply with any condition of use or notice to comply, the Town shall be authorized to remove or replace the dumpster and charge the user or property owner with any and all cost to remedy the noncompliant condition.

E. *Outdoor Storage.* Outdoor storage and outdoor storage operations (excluding nursery stock in nonresidential zoning districts) shall be prohibited in R-1, HDR, and LDR Zoning Districts between the street right-of-way and the primary use, and within 50 feet of residential uses and residential zoning districts, and shall comply with the following:

1. Outdoor storage lots shall be enclosed with screening that consists of any combination of fences, walls, berms and landscaping that is at least six feet in height and provides year-round screening. When storage/service areas are located adjacent to a public right-of-way or walkway, additional landscaping shall be incorporated to provide a more effective screen;
2. Except for integral units, stored items shall not project above the screening;
3. No storage shall be maintained in the front or side yard area;
4. All screening shall be installed and maintained in sound condition; and
5. Screening shall not obstruct sight distance.

F. *Automobile Displays.* Outdoor display of vehicles (e.g., operable autos, recreational vehicles, boats or trucks) for sale, where authorized by the zoning district, shall not be permitted unless the method of display conforms with the following requirements:

1. The vehicles shall be located behind a landscaped area at least 10 feet wide behind the property line and display areas;
2. Landscaping shall provide a buffer between the right-of-way and the vehicle storage display area;
3. No vehicle shall be displayed or stored within a required landscaped area;

4. Not more than one vehicle display pad, which may be elevated up to three feet in height as measured at the highest point, shall be permitted per 100 feet of road frontage; and

5. No other materials for sale shall be displayed for sale between the principal structure and the street.

**§ 160-37. Division of Town into Districts.** For the purposes of the chapter, the Town of Windsor is divided into zoning districts named and described in the following sections. The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map on public file in the Circuit Court Clerk's office located in Isle of Wight County, Virginia, and a copy of which is located in the Town offices. These districts are designated below:

	R-1 Single-Family Residential
	LDR Low-Density Residential
	MHP Manufactured Home Park
	HDR High Density Residential District
	O-R Office-Residential
	PUD Planned Unit Development
	A-1 General Agricultural
	P Public
	B-1 General Business
	B-2 Restricted Business
	M-1 General Industrial

**§ 160-38. Zoning Permits.** Zoning permits shall be issued by the Town of Windsor prior to the issuance of an Isle of Wight County building permit, land disturbance or business license.

A. *Permit Required.* The Planning and Zoning Administrator shall issue a zoning permit to any land owner, or his or her legal representative, for any permitted use or structural alteration, provided such proposed use of land or structure, or use or structural alteration, is in conformance with the provisions set forth in this Ordinance. The zoning permit application shall indicate whether the proposed use is a permitted use, whether it is a conditional use permit with conditions to be followed, or a variance with permitted variations to the zoning requirements of this Ordinance. Such Zoning Permit shall show the required setbacks and other requirements of the given Zoning District to the Zoning Administrator's satisfaction and shall be signed by either, the owner, contract agent or owner's legal representative of the property in question.

B. *Site Plan and Other Required Information.* An application for a zoning permit shall be accompanied by two copies of an acceptable site plan with such reasonable information shown as shall be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); watercourses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

C. *Fees.* No such permit shall be reviewed until the applicant has paid the fees due for the permit.

D. *Approval Process.* If the proposed use or structure described in the application required herein is in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Windsor, the Planning and Zoning Administrator shall sign and return one copy of the Zoning Permit and site plan to the applicant. The Planning and Zoning Administrator shall retain the application and one copy of the site plan for the Town's records.

E. *Denial and Appeal.* If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Planning and Zoning Administrator shall not issue a zoning permit, but shall return one copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this chapter with which the submitted plan does not comply. The Planning and Zoning Administrator shall retain one copy of the site plan and one copy of the refusal. A full explanation of the Planning and Zoning Administrator's decision to deny a Zoning Permit may be requested, and appeals of the decision may be made to the Board of Zoning Appeals using the process described in § 160-70.

F. *Expiration.* Any zoning permit shall automatically expire six months from the date of issuance if the person, firm, or corporation to which the permit has been issued has not

clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one year or more.

**§ 160-39. Certificate of Occupancy.** Certificates of Occupancy shall be issued by the Isle of Wight County Building Department with the coordination of the Planning and Zoning Administrator for areas within his/her purview as defined within this Ordinance.

**§ 160-40. Nonconforming Lots, Structures, and Uses.** It is the intent of this chapter to recognize that the elimination of existing lots, structures, and structures or uses that are not in conformity with the provisions of this chapter is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this chapter. It is the intent of this chapter to permit these nonconformities to continue but not to encourage their survival, permit their expansion, or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district. Therefore, any structure or use of land existing at the time of the enactment of this chapter, and amendments thereto, but not in conformity with its regulations and provisions, and as long as said structure or use of land was deemed a nonconforming lot structure or use under prior Subdivision Ordinance, may be continued subject to the certain criteria.

*A. Lots of Record.* Where a lot of record at the time of enactment of this chapter does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this chapter, the following provisions shall apply:

1. When two or more adjoining and vacant lots with continuous frontage are in single ownership at the time of enactment of this chapter or amendments thereto, and each of such lots has a width or lot area less than is required by the district in which they are located, such lots shall be platted and re-parceled, at the owner's expense, so as to create one or more lots which conform to the minimum lot width and area requirements of the district, prior to use or transfer of ownership of such parcels;
2. Where a single nonconforming lot of record at the time of enactment or amendment of this chapter is not of continuous frontage with other lots in the same ownership, such lot may be used as a building site, provided that yard dimensions and requirements, other than those applying to area or width of the lot, shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board of Zoning Appeals, as provided for in § 160-69 of this chapter; and
3. When two or more nonconforming lots platted before July 1, 2001 are combined together and are not less than ninety (90) percent of the required lot size for the current zone, they may be used as a building site, provided that all yard dimensions and requirements other than those applying to area are met.

B. *Nonconforming Structures.* Where a lawful structure exists at the time of enactment or amendment of this chapter that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any structure or portion thereof declared unsafe by the Building Inspector may be restored to a safe condition, provided that the requirements of this article are met, and that the cost of restoration of the structure to a safe condition shall not exceed fifty (50) percent of its replacement cost at the time of the Building Inspector's declaration;
2. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity, and any structure or portion thereof may be altered to decrease its nonconformity;
3. Notwithstanding the other provisions of this chapter, whenever repairs on or installation of plumbing fixtures in residential structures are required by law or administrative action of the Health Official or the Building Inspector, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such alteration shall be no nearer the lot line than permitted by the requirements of this chapter. Where an existing residential structure exceeds these requirements, said addition shall extend no nearer the lot line than the existing building line;
4. Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved; and
5. Subject to the other provisions of § 160-40(B)(1), should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall be reconstructed in conformity with the provisions of this chapter, so far as practical, but not to any greater degree of nonconformity.

C. *Nonconforming Uses of Land.* Where an otherwise lawful use of land exists at the time of enactment or amendment of this chapter that would not otherwise be permitted by the regulations imposed herein and where such is either an accessory use involving the use of no separate accessory structure or a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this chapter;

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this chapter;
3. In the event that such use ceases for a period of more than two (2) years, any subsequent use shall conform to all requirements of this chapter for the district in which the land is located; and
4. No additional structure not conforming to the requirements of this chapter shall be constructed in connection with such nonconforming use.

*D. Nonconforming Uses of Structures.* Where a lawful use involving an individual structure or structures in combination exists at the time of enactment or amendment of this chapter that otherwise would not be permitted in the district in which it is located under the requirements of this chapter, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No structure existing at the time of enactment or amendment of this chapter devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except:
  - a. Repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Inspector;
  - b. The changing of interior partitions or interior remodeling; or
  - c. The changing of the use of the structure to a conforming use.
2. A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure;
3. When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for two years, except when government action impedes access to the premises, or when a nonconforming use is superseded by a permitted use, the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located; and
4. Upon application to the Board of Zoning Appeals, as provided in § 160-69, any nonconforming use of a structure or structures and premises in combination may be changed to another nonconforming use if the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing use. The Board of Zoning Appeals may impose such conditions relating to the proposed use as it may deem necessary in the public interest and may require that a cash bond or equivalent, a surety bond of a surety

company, or a certified check payable to the Treasurer of the Town of Windsor, be supplied in an amount equal to the estimated cost of the complying with the conditions imposed to insure that the conditions imposed are being, and will continue to be met.

*E. Nonconforming Uses in Transitional Annexed Areas.* Any legally established use which existed prior to the effective date of the annexation of any parcels of real estate into the Town of Windsor shall not be considered a nonconforming use where a conditional use permit is now required for establishment of such use. The use shall be allowed to continue operation, as well as to reconstruct or structurally alter the building or structure, without the necessity of obtaining a conditional use permit. However, approval of a conditional use permit shall be required, as provided for under this chapter, when either of the conditions below is present, in the opinion of the Zoning Administrator:

1. There is a ten-percent-or-greater net increase in the square footage of the use of structure proposed for expansion or enlargement; or
2. The expansion or enlargement will substantially alter the site design and layout as it relates to circulation, parking or other site characteristics so as to adversely affect surrounding properties.

*F. Nonconforming Agricultural Parcels with Residential Uses in Transitional Annexed Areas.* Parcels used as residential, but zoned as agricultural as the result of an annexation, may use setbacks established for residentially zoned lots without rezoning if the parcel meets other minimum requirements for R-1, O-R and B-2 Districts as outlined in § 160-60.

**§ 160-41. Map Amendments.** If, in accordance with the provisions of § 160-73 herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 10 days after the amendment has been approved by the Town Council, together with a numerical entry referring to the application for the amendment, submitted in accordance with § 160-40 herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Town Council. Amendments to this Ordinance, which involve matters portrayed on the Official Zoning Map, shall become effective immediately upon being entered onto the Official Zoning Map. The Town of Windsor Official Zoning Map shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the Town. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures described within this Ordinance and pursuant to the Code of Virginia.

**§ 160-42. Conditional Zoning.** It shall be the policy of the Town of Windsor to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. In those instances where competing and incompatible uses conflict and traditional zoning methods and procedures are inadequate, more flexible and adaptable zoning methods are

needed to permit differing land uses and, at the same time, to recognize effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

A. *Flexibility.* In order to provide a more flexible and adaptable zoning method to permit differing land uses and to recognize effects of change, conditional zoning is permitted, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

B. *Proffering.* The owner of land seeking a rezoning may provide by voluntarily proffering in writing prior to a public hearing before the Planning Commission, or Town Council, reasonable conditions as part of his application for rezoning, which conditions are in addition to the regulations provided for the zoning district, to constitute a part of the rezoning or amendment to the Zoning Map, provided that the rezoning itself must give rise to the needs for the conditions; such conditions shall have a reasonable relation to the rezoning; and shall be in conformity with the Town of Windsor Comprehensive Plan. In determining the reasonableness and acceptability of said proffered conditions, the Town Council for the Town of Windsor, Virginia will follow the Cash Proffer Study, Isle of Wight County, Virginia, December 1993, prepared by Tischler and Associates, Inc., or any other subsequent studies as a guide if approved by the Town Council of the Town of Windsor, together with the most current capital improvements plan of the Town of Windsor, Virginia.

C. *Enforcement of Proffered Conditions.* The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to an amendment to the Zoning Map, including the ordering in writing of the remedy of any noncompliance with such conditions; the bringing of legal action to insure compliance with such conditions, including injunction, abatement, or other appropriate actions or proceedings; and requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Town Council, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute a cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

D. *Zoning Map Annotation.* The Zoning Map shall show, by an appropriate symbol of the map, the existence of conditions attaching to the zoning on the map. The Planning and Zoning Administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The index shall provide ready access to the



chapter creating conditions in addition to the regulations provided for in a particular zoning district or zone.

E. *Amendment of Conditions.* There shall be no amendment or variation of conditions created pursuant to the provisions of this section until after a public hearing before the Town Council advertised according to procedures set forth herein.

**§ 160-43. Purpose of Conditional Uses.** A conditional use is a use presumed to have certain characteristics of operation which could, under certain conditions, be detrimental to the neighborhood and to abutting property. For example, certain uses cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses either have unusual characteristics, characteristics which are different from those of their immediate surroundings, or are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare. Because of the nature of the use, the importance of relationship to the Comprehensive Plan, and possible impact, not only on neighboring properties, but also on a large section of the Town, these uses require the exercise of planning judgment on the site plan. Because of this, site plans showing locations of activities, parking, buffers, landscaping, and signages (when applicable) are required.

**§ 160-44. Conditional Uses-Minimum General Performance Standards.** It shall be the presumption that a use listed as conditional is eligible for location within a district in which it is enumerated, provided the applicant can clearly demonstrate specific conditions exist.

A. *Provision of Buffers.* Adequate provision is made for such items as setbacks, fences, and planted buffer strips in order to protect adjacent properties from possible adverse influence of the proposed use such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors.

B. *Traffic Safety.* Vehicular traffic and pedestrian movement on adjacent roads will not be hindered or endangered.

C. *Parking and Access.* Off-street parking, loading areas and the entrances and exits of these areas will be adequate in terms of location, amount, design, and construction to serve the proposed use.

D. *Compatibility.* The proposed use will not adversely affect the level of property values, general character, or general welfare of the nearby area.

E. *Required Standards for the Conditional Use.* Required conditions for the various conditional uses are listed in § 160-68.

F. *Other Reasonable Standards.* Upon review of a conditional use permit application, the Planning Commission may recommend that the Town Council impose such reasonable restrictions and conditions as in its opinion will accomplish the objectives of this chapter. In considering any application under this section, the Planning Commission

may recommend and the Town Council may require the applicant to furnish reasonable site and exterior building plans, the adherence to which may be imposed as such a condition.

**§ 160-45. Enforcement of Conditions.** The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a Conditional Use Permit, including the ordering in writing of the remedy of any noncompliance with such conditions; the bringing of legal action to insure compliance with such conditions, including injunction, abatement, or other appropriate actions or proceedings; and requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Town Council, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required uses occupancy, or building permits, as may be appropriate.

**§ 160-46. Transition Provisions.** Transition zoning provisions shall apply to the areas covered by any past or future annexations.

A. *Intent.* Upon the effective date of the annexation into the Town of Windsor of any parcels of real estate, the existing zoning, as established by the County of Isle of Wight, of each singular parcel of real estate which shall become a part of the Town of Windsor as a result of annexation shall be recognized and conformed, to the maximum extent possible, to the existing zoning districts established by this chapter.

B. *Correlative Zoning Districts.* The following shall be the applicable zoning districts under this chapter for parcels of real estate that become a part of the Town of Windsor by reason of annexation, which are zoned, immediately before the effective date of annexation, under the noted zoning districts as established by Isle of Wight County:

Windsor Zoning Districts	Isle of Wight County Zoning Districts
R-1 Residential	NC-R1 Residential Limited
R-1MHP Manufactured Home Park	PD-MH Mobile Home
HDR High Density Residential	NC-R2 Residential General
LDR Low-Density Residential	NC-RA Rural Residential
B-1 General Business	GC General Commercial
B-1 General Business	LI Limited Industrial

	Windsor Zoning Districts	Isle of Wight County Zoning Districts
	M-1 Industrial	GI General Industrial
	A-1 Agricultural	RAC Rural Agricultural Conservation

**§ 160-47. Residential District R-1.** The intent of the R-1 Residential District is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for the district tend to protect against encroachment of commercial, industrial, and other uses likely to generate noise, crowds, and concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences. No abandoned vehicles are permitted. Farm animals are prohibited.

*A. Permitted Uses.* Within the Residential District R-1 the following uses are permitted by right:

1. Single-family dwellings, except for manufactured homes as defined in the Code of Virginia;
2. Places of worship such as churches, temples, synagogues and related structures that may be on adjoining parcels (Sunday school buildings, parsonages, parking lots, etc.);
3. Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreation activities, all of a noncommercial nature. No public swimming pool or related structure shall be located closer than 100 feet to any residence;
4. Privately owned swimming pools with membership for neighborhood subdivisions or developments;
5. Single lot, minor and major subdivisions as defined within this Ordinance following the procedures outlined in Article III; and
6. Public utilities such as power distribution lines, telephone lines and pump stations for sanitary sewerage systems that are customary and necessary for neighborhood and community facilities.

*B. Accessory Uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized as follows:

1. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (in example, sheds, carports, swimming pools for private residences, etc.);

2. Home occupations;
3. Living quarters in the main structure of persons employed on the premises;
4. Recreational vehicles and travel trailers which shall be stored within the minimum yard requirements and shall be prohibited from occupancy. Any such vehicle shall be properly licensed and shall be prohibited from being used as an auxiliary structure, must be to the rear of the front setback line, and be either behind or to the side of the main residential dwelling unit;
5. Temporary structures for uses incidental to construction work which shall be removed upon completion or abandonment of the construction work;
6. Signs as provided for in § 160-58;
7. Parking as provided for in § 160-64;
8. Private parking garages for residences;
9. Shelter for house pets, but not exceeding two shelters, to house not more than one adult pet per shelter plus dependent animals of up to six months of age;
10. Private swimming pools, which shall be regulated as structures;
11. Satellite antennas or dishes for television reception;
12. Radio antenna for use for private residents not to exceed fifty-five (55) feet in height and placed so as not to encroach upon the setback area for the principal structure on the property, placed in the rear or side of a property and not in front of the dwelling, and have a distance to all property lines exceeding the maximum height of the antenna; and

*C. Conditional Uses in the R-1 Residential District.* The following Conditional Uses may be applied for utilizing the procedures in § 160-73:

1. Child-care centers and family day-care homes;
2. Group homes for adults;
3. Schools (public and private);
4. Public service or storage buildings;
5. Recreational facilities, such as gymnasiums, indoor or outdoor tennis courts, whether privately owned by a community organization or by a church or other

religious affiliated entity with no such recreational facility located closer than 100 feet to any residence;

6. Second dwelling or accessory apartment within the primary residential unit for an immediate family member not to equal more than one third (33.3 percent) of the square footage area of the primary dwelling;

7. Townhouse and Multifamily Dwellings;

8. Private or commercial cemeteries;

9. Bed and Breakfast facilities; and

10. Public utility structures such as water towers, sewage treatment plants, etc. that exceed the needs for such a utility for the immediate neighborhood or community.

**§ 160-48. Low-Density Residential (LDR)** (Formerly the R-4 Low Density Residential District). The intent of the LDR District is to provide a certain area of land with the necessary zoning to provide development opportunities for less dense residential housing. The primary use of the district is to provide a transition district from the more rural uses in the nearby areas of Isle of Wight County and the higher density uses in the core of the Town of Windsor.

A. *Permitted Uses.* Within the Low-Density Residential District (LDR) the following uses are permitted by right:

1. All uses permitted in the Residential R-1 District are permitted in the Low-Density Residential LDR District;

2. The following agricultural activities are permitted by right in the LDR District:

a. The growing and cultivation of agricultural products such as cotton, peanuts, corn, soybeans, etc.;

b. The raising of horses and ponies either for profit or recreation is permitted provided that for the first such animal there shall be five (5) acres of pasture. For each animal thereafter, an additional one (1) acre of pasture is required. All stables shall be a minimum of 150 feet from any property line except where the lots are in common ownership, and then the stable must exceed 150 feet from the next parcel which is not under common ownership. All such properties shall be properly fenced; and

B. *Accessory Uses.* Where a lot is devoted to a permitted principal use, the following customary accessory uses and structures are authorized:

1. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (in example, carports, stables, sheds, swimming pools for private residences, etc.);
2. Home occupations;
3. Living quarters in the main structure of persons employed on the premises;
4. Recreational vehicles and travel trailers stored within the minimum yard requirements; prohibited from occupancy, properly licensed and prohibited from being used as an auxiliary structure, to the rear of the front setback line, either behind or to the side of the main residential dwelling unit;
5. Temporary structures for uses incidental to construction work which shall be removed upon completion or abandonment of the construction work;
6. Signs as provided for in § 160-58;
7. Parking as provided for in § 160-64;
8. Private garages for residences;
9. Shelter for house pets, but not exceeding two shelters, to house not more than one adult pet per shelter plus dependent animals of up to six months of age;
10. Private swimming pools, which shall be regulated as structures;
11. Television and satellite antennas or dishes; and
12. Radio antenna for use for private residents not to exceed fifty-five (55) feet in height and placed so as not to encroach upon the setback area for the principal structure on the property, placed in the rear or side of a property and not in front of the dwelling, and have a distance to all property lines exceeding the maximum height of the antenna.
13. Bee-keeping, provided all hives are secured within fenced back-yard areas and shall be no closer than fifty (50) feet from any adjoining property line. An appropriately sized water source shall be provided for the hive(s).

C. *Conditional Uses in the LDR- Low Density Residential District.* The following Conditional Uses may be applied for utilizing the procedures in § 160-73:

1. Second dwelling or accessory apartment within the primary residential structure for an immediate family member not to equal more than one third (33.3 percent) of the square footage area of the primary dwelling;

2. Child-care centers and family day-care homes;
3. Group homes for adults;
4. Schools (public and private);
5. Public service or storage buildings;
6. Recreational facilities, such as gymnasiums, indoor or outdoor tennis courts, whether privately owned by a community organization or by a church or other religious affiliated entity with no such recreational facility located closer than 100 feet to any residence;
7. Private or commercial cemeteries;
8. Bed and Breakfast facilities;
9. Public utility structures such as water towers, sewage treatment plants, etc. that exceed the needs for such a utility for the immediate neighborhood or community; and
10. The raising of cattle, sheep, and other domesticated livestock including non-indigenous livestock such as alpaca and llamas. This does not include intensive farms as defined under the Code of Virginia.

E. *Prohibited Uses.* The raising or keeping of swine is prohibited in the LDR District.

**§ 160-49. Manufactured Home Park District (MHP).** The intent of the MHP District is to allow for the use of manufactured homes within areas of the Town to provide affordable housing for the citizens of the Town of Windsor. The manufactured home parks are to be compatible or must be made compatible with adjacent land uses.

A. *Permitted Uses.* The following are permitted uses within the MHP Manufactured Home Park District:

1. Single-wide Manufactured Homes on a permanent foundation that are less than 15 years old at the time of application for a Zoning Permit;
2. Double-wide Manufactured Homes on a permanent foundation;
3. Manufactured Home Parks (see Section D. below for the standards for Manufactured Home Park );
4. Places of worship such as churches, temples and synagogues and related structures that may be on adjoining parcels (Sunday school buildings, parsonages, parking lots, etc.);

5. Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreation activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet to any residential lot; and

6. Public utilities such as normal distribution power lines, telephone lines and pump stations for sanitary sewerage systems that are customary and necessary for neighborhood and community facilities.

B. *Accessory Uses.* The following are accessory uses within the MHP Manufactured Home Park District:

1. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (in example, carports, sheds);

2. Signs as provided for in § 160-58;

3. Parking as provided for in § 160-64;

4. Home occupations;

5. Temporary structures for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work;

6. Recreational vehicles and travel trailers which shall be stored within the minimum yard requirements and shall be prohibited from occupancy. Any such vehicle shall be properly licensed, shall be prohibited from being used as an auxiliary structure, must be to the rear of the front setback line, and be either behind or to the side of the main residential dwelling unit;

7. Private residential parking garages;

8. Shelter for house pets, but not exceeding two shelters, to house not more than one adult pet per shelter plus dependent animals of up to six months of age;

9. Satellite television antennas or dishes; and

10. Radio antenna for use for the management of the manufactured home park, not for individual manufactured homes, not to exceed fifty-five (55) feet in height, placed so as not to encroach upon the setback area for the principal structure on the property, placed in the rear or side of a property and not in front of the dwelling, and has a distance to all property lines exceeding the maximum height of the antenna.



C. *Conditional Uses.* The following are conditional uses within the MHP Manufactured Home Park District:

1. Public utilities such as water towers, sewage treatment plants, etc.;
2. Child-care centers and family day-care homes;
3. Group homes for adults;
4. Schools (public and private);
5. Public service or storage buildings;
6. Churches and other places of worship with attendant educational and recreational facilities with no such recreational facility located closer than 100 feet to any residence;
7. Duplex residential housing;
8. Private or commercial cemeteries;
9. Public utility structures such as water towers, sewage treatment plants, etc. that exceed the needs for such a utility for the immediate neighborhood or community; and
10. Assembly areas for an apartment, townhouse or condominium complex, such as a community center, primarily for use by residents of the development.

D. *Standards.* The following are standards for Manufactured Home Parks in a MHP District:

1. *Building Code.* No manufactured home shall be located on a lot, tract, court, park, camp or parcel of land within the Town of Windsor, unless such manufactured home is placed on a permanent foundation, as required by the Uniform Statewide Building Code. Skirting shall be required for all mobile or manufactured homes. No manufactured home shall be allowed to locate in the Town of Windsor if its date of manufacture is greater than 15 years prior to the date of the application for a zoning permit;
2. *Location of homes.* More than one manufactured home is allowed on any lot, tract, or parcel of land in a manufactured home park, with the following requirements:
  - a. There shall be an approved site plan showing the manufactured home park sites, and no more than one manufactured home shall be on any such approved site;

b. Manufactured homes shall be placed parallel to the nearest street or curblin; and

c. No manufactured home shall be located nearer than 20 feet to another manufactured home, dwelling, house or other structure intended for residential or business occupancy. There shall be provided an area not less than 7,500 square feet of level ground, inclusive of the ground underneath such mobile home, located on any lot, tract, or parcel of land.

3. *Water supply and sewage disposal system.* Each manufactured home shall be provided with a permanent water system and permanent wastewater system. These systems shall be connected to the Town of Windsor public water and the Isle of Wight County wastewater systems, respectively. Both systems must be approved by the Town of Windsor prior to connection to the public systems. No occupancy will be allowed prior to connection to the public water and wastewater system. Wastewater system laterals shall be at least four inches in diameter;

4. *Location of a manufactured home court.* A manufactured home court, park or camp in the Town of Windsor must be located on a suitable parcel of land with approved drainage and public road access. A site plan indicating the location of the individual home sites, storm drainage, parking and vehicular access, fire hydrants, and any other reasonable site development requirements deemed necessary by the Town of Windsor shall be submitted as part of the zoning permit application, and its review shall be part of the zoning permit approval process.

a. All manufactured home courts, parks, or recreational vehicle camps must be located in an MHP Zone as designated by this chapter and as shown on the Town of Windsor Zoning Map. Any request to develop a parcel of land as a manufactured home court, park, or camp, not currently zoned MHP, must have that parcel rezoned as provided for in the applicable articles of this chapter, and the Town of Windsor Zoning Map must be amended to show the site as having an MHP Zone.

b. All manufactured homes located in a court, park, or camp within the Town of Windsor shall be placed on a manufactured home site or lot so as not to extend within 20 feet of the court, park, or camp's property line. A manufactured home site or lot shall not be less than 50 feet in width. There shall be at least two parking spaces for each site or lot. Each site or lot shall be at least 7,500 square feet in size.

c. A centralized and enclosed area shall be provided in all manufactured home courts, parks or camps for the collection and transfer of solid waste. Proper containers and enclosures must be provided so as to reduce the potential for vermin and small children coming in contact with the solid waste.

d. Access to each manufactured home site or lot within a manufactured home court, park or camp within the Town of Windsor shall be by an unobstructed right-of-way no less than 20 feet in width. These rights-of-way must be graded properly to allow for stormwater drainage, and the surface of the road must be kept in good repair, free from potholes and ruts. Failure of the owner of said court, park or camp to keep the right-of-way unobstructed and in good repair shall constitute a violation of this chapter and hence subject to the enforcement articles of this chapter, including the suspension of the license for the operation of said court, park or camp. Reissuance of a suspended license shall conform to the license requirements as set forth by this chapter.

5. *Number of manufactured homes per site within a court.* Not more than one manufactured home shall be located on any manufactured home site within a manufactured home court, park or camp within the Town of Windsor;

6. *Inspections for compliance.* The Zoning Administrator shall inspect each manufactured home court, park or recreational vehicle camp within the Town of Windsor at least twice per calendar year. The results of these inspections shall become part of the public record, and a full report shall be made to the Town Council after each inspection. The purpose of these inspections is to insure that unsafe and/or unsanitary conditions do not develop; and;

7. *New sites in existing Manufactured Home Parks.* Any new sites in a preexisting manufactured home court, park or camp must conform to the requirements of this district and said sites must be approved as required by the Site Plan Review process in § 160-66.

**§ 160-50. High Density Residential District (HDR).** The intent of the HDR District is to allow the development of multifamily/townhouse housing alternatives within the Town boundaries.

A. *Permitted Uses.* Within the HDR District the following uses are permitted:

1. Residential unit maximum density. The gross residential density shall not exceed five dwelling units per acre of usable property on the subject property(ies). Usable property shall not include property that is designated as a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act (Section 10.2-2100 seq. of the Code of Virginia and Section 57.4 of the Code of the Town of Windsor). Ten (10) percent of the total area of the subject property(ies) shall be dedicated to be in common open space for the following types of residential development:

- a. Detached single family dwellings;
- b. Apartments;
- c. Townhouses;

- d. Condominiums; and
- e. Duplexes.

- 2. Bed and Breakfasts;
- 3. Single lot subdivisions;
- 4. Minor subdivision as described in § 160-12;
- 5. Major subdivisions as described in § 160-12;
- 6. Offices and other storage buildings for the maintenance, rental, and sale of units in items 1(a-e) listed above in conjunction with a subdivision or development on which the office or storage building is to be constructed;
- 7. Public utilities such as normal distribution power lines, telephone lines and pump stations for sanitary sewerage systems that are customary and necessary for neighborhood and community facilities;
- 8. Assembly areas for an apartment, townhouse or condominium complex, such as a community center, primarily for use by residents of the development; and
- 9. Non-residential recreational structures, utility structures and roads, streets and paths that are primary or accessory to the subdivision may be placed in the required open space of a HDR subdivision.

B. *Accessory Uses.* Within the HDR District the following accessory uses are permitted:

- 1. Home occupations;
- 2. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (in example, sheds, carports, swimming pools regulated as structures for private residences, etc.);
- 3. Temporary structures for uses incidental to construction work which shall be removed upon completion or abandonment of the construction work;
- 4. Signs as provided for in § 160-58;
- 5. Parking as provided for in § 160-64;
- 6. Private parking garages;
- 7. Shelter for house pets, but not exceeding two shelters, to house not more than one adult pet per shelter plus dependent animals of up to six months of age;

8. Satellite television antennas or dishes; and
9. Radio antenna for use for private residents or the management of a residential complex or development not to exceed fifty-five (55) feet in height and not encroach upon the setback area for the principal structure on the property will be placed in the rear or side of a property and not in front of the dwelling and will have a distance to all property lines exceeding the maximum height of the antenna.

*C. Conditional Uses.* The following are Conditional uses within the HDR- High Density Residential District:

1. Residential uses: single family detached, apartments, townhouses, condominiums and duplexes that exceed a density of five (5) units per acre but not to exceed ten (10) units per acre of usable property; usable property shall not include property that is designated as a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act (Section 10.2-2100 seq. of the Code of Virginia and Section 57.4 of the Code of the Town of Windsor);
2. Public utility structures such as water towers, sewage treatment plants, etc. that exceed the need for such a utility for the immediate neighborhood or community;
3. Child-care centers and family day-care homes;
4. Group homes for adults;
5. Schools (public and private);
6. Public service or storage buildings;
7. Churches and other places of worship with attendant educational and recreational facilities;
8. Duplex residential housing;
9. Private or commercial cemeteries; and
10. Bed and Breakfast facilities.

*D. Townhouse Regulations in the HDR District.* Special regulations for townhouses are as follows:

1. *Groupings.* No more than eight and no less than two townhouses shall be included in any townhouse grouping;

2. *Building Code.* Attached dwellings shall conform to the Commonwealth of Virginia Uniform Statewide Building Code;

3. *Frontage.* Each townhouse shall front on a dedicated public street or a forty-foot minimum width access easement. If access is to be provided by means of a private access easement, the following minimum standards of development shall be observed:

- a. Concrete curb and gutter on both sides of the street easement;
- b. A sidewalk five feet in width on at least one side of the easement, constructed of concrete, brick, cobblestone, or some other material of reasonable durability and adequate safety; and
- c. The radius for all cul-de-sacs shall be at least 55 feet.

4. *Common areas.* Common areas shall be maintained by and are the sole responsibility of the developer-owner of the townhouse development until such time as the developer-owner conveys such common area to a homeowners' association whose members shall be all the individual owners of the townhouse development. Said land shall be conveyed to and be held by said homeowners' association solely for the recreational and parking purposes of the owners. In the event of such conveyance by the developer-owner to a homeowners' association, deed restrictions and covenants shall provide, among other things, that the cost of maintenance of those areas shall constitute a pro-rata lien upon the individual townhouse lots. Maintenance of townhouse exteriors, lawns, refuse handling, taxes, lighting, and drainage shall be provided in a similar manner so as to discharge any responsibility from the Town of Windsor;

5. *Varied architectural frontages.* Facades of dwelling units in a townhouse development shall be varied by changed front yards of not less than two feet and variations in materials or design, so that no more than three abutting units will have the same front yard depth or essentially the same architectural treatment of facades and rooflines; and

6. *Utilities.* Any utility entering a unit must do so on the property of that unit.

E. *Design of Single Family and Duplex Residential Development.* In single family or duplex residential developments the facades of dwelling units shall be varied by changed front yards of not less than two feet and/or variations in materials or design, so that no more than three adjacent units will have the same front yard depth or essentially the same architectural treatment of facades and rooflines.

**§ 160-51. Office/Residential O-R.** The intent of the O-R district is to permit a mixture of residential and professional office uses in neighborhoods and other areas that are conducive to those uses.

A. *Permitted Uses.* The following uses are permitted by right in the O-R Office/Residential District:

1. Single-family dwellings, except for manufactured/mobile homes;
2. General business, Professional or Administrative Offices either as a separate entity or in conjunction with residential uses on the property;
3. Places of worship such as churches, temples and synagogues and related structures that may be on adjoining parcels (Sunday school buildings, parsonages, parking lots, etc.);
4. Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreation activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet to any residential lot;
5. Single lot, minor and major subdivisions as defined within this Ordinance following the procedures outlined in Article III; and
6. Public utilities such as normal distribution power lines, telephone lines and pump stations for sanitary sewerage systems that are customary and necessary for community facilities.

B. *Accessory Uses.* Accessory Uses in the Office/Residential District O-R where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized as follows:

1. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (for example, sheds, carports, swimming pools for private residences, etc.);
2. Living quarters in the main structure for persons employed on the premises;
3. Recreational vehicles and travel trailers shall be stored within the minimum yard requirements, be prohibited from occupancy, be properly licensed, be prohibited from being used as an auxiliary structure, be to the rear of the front setback line, and be either behind or to the side of the main residential dwelling unit;
4. Temporary structures for uses incidental to construction work shall be removed upon completion or abandonment of the construction work;

5. Signs as provided for in § 160-58;
6. Parking as provided for in § 160-64;
7. Private parking garages;
8. Shelter for house pets, but not exceeding two shelters, to house not more than one adult pet per shelter plus dependent animals of up to six months of age;
9. Private swimming pools for residences, which shall be regulated as structures;
10. Television and satellite antennas or dishes; and
11. Radio antenna for use for private residents not to exceed fifty-five (55) feet in height and not encroaching upon the setback area for the principal structure on the property will be placed in the rear or side of a property and not in front of the dwelling and will have a distance to all property lines exceeding the maximum height of the antenna.

C. *Conditional Uses in the Office-Residential District (O-R)*. The following Conditional Uses may be applied for utilizing the procedures in § 160-73:

1. Second dwelling or accessory apartment for an immediate family member within the primary structure not to equal more than one third (33.3 percent) of the square footage area of the primary dwelling;
2. Child-care centers and family day-care homes;
3. Group homes for adults;
4. Schools (public and private);
5. Public service or storage buildings;
6. Recreational facilities, such as gymnasiums, indoor or outdoor tennis courts, whether privately owned by a community organization or by a church or other religious affiliated entity which shall not be located closer than 100 feet to any residence;
7. Townhouses or apartments;
8. Private or commercial cemeteries; and
9. Bed and Breakfast facilities.



**§ 160-52. Planned Unit Development District (PUD).** The intent of the Planned Unit Development District is to encourage a mixture of compatible residential, commercial and industrial uses in a unified fashion to create vibrant communities and neighborhoods. Maximum flexibility is encouraged in the planning and implementation stages of such PUD's. Because of the high degree of flexibility, such developments are encouraged to proffer a maximum degree of detail as to the location, type, size and compatibility of the various activities and uses.

*A. Permitted, and Conditional Uses.* The permitted and conditional uses for a Planned Unit Development shall be determined in the proffering process of the rezoning of the property subject to the PUD. This includes lot sizes, location and size of buildings, and setbacks.

Where such items are not addressed within the proffered conditions, such setbacks, lot sizes and other area requirements shall be governed as follows: for business uses the parcel area size and setback requirements for B-1 Business; for residential uses, HDR High Density Residential; and for industrial uses, M-1 Industrial. For PUD's with a residential component, the density of the residential component shall generally be at a maximum number shown in the current Town of Windsor Comprehensive Plan for the area in question. Signs and parking shall be governed by § 160-58 and § 160-64 for the uses being placed on the parcel unless otherwise addressed within the proffered conditions.

*B. Planned Unit Development District (PUD)-Accessory Uses.* Accessory uses not of a customary nature or that are not normally found elsewhere within this Ordinance for a specific primary use will be spelled out within the proffers of the rezoning of the property. Otherwise any other unlisted accessory uses shall be considered implied accessory uses provided that they are normally derived from the primary use in the other Zoning Districts of this Ordinance for a similar zoning district in which the primary use for a property is customarily found or are compatible and necessary to the PUD as a whole.

*C. Pre-Application Meetings Required.* Because of the nature of a PUD, greater care and a greater need for planning such a project is required at the initial stages of such a proposal. Therefore, the applicants are required to meet with the Town Manager, Planning and Zoning Administrator and other qualified officials to review the proposed master plan and original proposal prior to submittal. The purpose of such conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with these or other applicable regulations or to define specific variations from the application of these regulations which are justified and substantially serve the same public services.

In the course of such pre-application conferences, any recommendations for change shall be recorded in writing and shall become part of the case record. All such recommendations shall be supported by stated reasons for the proposed changes. Applicants shall indicate, in writing, their agreement to such recommendations or their

disagreement and their reasons therefore. Response by the applicant shall also become part of the case record.

*D. Information Required for PUD Review and Approval.* The following are some of the things necessary to provide the Town of Windsor with the information necessary to decide whether a PUD may be approved:

1. *General Development Plan (GDP).* A proffered detailed General Development Plan (GDP) showing internal and external streets, walkways, trails, as well as the location of uses, buildings, etc. is required for any such proposed Planned Unit Development. The following information must be provided on each GDP:

- a. Vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000');
- b. Boundary survey including area of the tract related to true meridian or U.S. Geological Survey State grid north;
- c. Total area of the tract;
- d. Proposed streets with proposed names as well as abutting street names, with widths and route numbers;
- e. The proposed traffic circulation pattern including the location and width of all streets, driveways, walkways, entrances to parking areas, and all off-street parking and loading areas;
- f. A concept overview illustrating the location and functional relationship between all proposed land uses;
- g. Owners, zoning districts, and uses of each adjoining tract as well as proposed uses on the subject property;
- h. Topographic map with maximum contour intervals of five (5) feet and a scale of not less than one-hundred (100) feet to the inch;
- i. Flood plain and other environmental features (Resource Protection Areas);
- j. The location and general arrangement of all proposed land uses; the maximum building setbacks from the development boundaries and adjacent streets, roads, alleys and ways as well as roads and lots to be created. If no new parcels are to be created or if some of the principal structures are to be on the same parcel, maximum distances between structures must be provided; and

k. Parking areas showing number of spaces, ingress/egress locations for commercial, industrial, office and residential uses that require multiple parking spaces.

2. *Development design information.* Development Design Information must be provided showing the following features:

a. A plan showing the location and design of all internal and boundary landscaping and screening with a justification as to its adequacy given the proposed uses and adjoining properties;

b. A plan or statement detailing the exact number of improved, developed and recreational open space, and all covenants, restrictions and conditions pertaining to the use, maintenance and operation of common space areas, and the percentage of the tract to be used as open space;

c. For a PUD with a residential component or variety of residential types, a statement of the anticipated residential density and the total number of dwelling units, and the percentage of the property which is to be occupied by the type of residential structures. The proposed PUD must not exceed the unit density requirements or proposed usage set forth in the current Windsor Comprehensive Plan for the subject area;

d. Architectural sketches of typical proposed structures must be presented and proffered as the general architectural style(s) of the given component of the PUD;

e. A proffered statement to indicate that such lighting and signs shall be compatible with the architectural design of the overall project and not inordinately intrude upon adjoining properties. Such projects are subject to the Town's siteplan process and a proffered statement of compliance may be acceptable in lieu of the formal information; and

f. The maximum and minimum total floor areas for all proposed commercial and industrial structures must be proffered

3. *Phased development.* When the development is to be constructed in phases, a phasing plan and schedule shall be provided showing the order of development for each phase and the approximate completion date. A cost estimate for all on-site and off-site public improvements within each phase shall be submitted with the site plan for that phase.

4. *Improvements.* A plan or report indicating the extent, timing and estimated cost of all on-site and off-site improvements such as roads, water, sanitary sewer, and drainage facilities necessary to construct the proposed development. Said

plan or report shall correspond to the sequence of development schedule if the development is to be constructed in phases.

5. *Comprehensive plan.* A statement showing the relationship and conformity of the planned unit development with the Town of Windsor Comprehensive Plan.

6. *Traffic impact analysis.* The approved Traffic Impact Analysis (TIA) with final comments from the Virginia Department of Transportation. Proffered conditions must show how the impacts of the proposed project are being addressed.

7. *Preliminary landscape plan.* All Planned Unit Developments shall include a proffered general minimum preliminary landscape plan which shall be prepared by a landscape architect or someone thoroughly familiar with landscape materials and design and using the Town of Windsor's approved list of trees and shrubs. Said plan shall include and show, among other things:

a. Existing trees on the site, or where there are groups of trees, said stands may be outlined. However, all trees in excess of twenty (20) inches diameter, measured at four and one-half (4-1/2) feet above the ground must be shown as individual specimens;

b. All trees to be removed;

c. All trees and/or groups of trees to be preserved, and, in the event of cut or fill, excavation, or the laying of the utility lines in proximity to trees that are to be preserved, the method of preservation shall be shown. Said methods of preservation shall be consistent with accepted landscape industry practice; and

d. General number, types of trees and plants and where possible, the species given, size at planting and such other information as may be required by the administrator.

E. *Buffering.* All PUD's will be subject to the following buffering requirements:

1. *Perimeter.* Landscaping as required in the Windsor Commercial Corridor (§ 160-66(E)(3) ) shall be utilized as the minimum requirements for this district. The number and locations of proposed shrubs and trees that are to be added to the site based upon the Windsor Commercial Corridor landscaping requirements may be varied if approved as a proffered condition of the rezoning if it can be justified that site conditions such as existing trees and shrubs, topography and sight lines permit the variation. The amount of buffering can also be lessened by the use of decorative solid wooden or masonry fencing/walls or a combination of fencing/walls and lesser vegetation buffer provided it can be shown that the alternative solution provides the equivalent effect for the uses being buffered;

2. *Internal.* A buffer of 10 feet of vegetative materials shall be maintained internally within the PUD at distances, depending upon approved trees and shrubs that are being utilized in individual situations or in clusters that may vary between 15 foot or 25 foot linear increments, around the perimeter of where residential, commercial, and industrial uses meet or intersect. See item 1 above for alternatives to minimum buffering areas;

3. *Contingency.* If proffered and agreed to as a part of the rezoning process, the required buffers may be reduced as spelled out within the proffers. Proffered conditions showing alternate means of providing equivalency to the otherwise required buffers in items A and B above and a finding by the Planning Commission and approved by Town Council of Windsor showing that the proffer provides equivalency for the buffer and/or that based on topography or other natural features that the buffer is not required or is reduced to a lesser degree;

4. *Chesapeake Bay Act.* Provisions of the Chesapeake Bay Act (Resource Protection Areas) may not be reduced except as prescribed within the provisions of the Bay Act guidelines; and

5. *Minimum required plantings.* The applicant shall submit and proffer to utilize a list of the minimum required plantings to be installed and maintained on the site utilizing § 160-66C(3) and any subsequent plantings guide adopted by the Town of Windsor.

**§ 160-53. A-1 Agricultural District.** There are within the Town of Windsor certain lands used for farming and/or the raising of certain types of livestock; and since land is kept from urban development by these uses; and since the conservation of such land as open rural area is deemed desirable and needed, this district is established to identify these lands and to distinguish them from urbanized single-family residential districts. The district is established to separate distinctly different uses so as to promote the general health, safety, and welfare of both the occupants of this district and of other districts within the Town of Windsor.

*A. Permitted Uses in the A-1 Agricultural District.* The following are permitted uses in the A-1 Agricultural District:

1. General farming, agriculture, dairying and forestry;
2. The raising of cattle, sheep, and other domesticated livestock including non-indigenous livestock such as alpaca and llamas but does not include intensive farms as defined under the Code of Virginia;
3. Conservation areas;
4. Public parks, playgrounds and athletic fields;

5. Commercial horse stables;
6. On-site commercial operations for agricultural and forestry product sales and services;
7. Temporary sawmills not to remain on a property that is being timbered for more than two weeks;
8. Temporary seasonal stands for the selling of farm produce raised on the premises;
9. Single lot and minor subdivisions; and
10. Bee-keeping, provided all hives are secured within fenced back-yard areas and shall be no closer than fifty (50) feet from any adjoining property line. An appropriately sized water source shall be provided for the hive(s).

B. *Accessory Uses in the A-1 Agricultural District.* Where a lot is devoted to a permitted principal use or adjacent to and associated with a permitted principal use, the following customary accessory uses and structures are authorized:

1. Single family detached dwellings;
2. Manufactured homes, provided they are placed on a permanent footing that meets the requirements of the building code. In addition to any Building Code requirements, a manufactured home must have continuous masonry foundation walls that are unpierced except for required access and ventilation; said foundation must be installed prior to occupancy;
3. Home occupations;
4. Living quarters in the main structure of persons employed on the premises;
5. Recreational vehicles and travel trailers stored within the minimum yard requirements, prohibited from occupancy, properly licensed, prohibited from being used as an auxiliary structure, located to the rear of the front setback line, and either behind or to the side of the main residential dwelling unit;
6. Temporary structures for uses incidental to construction work shall be removed upon completion or abandonment of the construction work;
7. Signs as provided for in § 160-58;
8. Parking as provided for in § 160-64;

9. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (in example barns, stables, carports, swimming pools which are regulated as structures for private residences, etc.);

10. Shelters for up to four dogs or dependent animals of up to six months of age; and

11. Television satellite antennas or dishes.

12. Radio antenna for use for private residents not to exceed fifty-five (55) feet in height and not encroaching upon the setback area for the principal structure on the property will be placed in the rear or side of a property and not in front of the dwelling and will have a distance to all property lines exceeding the maximum height of the antenna.

C. *Conditional Uses in the Agricultural District (A-1)*. The following Conditional Uses may be applied for utilizing the procedures in § 160-73:

1. Second dwelling or accessory apartment for an immediate family member within the primary residential structure not to equal more than one third (33.3 percent) of the square footage area of the primary dwelling;

2. Child-care centers and family day-care homes;

3. Group homes for adults;

4. Schools (public and private);

5. Public service or storage buildings;

6. Recreational facilities, such as gymnasiums, indoor or outdoor tennis courts, whether privately owned by a community organization or by a church or other religious affiliated entity not located closer than 100 feet to any residence;

7. Private or commercial cemeteries;

8. Bed and Breakfast facilities;

9. Public utility structures such as water towers, sewage treatment plants, etc. that exceed the needs for such a utility for the immediate neighborhood or community;

10. Kennels exceeding five (5) dogs of over three (3) months of age;

11. Animal shelters, veterinary hospitals;

12. Swine and/or poultry raising and/or processing;

13. Sawmilling of timber and accessory shipping facilities;
14. Vehicular or animal racing facilities;
15. Borrow pits and resource extraction;
16. Sanitary and industrial landfills;
17. Transfer stations and recycling stations;
18. Livestock sales facilities;
19. Open air markets and stands for farm, horticulture, craft, and produce sales;
20. Lodges, social clubs, hunting clubs;
21. A guest dwelling on parcels exceeding ten (10) acres in area; and
22. Athletic fields, golf courses and golf driving ranges or similar facilities for other sports and recreational activities.

**§ 160-54. Public District P.** The public district is for the purpose of providing appropriate locations for public facilities such as offices and schools. Because of the need to sometimes permit such facilities in residential areas, great care should be exercised in determining the appropriate location of such Public Districts.

A. *Permitted Uses.* Within the Public District P, the following uses are permitted:

1. Local, regional, state and federal offices, office buildings, storage facilities including, but not limited to, military and naval recruiting centers and National Guard armories;
2. Public schools including administration and storage;
3. Vehicle repair and storage facilities if on the same property where a school or other facility is in operation;
4. Park and ride facilities;
5. Public libraries;
6. Public service and storage buildings;
7. Railroad train stations, bus, and taxi stands;



8. Museums;
9. Public recreation areas, athletic fields, stadiums, and arenas; and
10. Publicly owned areas and grounds for outdoor events such as circuses, carnivals, fairs, and sideshows.

B. *Accessory Uses in the Public District P.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are hereby authorized as follows:

1. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (in example, sheds, maintenance buildings, etc.);
2. Signs as provided for in § 160-58;
3. Parking as provided for in § 160-64; and
4. Satellite television antennas or dishes and radio dispatching antennas of under 55 feet in height which shall be placed so as not to encroach upon the setback area for the principal structure on the property; and be placed in the rear or side of a property and not in front of the primary structure; and shall have a distance to all property lines exceeding the maximum height of the antenna.

C. *Conditional Uses in the Public District P.* The following Conditional Uses may be applied for utilizing the procedures in § 160-73:

1. Communications facilities;
2. Publicly owned television and radio transmitting antennas (if over 55 feet in height and not exempt from local regulations under State and Federal law);
3. Publicly owned recreational vehicle parks; and
4. Facilities such as local, state or federal facilities for the incarceration of criminals or those charged with crimes, such as jails or prisons.

**§ 160-55. General Business B-1.** This district covers that portion of the Town intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants, taverns, garages, and service stations.

A. *Permitted Uses.* Within the General Business District B-1, the following uses are permitted:

1. Individual freestanding retail and wholesale providers (such as apparel, shoe stores, department stores, grocery stores, variety stores, specialty shops (retail), and appliance stores of under 10,000 square feet, and which are not a part of a shopping center;
2. Shopping centers of not more than 10,000 square feet of retail area;
3. Restaurants, taverns, and soda fountains;
4. Business, professional and governmental offices including banks, loan and finance offices, police, fire, and rescue squad stations, post offices of under 10,000 square feet of usable office space, not including an office park;
5. Barber shops, beauty salons, nail salons and similar shops;
6. Laundries and dry-cleaning shops;
7. Movie and cultural art theaters, (not to include adult entertainment establishments), assembly halls, playhouses, dinner theaters of under 10,000 square feet;
8. Lumber/building materials/hardware store of under 10,000 square feet of retail sales area;
9. Pawn shops;
10. Contractors office for construction, electrical, plumbing, heating, provided all equipment and vehicles shall be completely enclosed either within a building or storage yard such that it not visible to the public;
11. Appliance, bicycle sales and repair, or any other similar shop, provided that business shall be conducted within a completely enclosed building;
12. Donut shops and bakeries;
13. Hotels, motels and bed-and-breakfast houses of less than 10,000 square feet of rentable area;
14. Churches, other places of worship, and related church schools;
15. Schools such as business or commercial schools, trade schools, public schools and colleges and private schools and colleges having similar academic curriculum;
16. Public libraries;

17. Personal fitness establishments and gymnasiums;
18. Hospitals;
19. Funeral homes and/or mortuaries (including crematorium that are accessory to the facility);
20. Automobile service stations for the dispensing of fuel;
21. Repair garages for vehicles (all repairs and storage of vehicles being repaired must be completely enclosed or screened from the public's view);
22. Clubs and lodges;
23. Automobile sales, (all repairs and storage of cars being repaired that are or will be for sale must be completely enclosed or screened from the public's view);
24. Public utility transmission systems;
25. Public service and storage buildings;
26. Child-care centers;
27. Newspaper office including publication presses and other production equipment;
28. Railroad train stations, bus terminals and taxi stands;
29. Radio and television broadcasting studios, not to include transmission towers of over 55 feet in height;
30. Wholesale and retail greenhouses and plant nurseries;
31. Parking garages and parking lots;
32. Mini storage warehouses (must be at least 50 feet from any residence);
33. Recording studios, dance studios, and other music-related instructional facilities;
34. Museums; and
35. Massage therapy practitioners, offices and clinics licensed in physiotherapy by the Commonwealth of Virginia.

B. *Accessory Uses in the General Business District B-1.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are hereby authorized as follows:

1. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (for example, sheds);
2. Signs as described in § 160-58;
3. Parking as described in § 160-64;
4. Living quarters for persons employed on the premises; and
5. Satellite television antennas or dishes and radio dispatching antennas of under 55 feet in height which shall be placed so as not to encroach upon the setback area for the principal structure on the property; and be placed in the rear or side of a property and not in front of the primary structure; and shall have a distance to all property lines exceeding the maximum height of the antenna.

C. *Conditional Uses in the General Business District B-1.* The following Conditional Uses may be applied by utilizing the procedures in § 160-73:

1. Wholesale and processing, provided that the uses are not objectionable because of dust, noise or odors. Storage or warehousing must be a minimum of 50 feet from any residential structure;
2. Public billiard parlors and poolrooms, bowling alleys, dance halls, amusement centers, massage parlors, adult bookstores and adult entertainment establishments, and similar forms of public amusement. All such activities must not be within two hundred fifty (250) feet of any residential structure;
3. Communications facilities;
4. Television and radio transmitting antennas (if otherwise under 55 feet in height);
5. Athletic fields, stadiums, and arenas;
6. Areas and grounds for outdoor events such as circuses, carnivals, fairs, and sideshows;
7. Drive-in theaters;
8. Recreational vehicle parks;
9. Apartments in existing structures;

10. Kennels and animal hospitals, provided such use is at least 200 feet from any adjoining residential lot;
11. Bowling alleys, skating rinks, miniature golf courses, or similar recreational use of facility if located at least 200 feet from any residential lot;
12. Single or multifamily dwellings with lot and permit requirements being the same as those in the HDR District;
13. Lumber and building supply, plumbing and electrical supply (all with storage under cover or concealed from public view) wholesale or retail sales;
14. Automobile painting, upholstering, rebuilding, reconditioning, and body and fender works;
15. Individual freestanding retail and wholesale providers (such as apparel, shoe stores, department stores, grocery stores, variety stores, specialty shops (retail), and appliance stores of over 10,000 square feet, which are not a part of a shopping center;
16. Shopping centers;
17. Business, professional and governmental offices including banks, loan and finance offices, police, fire, and rescue squad stations, post offices of over 10,000 square feet of usable office space, to include a combination of buildings in a unified office park;
18. Movie and cultural art theaters, (not to include adult theaters), assembly halls, playhouses, dinner theaters of over 10,000 square feet; and
19. Hotels, motels and bed-and-breakfast houses of over 10,000 square of rentable area.
20. Truck stop(s).

**§ 160-56. Restricted Business District B-2.** The intent of the Restricted Business District B-2 is to provide the same land use opportunities as those in the General Business District B-1 while preserving the residential flavor of residential neighborhoods that are in transition to business usage. All open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property or to the neighborhood in general.

*A. Permitted, Conditional and Accessory Uses.* All those permitted, conditional and accessory uses in the General Business District B-1 are permitted in the Restricted Business District B-2.

B. *Area Regulations.* All area restrictions for buildings for the Residential District R-1 apply to the Restricted Business District B-2.

C. *Signage and Parking.* All applicable regulations regarding signage §160-58 and parking in §160-64 as they apply to the General Business District B-1 apply to the Restricted Business District B-2.

**§ 160-57. General Industrial M-1.** The primary purpose of this district is to establish an area where the primary use of land is for industrial uses. These uses may create some noise, dust or other nuisances and may not be compatible with residential, institutional, and commercial service establishments.

A. *Goals of the District.* The specific goals of this district are to:

1. Encourage the construction of and the continued use of land for industrial purposes;
2. Prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial-type uses in the district;
3. Permit new uses where appropriate under the provisions of this chapter; and
4. Encourage the development of industrial parks and other employment creation centers.

B. *Permitted Uses and Accessory Uses.* Within the General Industrial District M-1 the following permitted and accessory uses are allowed:

1. Assembly of the following products:
  - a. Medical and dental equipment;
  - b. Musical instruments;
  - c. Boats;
  - d. Communications equipment and instruments;
  - e. Component parts for automobile, aircraft or spacecraft;
  - f. Clocks and watches;
  - g. Electronic instruments and metering equipment;
  - h. Drafting equipment;

- i. Electrical appliances and computers;
  - j. Photographic equipment;
  - k. Toys and games;
  - l. Heating, ventilating and air conditioning equipment;
  - m. Apparel including clothing, hosiery, fabrics, shoes and leather products;
  - n. Household fabrics such as carpets, mattresses, pillows, blankets, curtains, towels and similar items; and
  - o. Wood products such as furniture, cabinets, and baskets.
2. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacturing;
  3. Blacksmith shop, welding or machine shop;
  4. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint, provided the above does not utilize a boiling process;
  5. Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, perfumed toilet soap, toiletries, and food products;
  6. Manufacture of pottery and figurines or other similar ceramic products, the processing of previously pulverized clay, and kilns fired only by electricity or gas;
  7. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
  8. Building material sales yards, plumbing supplies storage;
  9. Coal and wood yards, lumber yards, feed and seed stores;
  10. Contractor's equipment yards, plants, or rental of equipment commonly used by contractors. Said equipment may only be stored or parked on M-1 zoned land;

11. Cabinets, furniture and upholstery shops;
12. Boat building;
13. Monument and architectural stone works;
14. Wholesale businesses, storage warehouses including mini-storage;
15. Sawmills and planing mills;
16. Factory outlets for goods and products manufactured or assembled onsite or by the manufacturer;
17. Bottling plants for beverages and other liquids but not a distillery;
18. Furniture refinishing;
19. Grain or other agricultural products drying and storage operations;
20. Coal or grain elevator;
21. Lumberyard;
22. Lumber/building materials/hardware store;
23. Welding and soldering shops;
24. Truck and freight terminals;
25. Off-street parking as required by §160-64;
26. Public service or storage buildings;
27. Public utilities;
28. Public utility transmission systems;
29. Signs as provided for in §160-58;
30. Office, general, business, professional or administrative;
31. Restaurant or cafeteria located on the premises of industrial facilities or associated with the industry(ies);
32. Tire sales and servicing;



33. Concrete batching plants;
34. Radio dispatching antennas of up to 55 feet in height;
35. Milling of flour, feed or grain;
36. Factory retail outlets for products produced on the site or by the industry;
37. Public or private recycling collection/storage centers; and
38. Accessory buildings or uses that are incidental to permitted or other accessory uses on the property (for example, sheds, etc.)

C. *Conditional Uses.* In the General Industrial District M-1, conditional use permits may be granted for one or more of the following uses:

1. Manufacture of the following:
  - a. Aluminum extrusion, rolling and fabrication;
  - b. Automobile, motorcycle, bus or truck;
  - c. Paper products including corrugated boxes and bags;
  - d. Plumbing supplies;
  - e. Structural iron or steel;
  - f. Tobacco products;
  - g. Wall board, plaster, building insulation and similar construction materials;
  - h. Railroad cars (includes repair);
  - i. Oils, shortening or edible fats;
  - j. Cosmetics, toiletries, drugs and pharmaceuticals;
  - k. Asphalt;
  - l. Fertilizer; and
  - m. Insecticides, fungicides, disinfectants or similar products.
2. Truck and/or freight terminals;

3. Truck-stop(s);
3. Sand, gravel, brick manufacturing and storage operations;
4. Communications facilities;
5. Radio and television transmission facilities and/or studios;
6. Mining operations;
7. Petroleum storage;
8. Junkyards and automobile graveyards;
9. Laboratories, pharmaceutical and/or medical;
10. Manufacture, compounding, processing and packaging of drugs and pharmaceuticals;
11. Forge plants, pneumatic drop and forging hammering;
12. Above ground storage tanks of inflammables of greater than 80,000 gallons;
13. Power generation plant;
14. Stockyards, livestock auction facility or holding pens; and
15. Lumber/building materials/hardware store of over 10,000 square feet of sales area.

**§ 160-58. Signs.** The purpose of sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of the Town of Windsor. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

*A. General Requirements.* No outdoor advertising, sign, or structure shall be erected without a sign permit. Failure to adhere to the requirements of this chapter automatically cancels such permit and said advertising sign or structure shall be removed forthwith.

*B. Administration- Miscellaneous.* The following are general miscellaneous items in the administration of this Ordinance regarding signs:

1. *Double-faced sign area.* For the purpose of computing sign area only one side of a "V-type" or double-faced sign shall be considered;
2. *Uniform Statewide Building Code.* All signs, whether permanent or temporary, shall comply with the applicable requirements of the Uniform Statewide Building Code;
3. *Relocation.* A new sign permit shall be required whenever any sign is relocated;
4. *Offensive lighted signs.* The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision or operations of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures, including motels or hotels. No exposed reflective-type bulbs or incandescent lamps may be used on the exterior surface of any sign in such a manner that will cause offensive glare on adjacent property or create a traffic hazard;
5. *Legal non-conforming signs.* All signs, except portable signs and temporary signs, in existence at the time of the passage of this chapter, which do not conform to this chapter and were a nonconforming use under previous land use ordinances, shall be classified as nonconforming, but may be continued, provided they are properly maintained during the life of such advertisement or advertising structure;
6. *Required landscaping.* There shall be a minimum of 75 square feet of landscaped material around any freestanding sign. All such landscaping shall be maintained in good condition at all times by the permittee, owner, lessor or occupant of the premises upon which such sign is located. A landscape plan shall be submitted with required sign plans for approval by the Zoning Administrator;
7. *Projection and height of signs.* A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project beyond the established setback line. The bottom of a sign, the area of which extends six square feet erected flat against a wall, shall not be less than eight feet above the sidewalk, alley or parking area. The bottom of a sign projecting from a walkway covering shall not be less than 10 feet above a walkway or parking area, nor less than 14 feet above an alley; and
8. *Highway signs.* All signs coming within the jurisdiction of state and federal laws along interstate highways and federal-aid primary highway systems shall conform to said laws in lieu of any other sign regulations in this chapter.

C. *Exempt Permitted Signs in All Districts.* The following signs are allowed in all districts and shall be exempt from sign permit requirements except as noted in this section:

1. *Official notices.* Official notices or signs posted or displayed by or under the direction of any public or court officer in the performance of his or her official or directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments, shall not exceed an area of eight square feet, shall not be illuminated and shall contain no advertising matter, other than that which may be required by law;

2. *Event signs.* Informational signs of a public or quasi-public nature identifying or locating civic, educational or cultural purposes, and signs drawing attention to public parking lots, restrooms, or to other public convenience relating to such places or activities shall not exceed an area of six square feet, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than five feet from the fronting highway;

3. *Real estate signs.* Real estate signs advertising sale, rental, or lease of the land or building upon which signs are located, provided that:

a. In residential districts, such signs shall not be in excess of four square feet in area, and no more than one such sign on any single lot;

b. In business districts, such signs shall not be in excess of 32 square feet in area, and no more than one such sign on any single lot;

c. In industrial and agricultural districts, such signs shall not be in excess of 90 square feet in area, and no more than one such sign on any single lot; and

d. Directional real estate signs in all districts that are no greater than one square foot in area.

4. *Real estate sale signs for subdivisions.* One sign for each subdivision relating to the sale of property within said subdivision, provided that such sign shall be within said subdivision, shall not exceed 30 square feet in area, shall not be illuminated, shall be maintained at the subdivider's expense, and shall be removed by the subdivider when ninety (90) percent of the lots in said subdivision are sold;

5. *Auctions.* Special one-time auctions of real or personal property in estate or bankruptcy sales. Such signage shall be no larger than ten (10) square feet and shall be removed within one week (7 days) from the date of the auction;

6. *Directional signs.* Directional signs for public buildings, churches and other religious institutions, parks and playgrounds, provided that such signs shall not exceed four square feet in area;
7. *Professional name plates.* Professional name plates not exceeding two square feet in area and not illuminated;
8. *Public or semipublic facilities.* On the premises of public or semipublic facilities, one sign or bulletin board, not exceeding ten (10) square feet in area, indicating the name of the institution or civic association;
9. *Construction signs.* Signs located on the premises relating to active construction projects, not exceeding fifty (50) square feet in area;
10. *Memorial signs.* Memorial signs or tablets, including names of buildings and date of erection, when cut into masonry, bronze, or other materials;
11. *Public signs.* Traffic or other public signs or notices posted or erected by or at the direction of a governmental agency;
12. *Residential use signs.* Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates, and other similar usage not exceeding eight square feet in area and not for a business on the property;
13. *Political advertisements.* Temporary signs and displays, for political advertisements, provided they are removed within fourteen (14) days after the political event;
14. *Residential directional signs.* Directional signs in residential neighborhoods for parks and playgrounds and other permitted nonresidential uses in residential neighborhoods, not to exceed four square feet in area, within 600 feet of the use, and not illuminated;
15. *Temporary signs, displays or banners.* Temporary signs, displays or banners not exceeding 32 square feet in area advertising a special civic or cultural event such as a fair, exposition, play, concert, or meeting, sponsored by a governmental, civic, religious or charitable organization; and
16. *Special decorative displays.* Special decorative displays used for holidays, public demonstrations, or promotions for nonpartisan civic purposes.

D. *Permitted Signs.* The following signs are allowed in all districts subject to the acquisition of the requisite sign permit(s):

1. *Subdivision sign.* A subdivision identification sign shall be placed at the main entrance or at any approved entrance to a subdivision, provided that such sign shall not exceed 100 square feet in area, be of a monument type of design as described in § 160-12. “Monument Signs” which may be illuminated shall be so designed as to be in the public interest and shall make no reference to the sale or lease of the lots or houses located within said subdivision;

2. *Temporary signs.* Temporary signs and displays are permitted under the following provisions:

a. The Zoning Administrator, upon application, shall issue temporary permits for the following signs and displays when the requirements of this Ordinance are met. A temporary sign permit can be issued for a period not to exceed 60 days, with up to two such time period cycles being allowed under one permit per twelve month period. Longer periods may be given for a permit by the Zoning Administrator if it can be shown that the temporary sign is for a seasonal event or an economic reason that causes the sign to have to remain in place for a longer period. When a second or more temporary sign cycle is permitted under a Temporary Sign Permit, if the cycles are to be consecutive, the previous sign must be removed for a period of at least fifteen days before the next sign permit cycle can be instituted. The second time period cycle should be generally noted on the permit and may be consecutive or for different times within the year. There is nothing implied in this Ordinance that prevents the issuance of other temporary sign permits later within the year to the same applicant provided the subsequent permit otherwise meets the requirements of this Ordinance.

b. There shall be no more than two flag type signs or free-standing banners per business for every 75 feet or street frontage that the business has upon a given street.

3. *Signs related to Conditional Uses.* Signs for conditional uses are as follows:

a. *Residential districts.* Except in cases where an explicit condition of a conditional use permit applies within any residential district, wall and free standings sign relating to buildings and uses permitted conditionally shall not exceed 20 square feet of aggregate area; shall indicate nothing other than the activity engaged in, the name of the owner, firm, organization, or agency, and the hours of activity; shall be limited to two signs for each use; and may be indirectly illuminated at the discretion of the Town Council;

b. *Business and industrial districts.* Except in cases where an explicit condition of a conditional use permit applies within a business or industrial district and either exceeds or limits the following; signs relating

to buildings and uses permitted conditionally shall be governed by the sign regulations for permitted signs within that district; and

*c. Directional signs related to Conditional Use.* Within any residential district, directional signs for uses and buildings permitted conditionally are permitted as conditional uses, provided that they shall not exceed four square feet in area; shall be within one mile of the use; and shall not be illuminated.

*E. Permitted Signs in Residential Districts (R-1, MHP, LDR, OR).* The following signs are permitted in the aforementioned residential districts pursuant to the acquisition of the requisite sign permit(s):

1. *Multi-family or similar units.* Where multifamily dwellings are a permitted use, one sign for identifying multifamily dwellings of more than six units, provided that such sign shall be located only on the premises of the multifamily dwellings, shall not exceed nine square feet in area, shall indicate nothing other than the name and/or address of the premises and the name of the management, and shall be illuminated only by indirect illumination; and

2. *Signs for legal home occupations.* No more than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the residence.

*F. Calculation of Total Permitted Accessory Wall or Projecting Signage for Business And Industrial Uses.* The following shall be used in calculating the total area for all signs for a business or industrial use (excluding freestanding signs and directional signs) in the B-1, B-2, P, M-1 and O-R Districts:

1. *One story building.* A business may have for a total area of all signs facing a street, alley, or parking area, total signage that shall not exceed two square feet for each lineal foot of street frontage under the control of the business facing such street(s), alley, or parking area. For buildings with more than one business the used or leased area by a business of the building shall determine the size of the sign based on the above calculation;

2. *Signs for first-floor businesses in multistory buildings.* The total area of all signs facing a street, alley, or parking area shall not exceed two square feet for each lineal foot of building width facing such street, alley, or parking area; provided that no portion of the sign shall be more than 20 feet above the ground. For buildings with more than one business, the used or leased area by a business of the building shall determine the size of the permitted signage based on the aforementioned calculation;

3. *Signs for businesses in upper stories of multistory buildings.* The total area of all signs facing a street, alley, or parking area on any wall above the twenty-foot

height shall not exceed 40 square feet or 1/4 of the area of that wall above such twenty-foot height, whichever is greater; and

4. *Signs in multistory buildings, single business.* Where entire buildings over one story in height are occupied by one business, a total sign area of 100 square feet facing any street, alley, or parking areas, or of 1/4 of the wall area facing such street, alley, or parking area, whichever is greater, may be substituted for the allowable wall sign areas specified in §160-58(F)(3), and in such case, the wall sign may be located without regard to the twenty-foot height provisions contained in this Ordinance.

G. *Freestanding Accessory Signs for Businesses not in a Shopping Center.* In combination with the amount of permitted wall and projecting signage in § 160-58(F), a business or industrial company may have one (1) accessory freestanding sign on the premises of the business or industry. A business in a shopping center where the business is physically connected via common walls is prohibited from having an individual free-standing sign for their business. For a freestanding business or industry, the calculation found in § 160-58(F) shall be used to determine the total signage for the site. The business or industry can determine how much of the sign area to allocate to free-standing accessory signs. However, such free-standing accessory signs shall not exceed one hundred (100) square feet. Freestanding signs shall not be erected more than 12 feet above grade, nor shall be less than five feet from the front property line. (See § 160-58(K) for Conditional Use Permits for signs that would exceed this height). Such permitted signs may be directly or indirectly illuminated. If illuminated, all such lighting shall be placed so that traffic and other adjacent properties shall be shielded from glare from direct illumination from the lighting.

H. *Shopping Center Identification Signs.* One freestanding identification sign for shopping centers consisting of three or more separate businesses and having a continuous street frontage of at least 200 feet shall be permitted, and the area of such signs shall not be included in the total area of signs otherwise permitted in this article for the separate businesses. The total area of such identification signs for any shopping center shall not exceed one square foot for each two lineal feet of street frontage, nor shall the total area of such signs facing any street, alley or parking area exceed 150 square feet. All freestanding signs permitted by this subsection shall have a maximum height limit of 15 feet and shall have a minimum setback of 10 feet from any public right-of-way. Such permitted signs may be directly or indirectly illuminated. If illuminated, all such lighting shall be placed so that traffic and other adjacent properties shall be shielded from glare caused by direct illumination from the lighting.

I. *Sandwich Board Signs.* Sandwich board type signs placed outside of a Virginia Department of Transportation right of way and in such a manner as not to impede the view of vehicular traffic or impede or otherwise block pedestrians on sidewalks. Such signs shall be mobile and daily placed inside the business at the close of the business hours.



J. *Directional Signs in Business and Industrial Districts.* Directional signs limited in area to four square feet, giving directions to the public for businesses/industries on the sides or rear of properties, parking, loading areas or drive through facilities shall be allowed. No more than one such sign per entrance is permitted per business. If illuminated, all such lighting shall be placed so that traffic and other adjacent properties shall be shielded from glare caused by direct illumination from the lighting.

K. *Signs as Conditional Uses.* The following signs may be permitted as conditional uses using the procedure in § 160-73:

1. *Signs exceeding height requirements.* Any sign that exceeds the height requirements established in previous sections shall only be allowed by a conditional use permit under special circumstances. The applicant must demonstrate that the height of a sign conforming to the height requirements of the Ordinance could not be seen by the public without the additional height and that such sign will not create a safety concern for adjoining and nearby properties by physical presence or illumination. Signs granted this conditional use permit shall not be erected more than 100 feet above grade;
2. *Portable signs.* Portable signs may only be used as a permanent free-standing sign by conditional use permit. Only one such portable sign may be utilized for a business or industrial use on a property;
3. *Electronic message signs.* Electronic signs that carry advertising and other messages such as the time, date and weather in a flashing, changing or intermittent manner may only be used with a conditional use permit; and
4. *Off-site signs.* Off-site signs of a directional nature may be permitted by a conditional use permit provided it can be shown that the sign is necessary to the business requesting the sign.

K. *Prohibited Signs.* The following signs are prohibited in all districts:

1. *Roof signs.* No sign which is not an integral part of the building design shall be fastened or supported by or on the roof of a building, and no projecting sign shall extend over or above the roofline or parapet wall of a building;
2. *Views at intersections.* No sign or sign structure shall be located in such a manner as to materially impede the view of any road intersection, or in such a manner as to materially impede the view of the intersection of a road with a railroad grade crossing, or be located as to impede the safe flow of traffic;
3. *Building obstructions.* No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape;

4. *Certain painted signs.* Any sign erected or painted upon a fence, tree, fire escape, or utility pole is not permitted;
5. *Copy of official signs.* Any sign which uses the words "Stop" or "Danger" prominently displayed which is a copy or imitation of official traffic control signs is not allowed;
6. *Flashing signs.* Signs which contain flashing lights or intermittent illumination of lights are not permitted;
7. *Mobile signs.* Any sign which is mobile and designed to distract the attention of passing motorists on any highways by means of appearance, noises, movable objects or flashing lights is not permitted;
8. *General advertising, non-accessory signs or billboards.* Non-accessory signs or billboards of 100 square feet or larger are not permitted;
9. *Miscellaneous signs.* The following differentiates between signs that that are either permitted or not permitted:
  - a. The following are not permitted, except as otherwise provided in this chapter: permanent display of signs designed for temporary use such as pennants, banners, festoons, streamers, and all other fluttering, spinning or similar type signs and advertising devices.
  - b. The following are permitted: national flags and flags of a political subdivision of the United States; flags of bona fide civic, charitable, fraternal, or welfare organizations, during nationally recognized holiday periods, or during a special civic event; and
10. *Off-site signs.* Off-site signs are not permissible except as a conditional use permit as described in §160-72.

L. *Maintenance and Removal of Signs.* The following shall be utilized for sign maintenance and removal:

1. *Repair.* All signs and sign structures shall be installed in a professional manner to insure public safety and kept in repair, as well as in a proper state of preservation. All signs must adhere to the appropriate provisions of the Uniform Statewide Building Code when applicable.
2. *Disrepair.* Signs which are no longer functional, or are abandoned, shall be repaired, removed or relocated at the owner's expense in compliance with the provisions of this chapter within 30 days following the sign becoming too damaged to be utilized or abandoned.

**§ 160-59. Lots and Yards.** No new residential lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this chapter be altered, nor shall any building or structure, whether new or existing, be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this chapter are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two feet. No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this chapter, shall be reduced in size so that lot width or size of yards or lot area or any other requirement of this chapter is not maintained, except as otherwise specified in Article III.

A. *Double Frontage Lots.* Both areas of an interior double-frontage lot which front on a street are subject to the minimum front setback requirements, as required in § 160-60 hereinafter.

B. *Corner Lots.* The following provisions shall govern the yard dimensions for corner lots:

1. Of the two sides of a corner lot, the front shall be deemed the shorter of the two sides fronting on streets;
2. The side yard on the side facing the side street shall be 65 feet from the center of the street adjacent to the side yard; and
3. For lots established after January 1, 1984, the minimum side yard requirements for corner lots on the side of the yard facing the street shall not be less than the minimum front yard requirements for adjoining lots on the same street.

C. *Space Provisions.* No part of yard or other open space or any part of the off-street parking or loading space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of the yard or other open space or off-street parking or loading space required for another building.

D. *Orientation of Primary Structure to Street.* No building shall be erected on a lot that does not abut on a public street for at least 25 feet. Furthermore, primary structures shall be positioned or oriented square to the street frontage serving the structure such that the primary entrance of the main structure is oriented to the same street frontage. For lots with an irregular shape, main structures shall be placed as approved by the Zoning Administrator in conformance with this chapter as is practically feasible. Accessory structures shall be placed square to the main structure as is practically feasible; however, doors may be placed as needed to serve the purpose of the accessory structure.

E. *Modification of Yard Requirements.* Yard requirements may be modified at the time of approval of a Zoning Permit to provide that:

1. An unenclosed porch may project into a required front yard for a distance not exceeding 10 feet;
2. A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements, provided no structure is closer than five feet to the property line, and provided that no patio or open court area may be located in the front yard of a lot without adequate visual screening; and
3. Minimum setback requirements of the chapter for yards facing streets may not necessarily apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lots. This section shall apply only to primary or main structures and shall not be used to reduce the required setback of any accessory or auxiliary buildings.

**§ 160-60. Area and Density Regulations.**

*A. Chart of Area and Density Regulations*

**R-1 Residential District**

Minimum lot area	15,000 square feet
Minimum lot area (corner lot)	18,000 square feet
Minimum lot width at setback line	100 feet
Minimum lot width at setback line Corner lot	120 feet
Minimum front setback	40 feet. If street right of way is less than 30 feet from the edge of the pavement, the setback shall be 65 feet from the center of the right of way.
Minimum rear yard (primary structure)	25 feet
Minimum side yard (primary structure)	15 feet

Minimum side yard corner lot (primary structure)	65 feet from the center of road or 30 feet from the edge of the pavement, whichever is greater.
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

**LDR Low Density Residential District**

Minimum lot area	60,000 square feet
Minimum lot width at setback line	100 feet
Minimum lot width at setback line Corner lot	120 feet
Minimum front setback	40 feet If street right of way is under 50 feet, the setback shall be 65 from the center of the right of way.
Minimum rear yard (primary structure)	25 feet
Minimum side yard (primary structure)	15 feet
Minimum side yard corner lot (primary structure)	65 feet from the center of road or 30 feet from the edge of the pavement, whichever is greater.
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

**MHP- Manufactured Home Park**

Minimum lot area	7,500 square feet
Minimum lot width at setback line	50 feet
Minimum lot width at setback line Corner lot	75 feet

Minimum front setback	40 feet. If street right of way is less than 30 feet from the edge of the pavement, the setback shall be 65 feet from the center of the right of way.
Minimum rear yard (primary structure)	20 feet
Minimum side yard (primary structure)	10 feet
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

### **HDR High Density Residential District**

Minimum lot area	17,424 square feet
Minimum lot area with Conditional Use Permit	8,712 square feet
Minimum lot width at setback line	100 feet
Minimum front setback	40 feet on established street 15 feet on subdivision street serving the development
Minimum rear yard (primary structure)	25 feet
Minimum side yard (primary structure)	15 feet
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

### **PUD Planned Unit Development**

Minimum lot area (residential)	8,712 square feet
Minimum lot area (commercial/industrial)	Flexible as proffered
Minimum lot width at setback line (residential)	100 feet

Minimum lot width (commercial/industrial/mixed)	100 feet or as proffered
Minimum front setback (residential)	40 feet on established street 15 feet on subdivision street serving the development
Minimum front setback (commercial/industrial/mixed)	40 feet or as proffered
Minimum rear yard (primary structure)	25 feet or as proffered
Minimum side yard (primary structure)	15 feet or as proffered
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

**P Public District**

Minimum lot area	No minimum lot area
Minimum lot width at setback line	100 feet
Minimum lot width at setback line Corner lot	120 feet
Minimum front setback	40 feet. If street right of way is less than 30 feet from the edge of the pavement, the setback shall be 65 feet from the center of the right of way.
Minimum rear yard (primary structure)	25 feet
Minimum side yard (primary structure)	15 feet
Minimum side yard corner lot (primary structure)	65 feet from the center of road or 30 feet from the edge of the pavement, whichever is greater.
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

**B-1 General Business District**

Minimum lot area	No minimum lot area
Minimum lot width at setback line	75 feet
Minimum lot width at setback line Corner lot	120 feet
Minimum front setback	40 feet. If street right of way is less than 30 feet from the edge of the pavement, the setback shall be 65 feet from the center of the right of way.
Minimum rear yard (primary structure)	25 feet
Minimum side yard (primary structure)	No side yard is required except it shall be 15 feet when the adjacent property is zoned R-1, LDR, MHP, HDR or P.
Minimum side yard corner lot (primary structure)	65 feet from the center of road or 30 feet from the edge of the pavement, whichever is greater.
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

**O-R Office Residential and B-2 Restricted Business District**

Minimum lot area	7,000 square feet
Minimum lot width at setback line	75 feet
Minimum lot width at setback line Corner lot	100 feet
Minimum front setback	40 feet. If street right of way is less than 50 feet from the edge of the pavement, the setback shall be 65 feet from the center of the right of way.
Minimum rear yard (primary structure)	25 feet



Minimum side yard (primary structure)	No side yard is required except it shall be 15 feet when the adjacent property is zoned R-1, LDR, MHP, HDR or P.
Minimum side yard corner lot (primary structure)	65 feet from the center of road or 30 feet from the edge of the pavement, whichever is greater.
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

### **M-1 Industrial District**

Minimum lot area	7,000 square feet
Minimum lot width at setback line	100 feet
Minimum front setback	40 feet. If street right of way is less than 50 feet from the edge of the pavement, the setback shall be 65 feet from the center of the right of way.
Minimum rear yard (primary structure)	10 feet
Minimum side yard (primary structure)	No side yard is required except it shall be 15 feet when the adjacent property is zoned R-1, LDR, MHP, HDR or P.
Minimum side yard corner lot (primary structure)	65 feet from the center of road or 30 feet from the edge of the pavement, whichever is greater.
Minimum rear and side yard (accessory structure)	5 feet
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

### A-1 Agricultural District

Minimum lot area	5 acres
Minimum lot width at setback line	100 feet
Minimum front setback	40 feet. If street right of way is less than 50 feet, the setback shall be 65 feet from the center of the right of way.
Minimum rear yard (primary structure)	100 feet
Minimum rear yard (accessory structure)	10 feet
Minimum side yard (primary structure)	20 feet
Minimum side yard (accessory structure)	5 feet, 20 feet when the adjacent property is zoned R-1, LDR, MHP, HDR or P.
Maximum height (any structure except as noted in § 160-61 of this Ordinance)	35 feet

B. *Miscellaneous Area Requirements and Exceptions.* Miscellaneous area requirements and exceptions shall be utilized.

1. All newly created major subdivisions in the HDR Districts must provide at a minimum, 10 percent of the entire project area as open space within the parcel being subdivided/developed. Such open space shall not have residences or non-recreational structures placed upon them with the exception of public utilities, streets and right of ways.
2. In the HDR District, density should not exceed 5 units per acre. However, with a Conditional Use Permit, density may increase up to 10 units per acre.
3. For public utilities, provided that structures on the property are for the location of public, semi-public or private utilities such as pump stations or transmission lines or similar utilities, the setbacks from all property lines are adhered to or exceeded, and there are no other primary non-utility structures on the lot, then the lot may vary to a size suitable to the location of the utility.

### § 160-61. Height Regulations

A. *Structure Height.* The maximum height for structures shall be 35 feet except as provided for in the individual zoning districts as conditional use permits or as provided within this Article.

B. *Exceptions to Height Regulations.* The following are exceptions to the height limitations of this Ordinance:

1. *Exemptions.* The height regulations of this Ordinance do not apply to spires, belfries, cupolas, silos, barns, water towers, ventilators, chimneys, monuments, flagpoles, or other appurtenances usually required to be placed above the roof level or appendages not intended for human occupancy;

2. *Public or semipublic buildings.* A school, church, library, or general hospital may be erected to a height of 60 feet from grade, provided that required front, side, and rear yard setbacks shall be increased one foot for each foot in height over 35 feet;

3. *Antennas, towers and similar structures.* Conditional Use Permits for exceptions to height regulations may be provided for, telecommunications and radio or television transmission towers and private non-commercial antennas (over 55 feet in height) as conditional use permits within specific Zoning Districts or as otherwise provided for within this Ordinance; and

4. *General conditional use permits for height.* In all districts, the height limits for proposed structures may be increased as a Conditional Use Permit after public hearing, provided fire safety and an area equal to the structure's height as a fall zone or indications of architectural means to mitigate the structure from damaging neighboring properties are provided.

**§ 160-62. Exceptions to Open Space Requirements.** For subdivisions or developments within the HDR District, in cases where the applicant has provided recreational or environmental amenities, the amount of open space may be decreased by no more than ten (10) percent with the approval of the Planning Commission.

**§ 160-63. Fences.** General requirements for fences shall be met.

A. *Fence Material.* No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

B. *Corner Lots.* In the case of corner lots in all districts, no solid fence shall be erected that blocks or otherwise impedes the view of streets or traffic.

C. *Height.* Except as provided hereinafter, in any commercial or residential district, fences shall not exceed a height of eight feet as measured from the topmost point thereof to the ground or surface, along the center line of the fence. In an R-1 Residential District, no fence or wall which creates a solid screen may exceed 2 1/2 feet in height in any front yard, except that fences having a uniform open area of 50% or more may be erected to a maximum height of four feet in any front yard or side yard, which yards are part of the

building setback area or wherein such front yard is defined, for purposes of this section only, as that area from the front property line to a line parallel with the foremost front line of the main building, extending to the side property lines of the property.

D. *Exceptions to Fence Heights.* Fences surrounding industrial sites, public playgrounds, institutions, or schools may not exceed a height of 14 feet.

**§ 160-64. Off-Street Parking.** For the purpose of this chapter, certain requirements are specified for districts except in the Residential District R-1 and Low-Density Residential District LDR where those zoning districts are specifically referenced.

A. *Parking Space Size.* The term "off-street parking space" shall mean a space at least 10 feet wide and 20 feet in length, excluding area for egress and ingress and maneuvering of vehicles.

B. *Parking Space Provisions.* Except in the aforementioned Districts, the following requirements will be followed:

1. *General intent.* Parking spaces for all uses shall be located on the same lot with the main buildings to be served except as designated below:

a. *Residential lots.* All residences on major and minor subdivision lots including Residential District R-1 and Low Density Residential District LDR shall have a minimum of two parking spaces per unit. Such parking areas and driveways shall be surfaced with an asphaltic, bituminous, concrete or other properly bound pavement so as to provide a durable and dustless surface;

b. *Offsite parking.* If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property, provided such space lies within 300 feet of the property line of such main use;

c. *Multiple use parking.* The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space for one use may not be assigned to another use;

d. *Reserved off-street parking.* Areas reserved for off-street parking in accordance with the requirements of this chapter shall not be reduced, encroached upon or changed to any other use unless the use that it serves is discontinued or modified; and

e. *Existing parking.* Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than herein required for a similar new building or use. Existing off-street parking, which is provided in an

amount less than the requirements stated herein, shall not be further reduced.

2. *Minimum aisle width.* The minimum aisle width for parking areas shall be in accord with the following table:

Parking Angle	Aisle Width (in feet)
0° to 44°	12
45° to 59°	14
60° to 74°	18
75° to 90°	24

C. *Site Requirements.* All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

1. *Surface treatment.* Any off-street parking areas where more than five parking spaces are required shall be surfaced with an asphaltic, bituminous, concrete or other properly bound pavement so as to provide a durable and dustless surface. Exception to this requirement may be obtained from the Planning and Zoning Administrator on a site-by-site basis. The Planning and Zoning Administrator, should an exception be made, shall document in writing the reason for such an exception and attach it the applicant's zoning permit so as to become public record;

2. *Lighting requirements.* Where there are five or more parking spaces, adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district. Excluded from this requirement are private driveways;

3. *Condition of parking lots.* Off-street facilities shall be drained to eliminate ponding of water and prevent damage to abutting property and/or public streets and alleys and be surfaced with erosion-resistant material in accordance with applicable specifications. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies;

4. *Delineation.* Off-street parking spaces in commercial and industrial districts, and residential districts with more than five spaces, shall be clearly marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation; and

5. *Street access.* Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements or as required by the Virginia Department of Transportation:

- a. Access shall be provided by means of not more than two driveways for the first 120 feet of frontage along any one street and shall have not more than one additional driveway for each additional 150 feet of street frontage;
- b. Entrances or exits shall have access widths along the edge of the street pavement of not more than 40 feet as measured parallel to the street and shall be located not closer than 20 feet to street intersections nor 10 feet to adjoining property lines; and
- c. Access driveways shall not be closer than 20 feet to adjacent driveways at any point from the edge of the pavement to the right-of-way line.

D. *General Parking Space Requirements for all Districts by Use.* In all districts there shall be provided off-street automobile storage or parking space with vehicular access to a street or alley which shall be equal in area to at least the minimum requirement set forth herein for the specific land use set forth.

E. *Parking Space Requirements.* The following table shall be used for the determination of the minimum number of spaces for the given use:

**Residential and Similar Uses**

<b>Dwellings</b>	2 parking spaces per dwelling unit
<b>One and two family dwelling units (Including manufactured/mobile homes)</b>	
<b>Multi-family, townhouse</b>	2 parking spaces per dwelling unit
<b>Hotels, motels, bed-and-breakfast</b>	1 for each bedroom plus 1 additional space for every two employees
<b>Boarding and rooming houses and dormitories</b>	1 for each bedroom

**Public Assembly**

<b>Churches and places of worship</b>	1 for every 5 seats in the main seating area
<b>Private clubs, lodges and</b>	0.35 times the maximum seating capacity

## **fraternal organizations**

**Theaters, auditoriums, coliseums, stadiums and similar places of assembly** 1 for every 5 seats

**Schools, including kindergarten, and day-care centers and similar facilities** 1 for every 4 seats in the assembly hall, or 1 for each employee, including teachers and administrators, plus 5 per classroom, whichever is greater.

**Skating rinks, dance halls, pool rooms and other places of amusement or assembly without fixed seating arrangements** 1 for every 200 square feet of floor area

**Bowling alleys** 3 for each alley

**Libraries, exhibition halls, museums** 10 spaces plus 1 for every 300 square feet of gross floor areas

### **Health Facilities**

**Hospitals and similar uses** 1 for every bed, plus 1 for each Staff doctor and 1 for every 4 employees on the largest work shift

**Medical, dental offices/clinics** 10 spaces minimum. If over three doctors/dentists are on Staff, 3 spaces for every doctor/dentist plus 1 space for every 2 staff members or employees, 1 space per doctor/dentist

**Homes for adults and similar uses** 1 for every 4 beds, plus 1 for every 3 employees

**Animal hospitals and kennels** 30 percent of total enclosed or covered area.

### **Business and Offices**

**Automobile repair** 1 for every 300 square feet of gross floor area, with a minimum of 10 spaces

**Food retail stores (supermarkets)** 1 for every 200 square feet of floor area designated for retail sales only

**Restaurants, including bars, cafes taverns, night clubs, lunch counters and all similar dining** 1 for every 4 seats provided for patron use, plus 1 per employee on an average shift

**and/or drinking establishments**

**Office buildings including banks, business, commercial and professional offices, but not including medical, dental and and health offices and clinics**

1 for every 300 square feet of ground floor area, plus 1 for every 500 square feet of upper floor space

**Retail sales and personal service such as barber shops or beauty salons**

1 for every 200 square feet of retail sales area or area devoted to personal service to the public

**Government offices**

1 for every 300 square feet of ground floor area, plus 1 for every 500 square feet of upper floor area and 1 for each governmental vehicle

**Shopping centers**

1 per 200 square feet of retail sales area

**Furniture stores**

1 for every 500 square feet of gross floor area

**Mortuaries and funeral parlors**

5 per parlor unit or chapel unit, or 1 for every 4 seats whichever is greater

**Industrial and Miscellaneous**

**Manufacturing and industrial establishments not catering to retail sales**

1 for every 3 employees on the largest work-shift, plus 1 space for each company vehicle or mobile equipment operating from the premises

**Wholesale establishments**

1 for every 50 feet of customer service area, plus 2 for every 3 employees on the largest work-shift, plus 1 for each company vehicle operating from the premises

**Public utilities and similar uses, such as telephone, gas and electric offices, and radio and TV stations**

1 for every employee on the largest work shift, plus a parking area equal to 25 percent of the gross floor area.

F. *Parking for the Handicapped.* Parking for the handicapped shall be provided in accordance with all applicable state and federal standards.

**§ 160-65. Off-street Loading and Unloading Space Requirements.** Off-street loading and unloading spaces shall be provided as hereinafter required.



A. *Certain Large Structures.* For structures with a floor area over 10,000 square feet, there shall be at least two off-street loading dock spaces provided for each hospital, hotel, commercial, or industrial building, or similar use requiring the receipt or distribution of materials or merchandise. For those uses having a floor area of more than 10,000 square feet, there shall be at least one off-street loading space for each 10,000 square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road, or alley.

B. *Other Structures.* For structures with a floor area of less than 10,000 square feet, there shall be provided at least one off-street loading dock space for each hospital, hotel, commercial, or industrial building requiring receipt or distribution of materials or merchandise. In addition, there shall be sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, road, or alley.

C. *Off-Street Loading Space Size.* Off Street Loading Spaces shall have a minimum dimension of 12 feet in width and 50 feet in length.

D. *Access.* Each required off-street loading space shall have direct access to a road or alley or have a driveway that offers satisfactory ingress and egress for the types of trucks that serve the facility(ies).

E. *Permanent Reservation.* Areas reserved for off-street loading in accordance with the requirements of this chapter shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except where equivalent loading space is first provided that meets the requirements herein.

**§ 160-66. Windsor Commercial Corridor District and Other Site Plan Review Areas.** The site plan review process for the Town of Windsor shall be in compliance with the objectives of the Comprehensive Plan and the requirements of the Land Development Ordinances.

A. *Purpose and Intent.* Site plans for all uses shall be submitted, reviewed and approved by the Planning Commission of the Town of Windsor before any permits can be issued for construction. This requirement is intended to promote the public health, safety and welfare of the citizens; to protect the property values of landowners; and to assure a good appearance, function and harmony with the surroundings and adjacent uses.

B. *Windsor Commercial Corridor District.* Because of the size or intensity of commercial or industrial uses, they will require greater scrutiny, and the Town of Windsor will require these uses to be reviewed and approved as outlined within this Ordinance. A siteplan review is required only if the property involved is adjacent or within 100 feet of U.S. Route 460 and/or U.S. Route 258. This area shall constitute the Windsor Commercial Corridor District, and the site-plan process described in this Ordinance shall apply to all of any parcel of land that was a lot of record as of the adoption of this section of the Land Development Ordinance.

C. *Other Activities Requiring Site-plan Approval outside of the Windsor Commercial Corridor District.* All major subdivisions, new manufactured/mobile home parks, multi-family, townhouse and condominium projects or any of the above activities that are existing which increase the number of units by ten (10) percent shall follow the site plan review process requirements in Section E below.

D. *Types of Activities in the Windsor Commercial Corridor to be Reviewed.* The following activities will be reviewed in accord with this Ordinance as outlined below:

1. *Commercial and industrial uses.* Proposed and properly zoned commercial or industrial uses that meet the following criteria:

a. New construction on vacant property or expanded structures that will exceed 50 percent of existing structures; and

b. Removal and replacement of structures.

2. *Residential uses.* Proposed and properly zoned residential uses that meet the following criteria:

a. Construction of new manufactured home parks or expansion of existing manufactured home parks that increase the number of spaces by ten (10) percent; and

b. Construction of new multi-family, townhouse and condominium projects or existing multi-family, townhouse and condominium projects that increase the number of units by ten (10) percent.

3. *Major subdivisions of land.* All major subdivisions of land shall be subject to this review.

4. *Public assembly areas.* Public assembly areas to include churches, temples, synagogues and other similar religious institutions, where the total floor area of such use on a single parcel of land is in excess of five thousand (5,000) square feet.

E. *Scope of Review.* Over and beyond the items normally reviewed by the Planning and Zoning Administrator, the Planning Commission will review the following requirements to insure that the Windsor Highway Corridor and the other major activities listed in § 160-66(C) provide for a safe, harmonious and prosperous commercial corridor and that compatible large residential and other major developments outside of the corridor are developed responsibly. The following are required and must be addressed for the approval of a site-plan within the Town of Windsor:

1. *Highway access-interparcel connectivity.* Each lot of record as of the date of the adoption of this Ordinance shall be limited to one access point onto U.S.

Route 460 and/or U.S. Route 258 as approved by the Virginia Department of Transportation. Any new proposed developments shall provide interparcel access with other parcels or entities to be created within the development to minimize new access points onto U.S. Route 460. Individual businesses that require site-plan review shall provide access to adjacent vacant business or industrial parcels, adjacent parking lots for business and/or industrial parcels and other facilities. Wherever possible, unless topographical or other concerns prohibit its use as determined by the Planning Commission, interparcel access shall be provided to adjacent parcels with the construction of access or roads to the property lines at a viable location;

2. *Sidewalks.* Sidewalks to connect to existing sidewalks or to eventually connect to existing sidewalks shall be provided by the applicant along the U.S. Route 460 and U.S. Route 258 corridors. The sidewalks may be bonded or utilizing letters of credits to insure that the sidewalks will be provided prior to the issuance of any Certificates of Occupancy for the subject developments. Such sidewalks shall be built to the standards of the Town of Windsor in locations as approved by the Town Manager;

3. *Buffers, landscaping and environmental controls.* The following shall be the minimum requirements for landscaping for the various uses:

a. *General.* A buffer strip comprised of a planted green space shall effectively screen both noise and visual impact between two zoning districts as described below. The plantings used in said buffer strips shall include, but not be limited to, a single row of evergreen shrubbery spaced 10 feet apart at their center point and at least seven feet in height, or a single row of evergreen trees spaced 10 feet apart at their center point and at least seven feet in height with the width as described. Additionally, no other structure of any type is allowed in the buffer strip without the permission of the Planning and Zoning Administrator or of the Planning Commission;

b. *Commercial/residential buffer strip.* Wherever commercial districts and residential districts abut, a fifteen-foot-wide buffer strip is required on the commercial property. The Zoning Administrator may require that, in addition to the evergreen planting requirement, a noise containment barrier be erected to protect residents from excessive operational noise;

c. *Industrial/residential buffer strip.* Wherever industrial districts and residential districts abut, a fifty-foot-wide buffer strip is required on the industrial property. The Zoning Administrator may require that, in addition to the evergreen planting requirement, a noise containment barrier and odor control devices be erected to protect residents from excessive operational noise and noxious odors;

d. *Street landscaping.* A strip of land of a minimum of 10-feet of width, located on the subject property and running parallel to the public rights-of-way/road(s) (including other existing streets if the property are at their intersections) shall be provided for landscaping materials, that does not include any paved surfaces, with the exception of a driveway and/or pedestrian sidewalks/trails;

e. *Street landscaping options.* There are two options to landscaping this 10-foot wide area parallel to the street(s) which can be used singly or in combination:

Option 1. The landscape strip must be at least 10-feet wide, planted with one (1) tree and five (5) shrubs for every 35-feet of linear street frontage; and

Option 2. The preservation of existing trees or woodlands, which must be at least 15-feet wide and appropriately located along the street or in combination with Option 1 may be utilized as approved by the Planning Commission.

f. *Trees and shrubs.* The types of trees and shrubs to be used for the trees and shrubs within the area to be landscaped will be examined by the Planning and Zoning Administrator to ensure that the species are not considered to be invasive under the Chesapeake Bay Local Assistance Department's regulations;

g. *Sizes.* For the purposes of the landscaping requirement, the following tree, plant and shrub sizes and types shall be utilized:

i. A tree is defined as having a minimum of a 2 inch caliper measured one (1) foot above ground at the time of planting and must be on or similar to the approved trees on the Town of Windsor Landscaping Guide; and

ii. A shrub is defined as having a minimum height of one (1) foot at the time of planting and must be on or similar to the approved shrubs on the Town of Windsor Landscaping Guide.

h. *Installation.* All landscaping materials shall be installed according to accepted good planting procedures. All elements of landscaping, exclusive of plant material, shall be installed to meet all other applicable ordinances and code requirements. Landscaped areas shall require protection from vehicular encroachment and not block sight distance triangles. The Planning and Zoning Administrator shall inspect all landscaping, and no certificates of occupancy (of any type) will be issued unless the landscaping meets the requirements provided herein;

i. *Plant material.* Plants used in conformance with provisions of this section shall be obtained from a reputable nursery recognized by the Virginia Nurseryman's Association or other landscape industry recognized association;

j. *Injurious plants.* Tree species shall be planted no closer than 12-feet to the right-of-way of such public facilities;

k. *Grass.* Grass areas shall be planted in species normally grown as permanent lawns in the Town of Windsor. Grass areas may be sodded, plugged, sprigged or seeded. In swales and other areas subject to erosion, sodding may be required. If erosion prevention cannot be obtained or the slope conditions prevent seeding, sodding such high erosion potential areas will be required to meet the standards of the Town's erosion and sediment requirements; and

l. *Modifications.* Any of the above buffer requirements may be modified by the Planning Commission provided that the Commission finds that due to restraints on the property that the modifications carry out the intent of the provision of a buffer.

4. *Parking lots.* The minimum requirements for the interior landscaping for parking lots shall be as follows:

a. *Minimum landscaping.* A minimum of at least 5% of the interior portions of a parking lot shall be landscaped by providing shade trees. Such interior landscaped areas shall be provided on raised islands and in continuous raised strips extending along the length of the parking spaces. Within the parking lot, raised islands and landscaped areas shall be used to delineate traffic and pedestrian circulation patterns. The shade trees provided shall be of an appropriate type to ensure shading at maturity and still permit traffic safety within the parking lot; and

b. *Standards.* Such landscaped areas shall be at a minimum as follows:

i. Each landscaped area shall contain a minimum of 25-square feet and shall have a minimum dimension of at least five feet other than raised islands located at the terminal ends of parking bays; and

ii. No less than one shade tree shall be provided for every 10 parking spaces.

5. *Other requirements of buffers.* The minimum vegetative buffer of ten (10) feet in width for length of the property on all sides with the exception of streets and roads, entrances and necessary public utilities as approved by the Planning

Commission shall be either created or maintained. Landscaping for the front of the parcel discussed in item 3 of this section may be used in lieu of any buffer for that area.

a. *Requirements for buffers.* Buffers between the various zoning districts and uses and adjoining properties are as follows:

i. *Native vegetation.* Natural vegetation already on the property shall be utilized to the maximum extent possible and such significant vegetation shall not be disturbed except for necessary public utilities and roadways and driveways that cannot be placed elsewhere;

ii. *Augmentation.* Where the buffer has no or insufficient trees and shrubs, and there is a need to create or augment the buffer area, the following shall be used as a minimum to create a viable buffer:

a. One (1) deciduous tree for every fifty (50) feet of the property line to be buffered;

b. One (1) evergreen tree for every fifty (50) feet of the property line to be buffered;

c. Five (5) medium shrubs for every fifty (50) feet of the property line to be buffered; or

d. At the choice of the applicant, trees of either a or b or a mixture of the two options can be added in lieu of all or part of the shrubs if it can be shown to the satisfaction of the Planning Commission, that a viable buffer is being created.

b. *Decorative walls.* The applicant may in lieu of planting trees and shrubs, if agreed to by the Planning Commission, construct a decorative brick or brick masonry wall. Other materials may be approved by the Planning Commission. Such wall shall remain unpainted unless agreed to by the Planning Commission;

c. *Other buffer requirements.*

i. *Configuration.* For side and rear areas to be buffered, new required trees and shrubs shall be planted in a manner to create a continuous visual screen or “buffer” to the adjoining property. The required plantings shall not be grouped into only one area of the

property unless other areas of the property are not visible and the “grouping” is necessary to achieve the goals of this Article; and

ii. *Maintenance.* All trees and shrubs shall be maintained in a healthy growing condition and replaced when necessary with the same size and type of plant as originally installed in the next growing season. Existing trees and shrubs utilized to determine the amount of trees and shrubs shall also be maintained and replaced as warranted. All brick walls shall be maintained and repaired/replaced if necessary. This shall be accomplished by the use of a developer’s agreement submitted as part of the site plan application.

6. *Buffer landscaping plan.* To accomplish the goals of effective buffers, the landscaping plan shall be submitted for all site plans and shall include a landscaping component for the areas required to be buffered. The landscaping plan shall be submitted as a separate document or maybe contained with the site plan and shall include information as to the type of tree and shrub (whether existing or to be added) and giving the species name and its common name, physical amenities (berms, walls, etc.) and their location on the property and the relevant planting details;

7. *Screening.* Dumpsters and trash collection areas shall be wholly screened from view off the premises. Such screening shall be composed of walls, fences and/or berms and shall be landscaped. The landscaping associated with dumpsters and trash collection areas is in addition to the landscaping requirements for the parking lot;

8. *Architecture.* All commercial buildings to be constructed, rebuilt or added to that require a site plan under this Ordinance shall have the following:

a. A minimum of twenty–five (25) percent of the building frontage facing U.S. Route 460 or U.S. Route 258 must be of brick or decorative brick masonry construction or of materials set forth in the materials in any future adopted guide(s) for the Windsor Highway Corridor District;

b. Buildings that face any public street shall have at a minimum one of the following architectural features:

i. Awnings;

ii. Porch(es);

iii. Columned covered entrance area;

iv. Arches;

v. Dormers; or

vi. Other architectural features in accord with any future adopted guides for the Windsor Highway Corridor District.

c. Buildings that have flat roofs must have a decorative cornice at least 12 inches in height or equivalent architectural amenities to be approved by the Planning Commission;

9. *Signage.* Permanent freestanding signs shall be of a monument style, be composed of a brick or decorative block foundation and shall meet the following regulations:

a. *Entrance signs* for subdivisions onto public streets as well as new manufactured/mobile home parks, multi-family, townhouse and condominium projects or any of the above activities in existence at the time of this ordinance which increase the number of units by ten (10) percent, shall not exceed one hundred square feet;

b. *Commercial/Industrial signs.* All other freestanding signs with the exception of directional signs shall be of a monument style and shall not exceed the square footage found in § 160-58;

c. *Sign placement.* Such signage shall be placed in a manner as to not impede sight distance onto the Town's streets or unduly block or hide the signage of adjacent businesses; and

d. *Deviations for signs.* The Planning Commission may, within the site-plan review process, permit a deviation from the sign requirements of this section that would permit other types of free-standing signs if it can be shown that the deviation is necessary to address topographical or sight distance problems to the desired street or roads that the signs are to face.

10. *Other.* All other requirements such as uses, parking space requirements, height, etc. must be met in addition to the specific requirements of their respective sections of the Ordinance and shall be part and parcel of the Site Plan Review Process;

11. *Planning Commission discretion:* The Planning Commission may waive or modify any of the site plan requirements described in this Article if:

a. the requirement does not apply to this type of development; or

b. the intent of the requirement is being met by other means within the project.



12. *Minor deviation after site plan approvals.* Minor changes in the location, setting, and character of buildings and structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the site plan was approved. No changes authorized by this section may increase the cubic volume of any building or structure by more than 10 percent and/or may not adversely affect the impervious cover unless measures are put in place to mitigate the increased impervious cover; and

13. *Appeal of site plan review.* An aggrieved applicant of a site-plan that has been denied has the right to appeal to the Town Council provided the appeal is made within thirty days of the date of denial of the site plan. The applicant has the burden to show that the proposed plan meets the requirements of this Ordinance.

**§ 160-67. Landscape Plans.** In addition to § 160-66, landscape plans shall incorporate the entire project area or property that is included in the overall site plan or development plan for which approval is sought.

A. *Landscape Plan Required for Approval.* No site or development plan required under the terms of this article shall receive final approval unless a landscaping plan has been submitted and approved.

B. *No Final Approval.* No certificate of zoning compliance or certificate of occupancy may be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:

1. Such plan has been implemented on the site, or
2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Town in a form acceptable to the Town Attorney, and secured by a letter of credit, cash escrow or other instrument acceptable to the Town Attorney in an amount equal to the cost of such installation plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing vegetation or improvements. An irrevocable fully executed contract with a landscape contractor or nursery providing for such installation shall be deemed to be a sufficient guarantee for the purposes of this section.

C. *Required Information.* A landscape plan submitted to meet the requirements established by the provisions of this article shall include existing and proposed site landscape features and the following information:

1. Location and identification by size and name, both common and botanical, of all mature, heritage, memorial or specimen trees in open areas on the site which are proposed to be disturbed. In wooded areas, the woodline before site

preparation, average size, and predominant species of trees shall be noted, except that any heritage, memorial, significant or specimen tree within a wooded area proposed for clearing shall be individually located and identified by size and name, both botanical and common;

2. Existing vegetation to be saved shall be indicated and noted accurately;
3. Location, dimensions and area of all required buffer and landscape yards, including transitional areas;
4. Location and description of other proposed landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas, including notes and details to describe fully the methods and materials proposed;
5. Plant list or schedule, to include common and botanical name, quantity, spacing and size at time of planting of all proposed plants;
6. Locations and labels of all proposed plants; and
7. Schedules or lists showing required and proposed quantities for landscape items required by this chapter.

D. *Landscape Plan Factors.* In preparing landscape plans, the following factors shall be considered:

1. Trees, shrubs, ground covers and other landscaping shall be located to utilize effectively the natural capacities of plant materials to intercept and absorb airborne and runoff-related pollutants and to reduce runoff volume, velocity and peak flow increases caused by development;
2. Existing viable and mature trees shall be preserved and protected as a part of the overall landscaping plan to the maximum extent feasible;
3. Landscape materials and designs shall be appropriate for the specific characteristics of the site and the purpose for installation;
4. Preference should be given to designs and plant materials that have reduced water needs; and
5. Plans shall be designed in a manner which emphasizes landscaping in front of the principal building on the site and provides appropriate breaks in parking and vehicular areas.

E. *Landscaping Standards.* The following standards shall be utilized:

1. The property owner, or the owner's successors, shall be responsible for the maintenance of all landscaping, fencing, and screening materials required by this article or under the terms of other development approvals and shown on an approved landscape plan. Failure to maintain such landscaping, fencing and screening shall be deemed a violation of this article;
2. All plant material and planting areas required by this article or other development approval shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse, litter, and debris;
3. All fences, walls, and screening required by this article or shown on the plan shall be maintained in good repair; and
4. In the event that any required landscaping material shown on the plan is subsequently replaced, all new material shall conform with the original approved landscape plan, or an approved amended plan, with respect to size and characteristics of the plantings. In meeting the terms of this section, the replacement of mature trees on site shall require the installation of trees of a similar species.

F. *Layout and Design Standards.* Except as may be otherwise required by this article, the following layout and design standards shall apply to all landscape plans:

1. Existing vegetation that is suitable for use in the landscape shall be preserved and used as required plantings to the maximum extent practicable, and in no case shall any viable mature, heritage, memorial, specimen or significant tree be removed from any buffer area or landscape preservation easement except to accommodate necessary entrances to the site which cannot be relocated in an appropriate manner or where such preservation would create or perpetuate demonstrable public health, safety, or welfare hazards;
2. No more impervious surface area than necessary to accommodate the desired development and ensure appropriate levels of parking, traffic safety, and on-site circulation shall be utilized in the design of a site, but the Zoning Administrator may require plan modifications that reduce the amount of impervious surface area without inhibiting site development and operation; and
3. All planting areas shall be mulched with three inches (75 mm) of organic mulch, such as wood chips, pine needles, or oak leaves, and mulch shall be placed directly on soil or landscaping fabric and be edged properly to retain mulch.

**§ 160-68. Minimum Performance Standards for Types of Conditional Use Permits.** The minimum requirements shall be included in the review, implementation and maintenance of proposed and approved Conditional Use Permits. It is recognized that the Town of Windsor may include other reasonable conditions as the individual Conditional Use Permit request shall warrant.

A. *Public Utilities:* Public utilities shall meet the following requirements:

1. All such facilities shall be necessary for the present and future provision of the service involved; i.e. electricity, telephone, water and sewer; and
2. To the maximum degree possible, setbacks, landscaping and appropriate, aesthetically pleasing fencing shall be utilized to buffer adjoining residential commercial, agricultural and industrial uses.

B. *Child-care Centers and Family Day-care Homes.* The following performance standards shall be maintained:

1. All such facilities shall provide evidence of any and all applicable licensing required by Federal and State agencies before the occupancy of any buildings for this use can be made. Such licensing must remain in place, and evidence of its maintenance may be requested;
2. All such facilities shall provide a vegetative buffer with trees and shrubs suitable to the location and situation of the center or home as appropriate and as more particularly described in § 160-66; and
3. For child-care facilities an enclosed play area adequate in size for the number of involved children per the standards of the Health Department of the Commonwealth of Virginia must be provided as required by the Conditional Use Permit.

C. *Group Homes for Adults.* The following performance standards shall be maintained:

1. All such facilities shall provide evidence of any and all applicable licensing required by Federal and State agencies before the occupancy of any buildings for this use can be made. Such licensing must remain in place and evidence of its maintenance may be requested to be provided; and
2. All such facilities shall provide a vegetative buffer with trees and shrubs suitable to the location and situation of the center or home as appropriate by the Town of Windsor and as described in § 160-66.

D. *Communication Facilities.* The following performance standards shall be maintained:

1. Each applicant for a telecommunications tower shall provide the Town of Windsor with an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Town may share such information with other applicants applying for

approvals of conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for use by others;

2. Verifiable evidence of the lack of antenna space on existing towers, buildings, or other structures suitable for antenna location or evidence of the unsuitability of existing tower locations for co-location must be provided by the applicant. Such evidence shall also include an affidavit executed by a radio frequency engineer that such existing tower or structure is unsuitable for the applicant's needs. Such evidence may also include proof of any of the following items:

a. That no existing towers or structures are located within the geographic area either within the Town or Isle of Wight County which meet applicant's engineering requirements;

b. That existing towers or structures are not of sufficient height to meet applicant's engineering requirements;

c. That existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

d. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

e. That the fees, costs, or contractual provisions required for the owner to share an existing tower or structure are unreasonable; and

f. That there are other limiting factors that render existing towers and structures unsuitable.

3. An engineering report certifying that the proposed tower is compatible for a minimum of four (4) users must be submitted by the applicant. The applicant shall also permit co-location by additional users without requiring any form of reciprocal location agreement from subsequent users. The provision may be modified by the Town Council in conjunction with paragraph 14 of this subsection, when a lower height is approved by the Town Council and co-location of four (4) users is not possible;

4. A preliminary site plan of the proposed facility shall be submitted to the Town as a part of the application. The applicant must provide Town of Windsor with detailed information regarding the proposed facility's location, latitude and longitude, and service area;

5. The facility shall not interfere with the radio, television or communications reception of nearby residents at the time of construction. The applicant shall take all necessary steps to successfully eliminate any such interference;

6. All towers and other structures shall meet all safety requirements of all applicable building codes;

7. All towers shall be set back from any property line a distance equal to one-hundred twenty percent (120%) of the tower height, and in no event shall any such tower be constructed or erected nearer than one-hundred twenty percent (120%) of the tower height to a residential dwelling unit on the subject parcel, and 500 feet to a residential dwelling unit located on an adjacent parcel except for the following:

a. Setbacks from residential dwelling units shall not apply to the property owners' construction of a residential dwelling subsequent to erection of the tower; and

b. This provision may be modified by the Town Council during the Conditional Use Permit process if it can be documented that the proposed tower facility is constructed in a manner that it would not fall upon adjacent property.

8. Documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements shall be submitted by the applicant at the time of application for the conditional use permit;

9. Unless otherwise allowed under the conditions of a conditional use special use permit, or as a requirement of the Federal Aviation Administration, all structures shall have a galvanized steel finish. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the Town by the applicant;

10. Should the applicant request to construct the tower from materials other than galvanized steel, the applicant shall state the reasons for the request in the conditional use permit application, and the applicant shall also furnish the Town with photographs, videos, or some other visual sample of the proposed finish;

11. All applicants must provide documentary evidence that the facility will meet or exceed applicable health standards established by the Federal Government and/or the American National Standards Institute;

12. No advertising of any type may be placed on the tower or accompanying facility;

13. All tower structures must be dismantled by the owner of the structure or the owner of the property if not utilized by a service provider or properly maintained for a period exceeding twenty-four (24) consecutive months. The applicant shall post surety in an amount sufficient to cover the costs of dismantling. Surety shall be submitted to and approved by the Town prior to site plan approval;

14. Owners of towers shall provide the Town co-location opportunities on each or any tower without compensation as a community benefit to improve radio communication for Town departments and emergency services provided it does not conflict with the co-location requirements of subparagraph 3;

15. A 50 foot wooded buffer easement with trees as approved by the Zoning Administrator shall be maintained around the site. An easement for the wooded buffer shall be recorded in favor of the Town of Windsor in the land records of the Circuit Court prior to site plan approval. The wooded buffer shall be maintained for the life of the tower. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment compound;

16. The tower owner shall annually provide the Planning and Zoning Administrator a report with the names, addresses, contacts, structures and equipment for all providers utilizing the tower;

17. The tower shall be constructed and at least one PCS/cellular user located on the tower within twelve (12) months of the date of issuance of the conditional use permit or approval of the conditional permit shall be revoked. Surety shall be submitted to and approved by the Town prior to site plan approval; and

18. The applicant shall be responsible for any professional or administrative costs incurred by the Town for review of the application.

E. *Private Non-Commercial Antennas of Over 55 Feet in Height.* The following performance standards shall be maintained:

1. Any antenna must be placed in the side or rear yard and not within the side or rear setback area utilized for the principal structure;

2. An antenna must be designed to have adequate distance from any adjacent properties so that if the antenna were to fall that it would not fall upon the adjacent property. In situations where the proposed distance of the antenna to adjacent properties is less than the height of the antenna, then if the applicant for the antenna can conclusively show that the antenna is engineered in such a manner that if the antenna were to fall that it would not fall upon any neighboring property, then relief from this provision may be granted by the Zoning Administrator;

3. All antennas shall be of a gray, silver, black or neutral dark color acceptable to the Zoning Administrator of the Town of Windsor, and there shall be no signs on the antenna except for wording or signage near or on the base of the antennae for instructional or safety purposes or as required by State and Federal law; and
4. Evidence of any requisite State and Federal licenses shall be provided initially and be maintained and available for review by the Town of Windsor Zoning Administrator or other agent to insure the continued compliance with State and Federal regulations.

F. *Schools (Public and Private)*. The following performance standards shall be maintained:

1. All such facilities shall provide evidence of any and all applicable licensing required by Federal and State agencies before the occupancy of any buildings for this use can be made. Such licensing must remain in place, and evidence of its maintenance may be requested to be provided; and
2. All such facilities shall provide a vegetative buffer with trees and shrubs suitable to the location and situation of the school as appropriate and as more particularly described in § 160-66.

G. *Churches and Other Places of Worship with Attendant Worship Related Educational and Recreational Facilities*.

1. All such facilities shall provide a vegetative buffer with trees and shrubs suitable to the location and situation and shall be submitted for review and approval to the Zoning Administrator; and
2. Accessory recreational facilities for places of worship shall be located at least 50 feet from any residential structure.

H. *Townhouses, Condominiums and Multifamily Dwellings Exceeding the Density Requirements*. The following performance standards shall be maintained:

1. A site plan showing the location of housing units, onsite and adjacent roads/streets, recreational amenities, open space and environmental constraints (Resource Protection Areas, etc.) must be provided prior to application submission; and
2. Landscaping as described in Section 160-66 will be provided along all adjacent properties unless valid topographic or other reasons permit the Zoning Administrator to waive or modify those requirements.



I. *Private or Commercial Cemeteries.* The following performance standards shall be maintained:

1. No such cemetery shall be on property less than 2 acres in area;
2. All state and federal laws and regulations shall be adhered to in the placement of burial sites; and
3. Buffer landscaping as described in § 160-66 will be provided along all adjacent properties unless valid topographic or other reasons permit the Zoning Administrator to waive or modify those requirements.

J. *Bed and Breakfast Facilities.* The following performance standards shall be maintained:

1. All such facilities shall provide evidence of any and all applicable licensing required by Federal and State agencies before the occupancy of any buildings for this use can be made. Such licensing must remain in place and evidence of its maintenance may be requested to be provided; and
2. All such facilities shall provide a vegetative buffer with trees and shrubs suitable to the location and situation of the facility as appropriate and as described more particularly in § 160-66.

K. *The Raising of Fowl, Cattle, Sheep, and Certain Other Domesticated Non-indigenous Livestock such as Alpaca and Llamas in Non-intensive Farms.* The following performance standards shall be maintained:

1. All barns and other structures for the housing of the animals shall be a minimum of 150 feet from any property line which is not in continuous ownership, then the structure housing the animals must exceed 150 feet from the next parcel not a part of the farming entity; and
2. All such properties shall be properly fenced.

**§ 160-69. Board of Zoning Appeals (BZA).** The Board of Zoning Appeals shall operate under certain requirements.

A. *Membership.* The BZA shall consist of five members who reside in the Town of Windsor, who have been nominated by the Town Council and who have been appointed by the Circuit Court of Isle of Wight County.

B. *Terms of Office.* Appointments shall be for five year terms. The Secretary of the Board of Zoning Appeals shall notify the Circuit Court at least 30 days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed.

C. *Exclusions.* No member shall hold any public office, except that one member may be a member of the Planning Commission of the Town of Windsor.

D. *Compensation.* Members of the Board may receive such compensation as may be authorized by the Town Council.

E. *Support.* Within the limits of funds appropriated by the Town Council, the BZA may employ or contract for secretarial, clerical, legal, and consulting services.

F. *Vacancies.* Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall be removable for cause by the Isle of Wight County Circuit Court upon written charges and after a hearing held after at least 15 days notice.

G. *Rules of Procedure of Zoning Board of Appeals.* The BZA shall observe the following procedures:

1. The Board shall adopt rules in accordance with the provisions of this chapter and consistent with other ordinances of the Town of Windsor and general laws of the Commonwealth for the conduct of its affairs;
2. The Board shall elect a Chairman and Vice Chairman from its own membership, who shall serve annual terms as such and may succeed themselves. The Board shall appoint a Secretary, whose duty it shall be to keep the minutes and other records of the actions and deliberations of the Board and perform such other ministerial duties as the Board shall direct. The Secretary shall be a salaried Town employee and shall perform the duties of the Secretary of the Board in addition to his or her other regular duties;
3. The Board shall keep a full public record of its proceedings and shall submit a report of its activities when active to the Town Council at least once each year;
4. All meetings of the Board shall be open to the public;
5. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest;
6. The meetings of the Board shall be held at the call of the Chairman and at such other times as a quorum of the Board may determine;
7. The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses; and
8. A quorum shall be at least three members. A favorable vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or

determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is empowered.

**§ 160-70. Appeals and Variance Procedures.** An appeal from the Planning and Zoning Administrator or his agent(s) or application for a variance from this chapter may be made by any property owner, tenant, governmental official, department, board or bureau.

A. *Application for Appeals of an Administrative Decision.* Application shall be made to the Zoning Administrator. The application shall clearly explain why the Appeal is being made and the Section of the Ordinance about which the applicant believes the Zoning Administrator or his agent made in error. The application shall contain all supporting evidence or other information and shall be transmitted to the Board of Zoning Appeals. A copy of the application and materials shall be sent to the Planning Commission, which may send a recommendation to the BZA within 30 days or appear as a party at the hearing.

B. *Application for Variance.* An application for a variance shall be made to the Planning and Zoning Administrator. Such application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Planning and Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); watercourses; fences; road names and road right-of-way lines; and such other information regarding abutting property as directly affects the application. The application and accompanying maps, plans, or other information shall be transmitted properly to the Board of Zoning Appeals. The Planning and Zoning Administrator shall also transmit a copy of the application and materials to the Planning Commission, which may send a recommendation to the Board within 30 days or appear as a party at the hearing.

C. *Posting of the Land for Variance.* The Planning and Zoning Administrator shall post in a conspicuous place on the property in question one or more signs, each of which shall not be less than 1 1/2 square feet in area, and which shall contain information as to the proposed change and the date and time of the public hearing. These signs shall be posted at least 15 days prior to the public hearing.

D. *Hearing and Action.* The Planning and Zoning Administrator shall place the matter (whether an Appeal of an Administrative Decision or a Variance) on the docket to be acted upon by the BZA. No such Appeal or Variance shall be acted upon except after notice and hearing as required by § 15.2-2204, Code of Virginia, 1950, as amended. The BZA shall decide upon the application within 30 days from the date of such hearing.

E. *Limitation of Application.* A property owner, or his appointed agent, shall not initiate action for a variance before the BZA relating to the same parcel of land more often than once every 12 months without specific approval of the BZA.

F. *Withdrawal of Application.* Any petition for a hearing before the BZA may be withdrawn prior to action thereon by the BZA upon written notice to the Secretary of the BZA, from the person, firm, or corporation initiating such petition.

G. *Fee.* Each application for a variance shall be accompanied by payment of a fee as approved by the Town Council of Windsor to help defray the cost of publicizing, administration, and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded, provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice of the withdrawal is received.

**§ 160-71. Criteria for Variances.** The BZA after a duly advertised public hearing as required by § 15.2-2204, Code of Virginia, (1950), as amended. may grant a variance subject to the findings that all of these findings are met:

A. *Hardship.* A variance is when it can be shown that the strict application of the terms of the zoning ordinance would unreasonably restrict the utilization of the property or that granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this ordinance;

B. *Acquisition in "Good Faith".* The property for which the variance is being requested was acquired in good faith;

C. *Self-imposed Hardship.* The hardship was not created by the applicant;

D. *Detriment to Adjacent property.* The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

E. *Ordinance Amendment.* 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 an amendment to the ordinance;

F. *Prohibited Variances.* The granting of the variance does not result in a use that is not otherwise permitted or a change in the zoning classification of the property; and

G. *Other Remedies.* The relief of remedy sought by the available through a conditional use permit process or the subdivision procedures of this Ordinance

**§ 160-72. Appeals from Decisions of Board of Zoning Appeals.** Any person or persons jointly or severally aggrieved by any decision of the BZA, or any taxpayer, or any officer, department, board, or bureau of the Town of Windsor may present to the Circuit Court of Isle of Wight County a petition specifying the grounds on which it is aggrieved, within 30 days after the filing of the decision in the office of the BZA. The appeal will then follow the procedures in the Code of Virginia for such appeals as amended.

**§ 160-73. Procedures for Conditional Use Permits and Zoning Map Amendments.** Certain procedures are required for the applications, review and decision process for Conditional Use Permits (CUP's), and Zoning Map Amendments (aka rezoning).

*A. Application Procedures for Conditional Uses.* The following are the application procedures for Conditional Use Permits (CUP's):

1. An application for a conditional use permit shall be submitted to the Planning and Zoning Administrator, who shall refer the application to the Planning Commission for a recommendation to the Town Council. The Planning Commission shall hold at least one public hearing prior to making its recommendation to the Town Council. The Town Council shall hold a public hearing and make a decision on the application. Application for zoning permits for conditional uses must be submitted in accordance with the following procedures:

a. An application form shall be submitted providing the following information:

- i. Applicant and property owner name (if different), address and telephone number;
- ii. Address and tax map number of parcel(s) of land where the use is proposed;
- iii. Acreage of parcel; and
- iv. Other information as required for the determination of the conditional use permit as needed by the Planning and Zoning Administrator, the Planning Commission and Town Council.

b. Each application shall be accompanied by ten copies as approved by the Planning and Zoning Administrator of an acceptable site plan drawn indicating the following information as applicable:

- i. Parcel dimensions, location and size including a proximity map;
- ii. Proposed and current use of the subject property and adjoining property as well as their ownership; and
- iii. Location of streets (with names), easements and current and proposed structures, yard dimensions, watercourses, fences, and public utilities on the property.

c. Each application for a permit for a conditional use shall be accompanied by payment of a fee as set forth by the Town Council of the Town of Windsor to defray the cost of advertising and notification

required for public hearings and determination of the conditional use permit.

2. *Decision process for conditional uses.* Each application shall be sent to the Planning Commission for review and recommendation.

a. The Planning and Zoning Administrator shall post in a conspicuous place on the property which is the subject matter of this application one or more signs, each of which shall not be less than 1 ½ square feet in area, and shall contain information as to the proposed change and the date and time of the public hearing.

b. The Planning Commission, after notice and public hearing in accordance with § 15.2-2204, Code of Virginia, (1950), as amended, shall, within 100 days from the date of filing of a completed application, submit a report of its recommendation to the Town Council. If the Planning Commission fails to submit a report within the 100 day period, it shall be deemed to have recommended approval of the proposed conditional use application. The date of filing of the application is deemed to be the date when the Planning Commission or its agent (the Town Attorney or Planning and Zoning Administrator) sets the public hearing and recognizes that the application is a complete application.

c. The Town Council, after notice and public hearing in accordance with § 15.2-2204, Code of Virginia, 1950, as amended, shall consider the proposed conditional use and shall take action on the proposed conditional use application within one (1) year from the filing date of application.

3. *Evaluation criteria.* In evaluating the proposed conditional use, the following criteria should be used:

a. The effect of the proposed use on existing and projected traffic volumes in the neighborhood;

b. The character of the use and the existing neighborhood and the effect of the proposed use on existing property values;

c. The impact of the proposed use on the health, safety, and welfare of the neighborhood; and

d. Any conditions that can be applied to mitigate the adverse impact to an acceptable level.

4. *Minimum conditions.* Conditions set forth in other sections of this ordinance for the various conditional uses are minimum requirements. In approving a proposed conditional use, the Town Council may impose such additional

requirements as are necessary to protect the public interest. The Town Council may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements imposed by the Town Council.

5. *Approval.* If the Town Council approves the application for a proposed conditional use, the Planning and Zoning Administrator shall issue a conditional use permit, indicating the conditional nature of the use.

6. *Denial and right of appeal.* If the Town Council disapproves the application for a proposed conditional use, the Town Council shall inform the applicant of the decision in writing, stating the reasons for disapproval. Within thirty (30) calendar days from the date of written notice, the applicant shall have the right of appeal to Isle of Wight County Circuit Court.

7. *Re-application.* A property owner, or his appointed agent, shall not initiate action for a conditional use permit relating to the same conditional use affecting the same parcel of land more often than once every 12 months.

8. *Renewal.* Renewal of a conditional use permit does not require a public hearing unless the original conditions in the permit are proposed to be changed. However, the notice of the renewal will be shown on the agenda of Town Council.

9. *Expiration.* A conditional use permit must be put into effect within one (1) year from the date the permit is issued or the permit is null and void, unless otherwise provided in the permit itself. Expiration of a conditional use permit shall occur with the discontinuance or suspension for a period of two (2) years of an activity which was authorized by a conditional use permit. This requirement shall be a standing condition in every conditional use permit and unless otherwise provided in the permit itself.

10. *Change of ownership.* Upon change of ownership of the land and/or ownership of the resident business, any conditional use permit for the property shall expire.

B. *Zoning Map Amendment.* The Town Council may, from time to time, amend the district maps whenever the public necessity, convenience, general welfare, or good zoning practice requires. Any resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state the above public purposes. Due consideration should be made to assure that zoning map amendments are in accord with the current Comprehensive Plan for the Town of Windsor.

1. *Applications.* The following information is required for a zoning map amendment:

- a. An application form as approved by the Town Council shall be submitted providing the following information:
  - i. Applicant and property owner name, address and telephone number;
  - ii. Address and tax map number of parcel(s) of land where the use is proposed;
  - iii. Acreage of parcel; and
  - iv. Other information as required for the determination of the appropriateness of the zoning map amendment as needed by the Planning and Zoning Administrator, the Planning Commission and Town Council.
- b. Each application shall be accompanied by two copies of an acceptable site plan drawn indicating the following information as applicable:
  - i. Parcel dimensions, location and size including a proximity map, as required by the Planning and Zoning Administrator;
  - ii. Proposed and current use of the subject property and adjoining property as well as their ownership; and
  - iii. Location of streets (with names), easements and current and proposed structures, yard dimensions, watercourses, fences, and public utilities on the property.
- c. Each application for a zoning map amendment shall be accompanied by payment of a fee as set forth by the Town Council of the Town of Windsor to defray the cost of advertising and notification required for public hearings and determination of the conditional use permit.

2. *Process.* The following is the process for zoning map amendments:

- a. The Planning and Zoning Administrator shall post in a conspicuous place on the property which is the subject matter of this application one or more signs, each of which shall not be less than 1 ½ square feet in area, and shall contain information as to the proposed change and the date and time of the public hearing. The cost of each shall be paid by the applicant prior to the public hearing. These signs shall be posted at least 15 days prior to the public hearing;
- b. The Planning Commission, after notice and public hearing in accordance with § 15.2-2204 of the Code of Virginia (1950), as amended, shall, within 100 days from the date of filing of a completed application, submit a report of its recommendation to the Town Council. If the



Planning Commission fails to submit a report within the 100 day period, it shall be deemed to have recommended approval of the proposed zoning map amendment. The date of filing of the application is deemed to be the date when the Planning Commission or its agent (the Town Attorney or Planning and Zoning Administrator) sets the public hearing and recognizes that the application is a complete application;

c. The Town Council, after notice and public hearing in accordance with § 15.2-2204, Code of Virginia (1950), as amended, shall consider the proposed zoning map amendment and shall take action on the proposed zoning map amendment in a period not to exceed one (1) year from the filing date of application; and

d. Any petition for an amendment may be withdrawn prior to action thereon by the Town Council at the discretion of the person, firm, or corporation initiating such a request, upon written notice to the Zoning Administrator.

3. *Similar application.* A property owner or his appointed agent, shall not initiate action for a zoning map amendment relating to the same parcel of land more than once every 12 months.

### **ARTICLE III: THE SUBDIVISION ORDINANCE**

**§ 160-74. Subdivision-General.** The term “subdivision” means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with this Ordinance.

**§ 160-75. Effect of Regulations.** The effect of this Ordinance shall be consonant with the objectives of the Town of Windsor to assure the orderly subdivision of land and its development, to coordinate the development of streets within and contiguous to any subdivision, to establish adequate provisions for water, sewer, drainage, flood control and other public purposes, to promulgate acceptable physical standards and criteria for subdivision improvements, to provide for dedication of public rights-of-way, and to serve in implementing the adopted Comprehensive Plan, Official Map, Zoning Ordinance and other land use plans.

**§ 160-76. Prior Approvals and Existing Parcels.** Nothing in this Ordinance shall be deemed to require any change in or invalidation of final subdivision plats previously approved and of record prior to the effective date of this Ordinance.

**§ 160-77. General Application and Compliance.** Requirements shall be met in order to be in compliance with Article III of this Land Development Ordinance.

A. *Conformity.* No person, corporation or other entity shall divide or subdivide, or cause a subdivision to be made, by deed or plat, of any tract of land located within the Town of Windsor, except in conformity with the provisions of this Ordinance.

B. *Plat Required.* Whenever the owner of any tract of land located within the Town desires to subdivide the same, the owner shall submit a plat of the proposed subdivision with reference to known or permanent monuments to the Planning and Zoning Administrator, in accordance with the requirements of this Ordinance. The plat shall be signed by all persons having any real property interest in any land included within the subdivision, including required rights-of-way.

C. *Recordation of Subdivision Plat.* No owner shall subdivide land without making and recording a Final Subdivision Plat of such subdivision in the office of the Clerk of the Circuit Court of Isle of Wight County, and no such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the Planning Commission in accordance with the regulations set forth in this Ordinance.

D. *Land Transfers.* No person, shall sell or transfer any land of a subdivision, before a plat of such subdivision has been duly approved, bonded, and recorded as provided herein.

E. *Legal Partitioning.* Nothing in this ordinance shall affect the power of a court of equity to order that property be partitioned.

**§ 160-78. Administration.** The administration and enforcement of this Ordinance shall be vested in the Town Council, Planning Commission and the Planning and Zoning Administrator. The Planning and Zoning Administrator or other official as delegated by the Planning and Zoning Administrator is designated as the subdivision agent for the Town of Windsor and is hereby authorized to administer this ordinance. The roles of the Town Council, Planning Commission, and the Planning and Zoning Administrator are described in general in Article I.

A. *Surety Review.* The Town Manager with consultation with the Planning and Zoning Administrator and the Town Attorney, shall review forms of required surety and shall act to approve bonds and/or letters of credit adequate to ensure that infrastructure is put in place and any and all subdivision agreements required by this ordinance.

B. *Other Agencies.* In performance of their respective duties to this Ordinance, the Planning and Zoning Administrator and Planning Commission may request and consider the comments of Town Staff, as well as other applicable public agencies and officials, in making recommendations and decisions on all subdivision plats. A Traffic Impact Analysis or subsequent traffic impact document may be required by the Town of Windsor subject to VDOT regulations in the review of applicable subdivisions. Any well or septic system shall be approved by the Isle of Wight County Health Department prior to approval of the final plat.

**§ 160-79. Penalties.** Any developer who violates any provision of this section shall be guilty of a misdemeanor, punishable by a fine not more than \$100 for each dwelling unit proposed in the final development plan.

**§ 160-80. Enforcement.** The Planning and Zoning Administrator or other official as delegated shall act as the subdivision agent pursuant to the Code of Virginia (1950 as amended) and the various Ordinance requirements within this Ordinance.

**§ 160-81. Language and Items to be Shown on and with All Final Plats.** Specific items and language shall be placed on all plats.

A. *Subdivision Plats.* Subdivision plats shall be clearly and legibly drawn in ink. A blank oblong space three inches by five inches shall be reserved on the cover sheet and a one-inch-by-five-inch space shall be reserved on subsequent sheets for use of the approving authority.

B. *Subdivision Names.* Subdivision plats shall show the name of the subdivision; the accurate location and dimensions by bearing said distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, school sites or other public areas; the number and area of all building sites; all existing public and private streets, their names, numbers, widths; existing and proposed easements for water, sewer, gas, power, telephone and other utilities; watercourses and their names; and names of owners and their property lines, both within the boundary of the subdivision and adjoining boundaries.

C. *Field Surveys Required.* Distances and bearings shown on the plat shall be derived from field surveys with a minimum closure accuracy of not less than one in 10,000.

D. *Application by Owner.* An application shall be made by the owner(s) of the property on the approved application form of the Town of Windsor with the requisite processing fee.

E. *Copies of Plats.* With the application the applicant shall submit at least five copies of the plat for all subdivisions including resubdivisions and family transactions. The Subdivision Agent will require more copies of a preliminary or final plat for minor and major subdivisions and the applicant or applicant's surveyor shall inquire as to the number necessary prior to formal application. All plats shall be at a scale and size acceptable to the Subdivision Agent and the Clerk of Courts Office of Isle of Wight County. The plat will contain the following information:

1. *Parcel lines.* Any existing parcel lines that are proposed for removal or relocation shall be clearly annotated in a different shade of ink upon the plat and noted as such in a legend or otherwise noted in an acceptable manner to the Subdivision Agent;

2. *Distances and bearings.* The distances and bearings shown on the plat shall be derived from field surveys with a minimum closure accuracy of not less than one in 10,000;
3. *Curvatures.* The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, and arc;
4. *Surveyor's certificate.* Every subdivision plat shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such tract, within an insert block or by means of a dotted boundary line upon the plat; and
5. *Owner's statement.* Every such plat, or the deed of dedication to which plat is attached, shall contain a statement to the effect that "the above and foregoing subdivision of (here insert the correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any," which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before a Notary Public or other such officer authorized to take acknowledgments of deeds, and, when thus executed and approved as herein specified, shall be filed and recorded in the office of the Clerk of the Isle of Wight County Circuit Court, and indexed under the names of the landowners signing such statement and under the name of the subdivision.

**§ 160-82. Lots Generally.** The creation or resubdivision of lots shall meet these specific general requirements.

- A. *Usable Lots.* The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography, and provide convenient and safe access.
- B. *Floodways.* Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, property, aggravate erosion, or be a flood hazard. Such land within a subdivision area shall be used as common open space or other uses that would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.
- C. *Grading.* The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety.

D. *Natural Amenities.* The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities by project residents.

**§ 160-83. Subdivision Standards- All Types of Subdivisions.** The general specifications and requirements set forth in this section shall be followed.

A. *Lot Size.* Residential lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is to be located as prescribed in Article II of this chapter.

B. *Lot Lines and Lot Shape.* The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to the topography, and conform to the requirements of these regulations. Lots shall not contain peculiarly shaped elongations just to provide necessary square footage by adding area that would be unusable for normal purposes. Property lines of adjoining property shall be shown on all major and minor subdivision final plats.

C. *Legal Description.* A legal description of the lot(s) that are included within the proposed subdivision including portions of existing parcels shall be shown on the subdivision plat.

D. *Lot Side Lines.* Side lines of lots shall be approximately at right angles or radial to the street line.

E. *Street Frontage.* Each lot shall abut a developed public street dedicated by the subdivision plat, or on a street which has become public by right of use.

F. *Remnants.* Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over after subdividing a tract shall be added to adjacent lots, or become the property of a homeowners' association rather than be allowed to remain as unusable parcels.

G. *Block Length.* The maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.

H. *Block Width.* Blocks shall be wide enough to allow tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.

I. *Block Orientation.* Where a proposed subdivision adjoins a major road, the Town may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

J. *Street Design and Standards.* The following will govern the design of subdivision streets:

1. *VDOT standards.* All new subdivision streets or extension of existing streets that are meant to serve more than three (3) new parcels must meet all required right of way widths, pavement dimension and surfacing, subgrade and base material, found in the Virginia Department of Transportation's Subdivision Street Requirements except as noted in this Ordinance;
2. *Street alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of Town Council or its Subdivision Agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60°, unless approved by the Planning and Zoning Administrator;
3. *Cul-de-sacs.* Streets designed to have one end permanently closed must be terminated by a turnaround of not less than 55 feet in radius;
4. *Alleys.* Alleys should be avoided whenever possible. If approved, the right-of-way will be not less than 20 feet;
5. *Privates streets in certain major and minor subdivisions.* The following items apply for Private Street Subdivisions for Townhouse and Apartment developments:
  - a. *Annotations on plats.* Any streets that are to remain privately owned shall be clearly marked as such with an annotation on the plat that the street or portion of the street is privately maintained and will not be maintained by the Virginia Department of Transportation or the Town of Windsor;
  - b. *Home Owners Association.* A Home-Owners Association shall be put in place with membership and membership dues adequate to maintain the private street; and
  - c. *Engineer certification.* All private streets that serve more than three (3) lots shall require a certification that the private street is/has been built to VDOT Subdivision Street Standards as for compaction, surfacing composition and depth. Street width shall meet VDOT Subdivision

Standards except when approved otherwise as part of a proffer for a rezoning or as a requirements or condition to a conditional use permit.

6. *Street names.* Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Proposed street names for new streets shall be indicated on the preliminary and final plats and shall be reviewed and approved by the Planning and Zoning Administrator after consultation with the Isle of Wight County Emergency Management for coordination with the E-911 system. Names of existing streets shall not be changed except by specific approval from Town Council; and

7. *Street identification signs.* Street identification signs of an approved design shall be installed at the developer's expense at all intersections.

K. *Curbs and Gutters.* Curbs and gutters shall be installed for all streets subject to the following provisions:

1. *Entrances.* Curbs, gutters, and sidewalks shall be constructed such that there will be a driveway entrance for each lot. Commercial properties and properties with larger street frontages may be modified to permit more entrances subject to approval by the Town Manager of the Town of Windsor and the Virginia Department of Transportation; and

2. *Installation.* Concrete curbs and gutters shall be installed on both sides of all streets shown on the subdivision plat in accordance with Virginia Department of Transportation's Subdivision Street Requirements. In the case of newly platted streets in a subdivision in which each lot contains one acre or more, curb and gutter is not required, but the development plan must provide storm drainage provisions satisfactory to the Town Council.

L. *Sidewalks.* Concrete sidewalks shall be installed to serve all lots in a subdivision and installed in front of the subdivision.

M. *Reserve Strips.* There shall be no reserve strips controlling access to public streets.

N. *Monuments.* Subdivisions shall utilize the following monumentation:

1. *Monumentation.* Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this regulation are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Administrator before any improvements are accepted; and

2. *Location-steel pins.* All streets corners, all points where the street line intersects the exterior boundaries of the subdivision, at right angle points, and points of curve in each street, and all other lot corners shall be marked with a steel

pin not less than 3/4 inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod 1/2 inch in diameter, the top of which shall be flush with the finished grade line.

O. *Underground Utilities.* All utilities within any new major or minor subdivision, or the further development of such existing subdivisions, shall be served by underground utilities. This requirement may be waived by the Subdivision Agent if so approved by the Town Council.

P. *Reservation of Land for Public Purposes.* Subdividers of residential subdivisions may set aside land for buffers, open space, parks, playgrounds, schools, libraries, municipal buildings, and similar public and semipublic uses subject to provisions of this Ordinance or from proffered conditions for a rezoning or pursuant to conditions of a conditional use permit. The Code of Virginia and applicable federal law and regulations shall guide these activities in addition to the following:

1. Such land shall be shown on the final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created and any other relevant amenities within the boundaries of the subdivision; and
2. Nothing herein shall be construed to mean that land may be set aside for commercial or industrial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with this chapter.

Q. *Annotation.* The action of the Subdivision Agent shall be noted on all copies of the plat to be retained as required for records or further action by the Subdivision Agent, or other affected Town of Windsor, Isle of Wight County, and Commonwealth of Virginia agencies.

R. *Recordation of Plat.* The approved plat shall be recorded in the office of the Clerk of the Isle of Wight County Circuit Court within six months after final approval and a copy of the Clerk's receipt for such filing shall be sent to the Town Planning and Zoning Administrator, otherwise the Subdivision Agent shall mark the plat "void" and return the same to the subdivider. No lot shall be sold, no zoning permit for its usage or any construction shall be issued until the plat has been approved and properly recorded.

**§ 160-84. Utility and Other Requirements.** Specific requirements for utilities shall be met for all subdivisions except as noted.

A. *Sanitary Sewers.* The Planning Commission shall not approve any major subdivision as defined in this Article, where sanitary sewers are not provided. For the other types of subdivisions, where connection to existing sewer systems is not feasible, the developer shall provide community water and sewer systems, or make provisions for individual



well and septic systems, subject to Virginia Department of Health requirements and as approved by the Planning and Zoning Administrator.

B. *Public Water and/or Public Sewer.* Public water and/or public sewer service shall be extended to all lots within a subdivision by the developer at the developer's expense except as noted for Sanitary Sewers in § 160-84(A).

C. *Fire Hydrants.* Fire hydrants shall be provided throughout those developments that have either public or private water systems. Those developments that utilize individual wells shall insure that a public hydrant is positioned at the nearest possible location to the development.

D. *Flood Control and Drainage.* If any portion of the proposed subdivision is determined by the Subdivision Agent to be in the one-hundred-year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the one-hundred-year floodplain was considered in the layout of the subdivision. The subdivider shall also provide the plans for meeting the statewide stormwater management criteria or alternate criteria adopted by the Town Council. The flood control and drainage information shall include a properly certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate to meet the criteria as applied to the proposed development.

E. *Utility Easements.* The Town Council or the Subdivision Agent may require easements for drainage through adjoining property be provided by the subdivider. Easements of not less than 10 feet in width shall be provided for water, sewer, power lines, and other utilities to serve the subdivision when required.

F. *Parking.* Off-street parking subject to the requirements of § 160-64 shall be shown on all plats where said section requires more than two (2) spaces per lot. Wherever feasible, parking areas should be designed to preserve natural amenities and shall avoid excessive concentrations of pavement by scattered landscaping and tree planting.

**§ 160-85. Types of Surety.** In order to ensure that the amenities and requirements of this Ordinance be properly installed, put in place, and/or maintained, the subdivider may place surety on the amenity or requirement if recordation of the subdivision is desired prior to the amenity/requirement being installed or put in place. This surety shall be either in the form of a cash bond, surety bond or letter of credit. All instruments of surety and contracts thereto shall be approved by the Attorney for the Town of Windsor and be made acceptable to the Town Manager of Windsor.

**§ 160-86. Relation to Erosion and Sediment Control Laws.** The General Assembly has determined that the lands and waters comprising the watersheds of the Commonwealth of Virginia are great natural resources that are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control Law.

A. *Subdivision Development Included as Land-Disturbing Activity.* Any subdivision development disturbing 10,000 or more square feet of land for commercial or noncommercial uses shall be deemed a land-disturbing activity, as that term is defined in the Code of Virginia, 1950, as amended.

B. *Erosion and Sedimentation Plan Required.* At the time of filing the final plat, an erosion and sedimentation control plan must also be filed in accordance with the Isle of Wight County Erosion and Sediment Control Ordinance and the provisions of the Virginia Erosion and Sediment Control Law.

**§ 160-87. Types of Subdivisions and the Approval Process.** Certain types of subdivisions have specific requirements for the review and approval of their final plats.

A. *Re-subdivisions:* Property may be re-subdivided to eliminate, relocate or otherwise alter a lot line without the formal vacation of a recorded plat provided that the re-subdivision does not involve the relocation or alteration of streets, alleys, public rights of way, easements for public access, easements for utilities and public infrastructure, and easements for public use or common areas.

1. *Conformity.* The intent of a re-subdivision is to create a usable conforming lot or lots from non-usable or nonconforming lots. As long as no parcel that is being combined is made more nonconforming to the underlying Zoning District, the re-subdivision can be approved if it otherwise meets the requirements of this Ordinance and the Zoning Ordinance.

2. *Validity of other plats.* The approval of a re-subdivision of land does not extend the period of validity of the Final Subdivision Plat in which the re-subdivided lot is located.

3. *Subdivision Agent's approval.* The Subdivision Agent shall review the proposed re-subdivision and determine if it meets the requirements of the Zoning Ordinance and the platting requirements of this Ordinance as outlined below:

a. *Improvements.* In addition to the platting requirements, the following improvements are required when applicable:

i. *Right of way.* In situations where a public street has inadequate right of way width, a reservation of future right of way for street improvement equal to twenty-five (25) feet from the centerline of the street shall be provided;

ii. *Sidewalks.* In situations where there are no sidewalks for the lot(s) to be resubdivided, sidewalks or the bonding/surety to construct the sidewalk shall be provided prior to approval by the Subdivision Agent; and

iii. *Streetlights.* In situations where there are no streetlights on the lot(s) to be resubdivided that otherwise would be required under the Town's streetlight policy, streetlights or the bonding/surety to install the streetlights shall be provided prior to approval by the Subdivision Agent.

B. *Family Transaction Subdivisions.* Property may be subdivided pursuant to lot area and dimension requirements of the Zoning Ordinance for immediate family members as defined by the Code of Virginia §15.2-2244 as amended (1950) and as such are nominally exempt from other requirements of this Article.

1. *One-time transfer.* No fee simple owner of the original lot or parcel shall have made, within the Town of Windsor, Virginia, under the provisions of this chapter or under the provisions of any other local law passed pursuant to § 15.2-2241, Code of Virginia (1950) as amended, any other sale or gift of land to any of the immediate family members to whom property in the family subdivision is to be conveyed within the Commonwealth of Virginia.

2. *Access.* If the original lot or parcel does not front on a publicly dedicated, recorded, and maintained street, it shall have a reasonable right-of-way not less than 15 feet in width providing ingress and egress to a dedicated, recorded public street or thoroughfare ("subdivision access"). Each lot or parcel created by the family subdivision, including the remainder, shall front on a right-of-way not less than 50 feet in width providing ingress and egress to the subdivision access. While said rights-of-way need not be exclusive, or developed to public street standards, it shall be a requirement of family subdivision approval that they be developed so as to provide at a minimum an all-weather surface of rock, stone, or gravel with a minimum depth of three inches and a minimum width of 10 feet.

3. *Improvements.* The following improvements are required where applicable and must be provided or bonded to be provided before a family parcel can be conveyed pursuant to other Town of Windsor policies:

a. *Sidewalks.* If the proposed lot does not have an existing sidewalk, sidewalks shall be provided along the new and existing lots as well as along the front of the property;

b. *Streetlights.* Streetlights as specified in the Town of Windsor Streetlight Policy (see the general section) shall be installed;

c. *Adequate right of way.* Appropriate additional right of way shall be provided in situations where there is inadequate street right of way width. However, no more than one half of the deficit right of way shall be required for the new family parcel or the former parcel; and

d. *Sewer.* Such lots shall comply fully with every other provision of law, including, but not limited to, the Zoning Ordinance and Health Department regulations concerning sewage disposal and wells for single-family residences.

4. *Three year duration.* Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made and shall remain under ownership by this family member for a period of no less than three years unless such lots are subject to an involuntary transfer such as by foreclosure, death, judicial sale, condemnation, or bankruptcy. Said involuntary transfer must be documented to the Planning and Zoning Administrator.

5. *Deed required.* The plat shall be accompanied by a deed or deeds conveying fee simple title to each lot or parcel other than the remainder to an immediate family member, and said deed or deeds shall be executed and recorded simultaneously with the plat.

6. *Affidavit.* Each grantor and grantee must execute and record an affidavit to the effect that the transfer is not for the purpose of circumvention of this chapter, but instead is intended to provide separate places of residence for the grantees within the boundaries of the original parcel; and to the effect that the family subdivision is in compliance with all other requirements of this chapter.

7. *Effect on minor and major subdivisions.* It is noted that where lots from non-immediate family members have occurred or are proposed, the lots of immediate family members will be counted in the determination of minor and major subdivisions as defined in the following sections.

8. *Required statement.* The following statement shall be made, signed and notarized on any and all such plats:

“This plat is a family transaction as prescribed under the Code of Virginia between \_\_\_\_\_, the \_\_\_\_\_ to \_\_\_\_\_, his/her \_\_\_\_\_. This is the only parcel of land that has ever been transferred to the \_\_\_\_\_ (mother/father, son/daughter, spouse, etc.) from the owner(s) under this provision. It is understood and sworn to that this property may not be transferred in the next three (3) years unless good cause can be shown to the Town of Windsor due to involuntary transfer such as by foreclosure, death, judicial sale, condemnation, or bankruptcy.

\_\_\_\_\_  
Signature of Transferor

\_\_\_\_\_  
Signature of Transferee

9. *Circumvention.* In the event the Planning and Zoning Administrator determines that a family subdivision has been used to circumvent this chapter, the Zoning Administrator shall initiate the vacation of all or part of the plat or plats of

the original lot or parcel to the extent necessary to correct the violation, as provided in § 160-89.

C. *Minor Subdivisions.* The subdivider shall submit five or more copies of the minor subdivision plat and the requisite application along with any other required information to the Planning and Zoning Administrator for processing, along with the appropriate subdivision plat review fee. If the Planning and Zoning Administrator finds that the proposed subdivision meets all requirements set forth below, then the proposed plat shall be certified as being a minor subdivision and can be approved for recordation by the Subdivision following the outlined procedures:

1. *Five lots.* A tract or parcel of land shall not be divided into more than five lots and remain a minor subdivision. All lots shall front upon an existing public street within the Virginia Department of Transportation road system and not involving a new street or the extension of any existing street. Any contiguous property owned by the same individual(s) or corporation cannot be subdivided into greater than five lots without meeting the requirements for a major subdivision;

2. *Compatibility.* The minor subdivision shall not adversely affect development of the remainder of the tract or parcel or of any other adjoining property;

3. *Application process.* The following shall be the procedure for the consideration of a Minor Subdivision:

a. *Application.* A subdivision application (whether for a preliminary or final plat) meeting the foregoing requirements shall be filed with the Zoning Administrator along with twelve (12) plats of the proposed subdivision:

b. Plat required showing the following:

i. Scale-accurate proposed development plan mapping of the project to include:

a.) Proposed land uses, including residential types, commercial types, recreation, and any other proposed use;

b.) Proposed street system, including public and private rights-of-way;

c.) Proposed parking areas and parking space delineations sufficient to meet the parking requirements of § 160-64 (where applicable);

d.) Proposed plat showing subdivision lot lines;

e.) Proposed utility rights-of-way or easements, including water, sewer, gas, power, and telephone, and cable TV;

f.) Proposed location of buildings, structures, and improvements (for commercial and industrial subdivisions); and

g.) Proposed pedestrian circulation system (for commercial and industrial subdivisions).

ii. Names and addresses of all adjacent property owners (addresses of owners may be shown separate from the proposed plat); and

iii. Quantitative data, including the number and type of dwelling units, parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types including proposed building types, architectural styles when applicable based on proffered conditions of rezoning or Ordinance requirements, height, and floor area.

4. *Improvements.* The following improvements are required where applicable and must be provided or bonded or with surety to be provided before a minor subdivision can be approved:

a. *Sidewalks.* If the proposed lot does not have an existing sidewalk, sidewalks shall be provided along the new and existing lots as well as along the front of the property;

b. *Streetlights.* Streetlights as approved by the Town of Windsor Streetlight Policy shall be installed; and

c. *Adequate right of way.* Appropriate additional right of way shall be provided in situations where there is inadequate street right of way width. However, no more than one half of the deficit right of way shall be required for the new family parcel or the former parcel.

5. *Annotation.* In addition to the general platting requirements, the plat shall be annotated as a “Minor Subdivision Plat”;

6. *Review.* After the minor subdivision plat and related materials have been submitted, it shall be reviewed by the Subdivision Agent and other affected Town of Windsor, Isle of Wight County, and Commonwealth of Virginia agencies to ensure conformity with this chapter and other applicable regulations. The Subdivision Agent shall act upon the minor subdivision plat, as submitted or as modified by the subdivider within 90 days of its original application date of

submission. The original application date of submission is considered to be the date in which all required information needed to process the Minor Subdivision Application is submitted to the Subdivision Agent of the Town of Windsor;

7. *Approval agent.* The Subdivision Agent shall be the approval authority for minor subdivisions. If a plat is approved, the Subdivision Agent shall certify such approval by signing the plat. If disapproved, the Subdivision Agent shall advise the subdivider of such action and shall indicate the reasons for denial; and

8. *Appeal of denial.* The decision of the Subdivision Agent to disapprove the proposed minor subdivision application may be appealed to the Town of Windsor Planning Commission within sixty (60) days of the written disapproval of the request.

D. *Major Subdivisions.* A major subdivision is any subdivision consisting of six or more lots from a parent parcel or tract of land or any subdivision involving a new street or the extension of any existing street. For any application submitted for consideration for a major subdivision approval, the plat must be annotated as a Major Subdivision and indicate the number of lots to be formed by the proposed subdivision.

1. *Relation to Site-Plan Review.* Prior to or concurrent with the final subdivision application for a Major Subdivision will be the Site-Plan Review Process that is required by the Zoning Ordinance (§160-66).

2. *Preliminary subdivision application.* The applicant shall in most cases submit a preliminary plat for review and approval/denial/amendment by the Planning Commission. If in the judgment of the Subdivision Agent and with the concurrence of the applicant, the Preliminary Subdivision may be waived if a prior proffered site-plan or conceptual plan had been approved as part of a rezoning and if there are no major deviations from the proffered site-plan or conceptual plan envisioned within the proposed Major Subdivision.

3. *Improvements.* In addition to any improvements required as part of a proffered rezoning when applicable, the following improvements must be provided or bonded or with surety to be provided if a Major Subdivision is to be approved:

a. *Sidewalks.* If the proposed lot does not have an existing sidewalk, sidewalks shall be provided along the new and existing lots as well as along the front of the property;

b. *Streetlights.* Streetlights and in some cases decorative lighting subject to the lighting plan approved by the Town of Windsor, and as approved as part of the Zoning site plan process shall be installed or bonded or with surety to be installed; and

*c. Appropriate right of way.* Appropriate additional right of way shall be provided in situations where there is inadequate street right of way width on existing public streets bounded only on one side by the proposed major subdivision. In these cases and subject to any requirements from the Virginia Department of Transportation, no more than one half of the deficient right of way shall be required for the new lot(s). If the public street is bounded on both sides by the lots from the major subdivision, then the appropriate right of way width must be provided.

4. *Application process.* The following shall be the procedure for the consideration of a Major Subdivision:

a. *Application.* A subdivision application (whether for a preliminary or final plat) meeting the foregoing requirements shall be filed with the Zoning Administrator along with twelve (12) plats of the proposed subdivision;

b. *Plat* showing the following:

i. Scale-accurate proposed development plan mapping of the project to include:

a.) Proposed land uses, including residential types, commercial types, recreation, and any other proposed use;

b.) Proposed street system, including public and private rights-of-way;

c.) Proposed parking areas and parking space delineations sufficient to meet the parking requirements of § 160-64;

d.) Proposed plat showing subdivision lot lines;

e.) Proposed utility rights-of-way or easements, including water, sewer, gas, power, and telephone, and cable TV;

f.) Proposed location of buildings, structures, and improvements; and

g.) Proposed pedestrian circulation system.

ii. Names and addresses of all adjacent property owners (addresses of owners may be shown separate from the proposed plat); and

iii. Quantitative data, including the number and type of dwelling units, parcel sizes, gross and net residential densities, total amount



and percentage of open space, residential, commercial, and other land use types including proposed building types, architectural styles when applicable based on proffered conditions of rezoning or Ordinance requirements, height, and floor area.

5. *Environmental plans.* Two (2) copies of the proposed drainage plan and erosion and sediment plan as required by the Town of Windsor and Isle of Wight County.

6. *Landscaping plan.* Proposed landscaping plan including the proposed treatment of the project perimeter, such as screening or landscaping.

7. *Streetlights.* Streetlights as specified in the Town of Windsor Streetlight Policy shall be shown and installed per the Town specifications.

8. *Intent statement.* A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.

9. *Phasing.* An approximate development schedule, including dates of proposed construction beginning and completion and staging plan, if appropriate.

10. *Approvals.* Approvals from the Virginia Department of Transportation including the approval of the Transportation Impact Analysis and if appropriate, the Isle of Wight County Department of Health.

11. *Other documents.* Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership.

**§ 160-88. Preliminary Subdivisions.** In cases where Preliminary Subdivision Approval is required or warranted on a major subdivision, the Planning Commission shall within 60 days after its receipt by the Commission at a regular meeting, make a decision on the preliminary subdivision plat application.

A. *Preliminary Plat.* The subdivider shall present to the Planning and Zoning Administrator, at least fifteen (15) copies of the proposed preliminary plat at an approved scale. The preliminary plat shall include the following information:

1. *Information.* Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, North point and scale;

2. *Proximity map.* Location of the proposed subdivision by an insert map at a scale of not less than one inch equals 2,000 feet showing adjoining roads, their names and number, towns, subdivision, and other landmarks;

3. *Boundary survey.* The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one in 2,500; total acreage of subdivided area; number and approximate area and frontage of all building sites; existing buildings within the boundaries of the tract; names of owners and their property lines within the boundaries of the tract, and adjoining such boundaries;
4. *Existing streets.* All existing, platted, and proposed streets, their names, numbers, and widths; existing utility or other easements; public areas, and parking spaces; culverts, drains, watercourses, their names; and other pertinent data;
5. *Public use.* All parcels of land to be dedicated for public use and the conditions of such dedication;
6. *Topography.* Topography at an appropriate interval; and
7. *Drainage plans.* Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required.

**§ 160-88. Final Subdivision Plat- Planning Commission Decision Process.** The Planning Commission shall within 60 days after its receipt by the Commission at a regular meeting, make a decision on the final subdivision plat application. Where applicable, the final plat shall be in substantial compliance with the preliminary plat approval and shall meet all requirements of this Ordinance for a final plat as well as any and all proffered conditions or approved conditions of a conditional use permit. The decision by the Planning Commission shall be to:

1. Recommend approval of the plat as presented and authorize the applicant to submit final plats subject to final plat approval; or
2. Recommend approval of the plat with the recommended revision from the Planning Commission and authorize the applicant to submit the final plat with the revisions subject to § 160-87; or
3. Recommend disapproval giving explicit reasons for the determination that the proposed subdivision does not meet the requirements of the Subdivision Ordinance.

**§ 160-89. Vacation of Plat.** A plat may be vacated by ordinance of the Town Council of the Town of Windsor on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by § 15.2-2204, Code of Virginia (1950), as amended. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Town Council at which the adoption of the ordinance is to be considered. An appeal from the adoption of the ordinance may be filed within 30 days with the Isle of Wight County Circuit Court. Upon such appeal, the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time

provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the clerk's office of the court in which the plat is recorded.

A. *Vacation of Plat After Sale of Lot.* In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the application signed by all the owners of lots shown on the plat and also signed on behalf of the Town Council for the purpose of showing the approval of the vacation by the Town Council. In cases involving drainage easements or streets rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded; or

2. By ordinance adopted by the Town Council on motion of one of its members or an application of any interested person. The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204 Code of Virginia (1950), as amended. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Town Council at which the adoption of the chapter will be voted on. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days with Isle of Wight County Circuit Court. Upon appeal the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

B. *Vacation of Roads.* Roads within the secondary system of highways may be vacated under either of the preceding methods. The action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or conditional use permit application approved following public hearings required by § 15.2-2204 Code of Virginia (1950), as amended, and provided the Commonwealth Transportation Commissioner or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to § 15.2-2297, 15.2-2298 or 15.2-2303 Code of Virginia (1950), as amended, or to implement a condition of conditional use permit. All abandonments or roads within the secondary system of highways sought to be effected according to either or the preceding methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding; however, property rights which have vested subsequent to the attempted

vacation are not impaired by such validation. The manner of reversion shall not be affected by this section.